

The Goa, Daman and Diu Registration of Tourist Trade Act, 1982

GOA

India

The Goa, Daman and Diu Registration of Tourist Trade Act, 1982

Act 10 of 1982

- Published on 14 November 1982
- Commenced on 14 November 1982
- [This is the version of this document from 14 November 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

The Goa, Daman and Diu Registration of Tourist Trade Act, 1982 Act No. 10 of 1982 Ministry of Home Affairs G.S.R. 866(E). - In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (10 of 1982), as in force in the State of Goa at the date of this Notification, subject to the following modification, namely - Modifications

1. Throughout the Act, unless otherwise directed. -

(a) for the word "Government" (except in the proviso to section 11 and section 40), the word "Administrator" shall be substituted; (b) For the words "Goa Daman and Diu" wherever they occur [except in the enacting formula and in sub-section (1) of section 1], the words "Dadra and Nagar Haveli" shall be substituted.

2. In section 2. -

clause (a) shall be re-numbered as clause (aa) thereof and before the clause (aa) as so re-numbered, the following clause shall be inserted namely: - "(a) "Administrator" means the Administrator of the Union Territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution." Annexure Government of Goa, Daman and Diu Law Department (Legal Advice) Notification LD/5/17/82 (D) The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 28th day of July, 1982 and assented to by the Administrator on the 14th November, 1982 is hereby published for the general information of the public. B.S. Subbanna, Under Secretary (Drafting). Panaji, 23rd November, 1982. An Act to provide for the registration of persons dealing with tourists and for matters connected therewith. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Goa, Daman and Diu Registration of Tourist Trade Act, 1982. (2) It shall extend to the whole of the Union territory of Goa, Daman and Diu. (3) It shall come into force *on such date as the Government may, by notification in the Official Gazette appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) 'boat' includes a house-boat, motor-boat, motor launch, pedal boat, sailing boat and canoe; (b) 'certificate' means a certificate of registration issued under any of the provisions of this Act; (c) 'dealer' means a person carrying on in a tourist area the business of selling any notified articles, whether wholesale or retail, and whose stocks/turnover of the said notified articles exceeds 50% of their total stocks/turnover, and includes his agent or employee transacting business on his behalf; (d) 'Government' means the Government of Goa, Daman and Diu; (e) 'hotel' includes any premises or part of premises including a house-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; (f) 'hotel-keeper' includes any person who owns or operates a hotel as proprietor and includes a person managing or operating the affairs of a hotel for and on behalf of the proprietor; (g) 'malpractice' includes cheating, touting, impersonation, 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 Act, failure to display price label on the articles, failure to give cash memos and wilful failure to execute an order within the stipulated time and according to the terms agreed. Explanation 1. - For the purposes of this clause, labelled price (the price displayed on the label on the article) shall be the reasonable price as may be fixed by the prescribed authority. Explanation 2. - The expression 'touting' means coercing for shopping, accommodation, transportation, sightseeing or pestering for any particular premises, person, establishment, manufacturer, vending, hawking, massaging on the beach or any other service connected with tourism with consideration of personal benefit; * (h) 'notified article' means any article notified by the Government in the Official Gazette for the purposes of this Act; (i) 'prescribed' means prescribed by rules made under this Act; * (j) 'prescribed authority' means the authority notified as such by the Government, provided that different authorities may be notified for different provisions of this Act; * (k) 'tourist area' means any area notified by the Government in the Official Gazette to be a tourist area for the purposes of this Act; (l) 'tourist' means a person or group of persons, including pilgrims, visiting the Union territory of Goa, Daman and Diu from any part of India or outside India; (m) 'travel agent' means a person engaged in the business of making travel, camping, tour operating or other travel arrangements for tourists for a monetary consideration and includes a tourist guide, excursion agent, tent and camping agent or tour operator; (n) 'travel arrangements' include -(a) arrangements for transportation, sight seeing; (b) arrangements for lodging with or without food; and (c) rendering other services, such as assistance for game, sports or receipt or despatch of personal belongings of a tourist.

Chapter II

Registration of Dealers

3. Registration.

(1) Every person intending to carry on business of a dealer under this Act shall, before he commences such business, apply for registration to the prescribed authority in the prescribed manner: Provided that nothing in this sub-section shall apply to the sale of notified articles in fairs and temporary markets organised during festivals. (2) Notwithstanding anything contained in sub-section (1), any person already carrying on business of selling any notified article in a tourist area on the date such article is notified under clause (h) of section 2 shall apply for registration under this Act within three months from the aforesaid date. (3) Every application made under sub-section (1) shall be disposed off within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

4. Certificate of Registration.

- The prescribed authority shall, unless registration is refused under section 5, direct that the name and the particulars of the dealer be entered in the register maintained for the purpose and shall issue a certificate to the dealer in the prescribed form within a period of three months from the date of the receipt of the application.

5. Refusal to register.

(1) The prescribed authority may refuse to register a dealer under this Act on any of the following grounds, namely:-(a) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (Central Act, 45 of 1860) 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 and drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him; (b) if he has been declared insolvent by a Court of competent jurisdiction and has not been discharged; (c) if his name has been removed from the register under clause (c) clause (d) of section 6 and three months have not elapsed since the date of removal; (d) if in the opinion of the prescribed authority there is sufficient ground to be recorded in writing, for refusing registration. (2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

6. Removal of the name from the Register.

(1) The prescribed authority may after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a dealer from the register and cancel his certificate on any of the following grounds, namely:-(a) if he ceases to be a dealer; (b) if he is convicted of any offence under Chapter XIV and XVI of the Indian Penal Code, 1860 (Central Act, 45 of 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;(c)if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;(d)if any complaint of malpractice is received and proved against him.(2)Any dealer whose name is removed from the register under sub-section (1) shall forthwith cease to be a dealer.

Chapter III

Registration of Hotels

7. Registration.

(1)Every person intending to operate a hotel in a tourist area shall, before operating it, apply for registration to the prescribed authority in the prescribed manner.(2)Notwithstanding anything contained in sub-section (1), any person already operating a hotel in a tourist area on the date of notification under clause (k) of section 2, shall apply for registration within three months from the aforesaid date.(3)Every application made under sub-section (1) shall be disposed off within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

8. Certificate of registration.

- The prescribed authority shall, unless registration is refused under section 9, direct that the name and the particulars of the hotel and the hotel-keeper be entered in the register maintained for the purpose and shall issue a certificate to the hotel-keeper in the prescribed form.

9. Refusal to register a hotel.

(1)The prescribed authority may refuse to register a hotel under this Act on any of the following grounds, namely:-(a)if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Central Act Indian Penal Code, 1860 (Central act 45 of 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 termination of the sentence imposed upon him;(b)if the hotel-keeper has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;(c)if the name of the hotel-keeper has been removed from the register under clause (c) or clause (d) of section 10 and three months have not elapsed since the date of removal;(d)if the hotel-keeper does not hold a licence or certificate required to be held by him under any law for the time being in force;(e)if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.(2)No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

10. Removal of the name from the Register.

(1)The prescribed authority may, after giving an opportunity of being heard by an order in writing, remove the name of a hotel from the register and cancel its certificate on any of the following grounds, namely:-(a)if the hotel-keeper ceases to operate the hotel in the tourist area for which it is registered;(b)if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (Central Act, 45 of 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;(c)if the hotel-keeper is declared an insolvent by a Court of competent jurisdiction and has not been discharged;(d)if any complaint of malpractice is received and proved against a hotel-keeper.(2)Any hotel the name of which is removed from the register under sub-section (1) shall forthwith cease to operate.

11. Classification of hotels and fixation of rates.

- The prescribed authority may after following the procedure as may be prescribed and after giving an opportunity of being heard to the hotel-keeper, by notification in the Official Gazette, classify the hotels and award a grade to each hotel and also fix the reasonable maximum rate and the service charges, if any, commensurate with the standard of the hotel and the quality of food, accommodation and service, which may be charged by the hotel-keeper for board or lodge or for both from the person staying therein or from other customers:Provided that nothing in this section shall apply to the hotels which are classified or graded by the Government of India or any board or authority under the Government of India or by or under an Act of Parliament.

12. 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.

13. Hotel-keeper to present detailed bill.

- Every hotel-keeper shall render detailed bills to the persons residing in the hotel and other customers and shall give receipts in acknowledgment of all payments.

Chapter IV

Travel Agents

14. Registration.

(1)No person shall carry on the business of a travel agent unless he is registered in accordance with the provisions of this Act.(2)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.(3)Notwithstanding anything contained in sub-section (2), any person already engaged in the business as a travel agent, shall apply for registration within three months from the date of commencement of this Act.(4)Every application made under sub-section (2) shall be disposed off within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

15. Certificate.

- The prescribed authority shall, unless registration is refused under section 16, direct that the name and particulars of the travel agent be entered in the register maintained for the purpose and issue a certificate to the travel agent in the prescribed form.

16. Refusal to register.

(1)The prescribed authority may refuse to register a travel agent under this Act on any of the following grounds, namely:-(a)if he does not possess any of the prescribed qualifications;(b)if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or (Central Act 45 of 1860) 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 termination of the sentence imposed upon him;(c)if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;(d)if his name has been removed from the register under clause (c) or clause (d) of section 17 and three months have not elapsed from the date of removal;(e)if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.(2)No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

17. Removal of the name from the register.

(1)The prescribed authority may, after giving an opportunity of being heard, by an order in writing, remove the name of a travel agent, from the register and cancel his certificate on any of the following grounds namely:-(a)if he ceases to act as a travel agent;(b)if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (Central Act 45 of 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;(c)if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;(d)if any complaint of malpractice is received and proved against him.(2)Any travel agent whose name is removed from the register under sub-section (1) shall forthwith cease to be a travel agent.

18. Fixation of rates.

- The prescribed authority may, by a notification in the Official Gazette, fix the reasonable maximum rates which may be charged by a travel agent for the service rendered by him to a person engaging

him as such.

19. Travel agent not to demand tip, etc.

- No travel agent shall demand any tip, gratuity, presents or commission other than that permissible under this Act from any persons engaging him or from any dealer selling notified article to any person or from any hotel-keeper in whose hotel such person resides or intends to reside.

Chapter V

Appeal and Revision

*20. Appeal.(1)Subject to the provisions of sub-section (2), an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority to be appointed by the Government.(2)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 preferring the appeal in time.(3)The appellant shall have a right to be represented by a counsel or by a duly authorised agent and the prescribed authority may be represented by such officer or person as the prescribed authority may appoint.(4)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 recording the reasons therefore.

21. Revision.

- The Revisional Authority* to be appointed by the Government may, either on his own motion or on an application made by an aggrieved party, call for the record of any case disposed off by the appellate authority, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by the appellate authority and pass such order thereon as it may deem fit and such order shall be final:Provided that no such record shall be called for after the expiry of three months from the date of communication of the order:Provided further that no order under this section shall be made to the prejudice of a person unless he has had a reasonable opportunity of being heard either personally or through a counsel or by a duly authorised agent.

Chapter VI

Offences and Penalties

22. Penalty for default in registration.

(1)Any person carrying on the business of a dealer, hotel-keeper or travel agent without proper registration under this Act or in violation of any of the provisions of this Act or the Rules made thereunder shall be punishable by the prescribed authority with fine which may extend to Rs.

2,000.Explanation. - A person who has made an application within the prescribed period and which is pending disposal shall not be a defaulter for the purposes of this section.

23. Penalty for false statement.

- If any person required to make a statement under this Act or the rules made thereunder wilfully makes a false statement or suppresses a material fact with an intention to mislead the prescribed authority, he shall be punishable by the prescribed authority with fine which may extend to Rs. 2,000/-.

24. Certificate not to be assigned.

- Any person who lends, transfers or assigns the certificate issued under this Act, shall be punishable by the prescribed authority with fine which may extend to Rs. 2,000/-.

25. Certificate and documents 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 or any other document required under this Act or the Rules made thereunder to the prescribed authority or any officer authorised by him in this behalf.(2)Any person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorised to demand it, shall be punishable by the prescribed authority with fine not exceeding Rs. 500/-.

26. Penalty for malpractice.

- If any dealer, hotel-keeper, travel agent or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provisions of this Act or the Rules made thereunder in a tourist area for which no specific penalty has been provided, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 1,000.

27. Obstructing lawful authorities.

- If any person wilfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorized by him 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 three months or with fine not exceeding Rs. 100 or with both.

28. Penalty for subsequent breaches.

(1)Any person committing a breach of any of the provisions of the Act or the Rules made thereunder 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 imprisonment which may extend to six months

or with fine which may extend to Rs. 5,000 or with both.(2)No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority.(3)Any fine imposed under this Chapter shall be recovered as if it were a fine recoverable under the provisions of the Code of Criminal Procedure, 1973 (Central Act 45 of 1860.)

29. Power of the prescribed authority to summon and enforce attendance of witnesses and other persons.

- The prescribed authority shall have all the powers of a Civil Court, under the Civil Central Act 45 of 1860, Procedure Code, 1908 while hearing any application under this Act in respect of the following matters, namely:-(a)summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith;(b)compelling the production of any document, and(c)examining witnesses on oath - and may summon and examine suo moto any person whose evidence appears to be material.

30. Composition of offences.

(1)Subject to such conditions as may be prescribed, the prescribed authority may accept from any person accused of an offence under this Act or the Rules made thereunder, other than an offence under section 27 of the Act, such sum of money, as may be prescribed, by way of composition for 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 composition of the offence, no further proceeding in respect thereof shall lie.

Chapter VII

Miscellaneous

31. Notification of changes.

(1)Whenever a business, for which a certificate is held by a person, devolves, by inheritance or otherwise, upon any other person or undergoes a change in respect of any particulars entered in the register under this Act, such person shall, within sixty 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.(3)Notwithstanding anything contained in sub-section (2), the prescribed authority may, after giving an opportunity of being heard, remove from the register, the name of the person in whose favour the certificate was issued and cancel the certificate if the successor is not qualified to be registered under this Act.

32. Return of certificate.

- When a certificate is cancelled under this Act, 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.

33. Duplicate certificate.

- If a certificate issued under this Act 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.

34. Certificate to be kept exhibited.

- The Certificate shall be exhibited by the person holding it in 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.

35. Publication of name of person removed from the register.

- The prescribed authority shall publish in the Official Gazette and in such other manner it deems fit, the names and addresses of the persons and of the hotels whose names have been removed from the register or whose certificates have been cancelled or who have been refused registration under this Act.

36. Power to inspect.

- The prescribed authority or any person authorised by him in this behalf may, within the tourist area, inspect at all reasonable times, the premises in which a dealer or a travel agent carries on his business or any premises where a hotel is operated and require such dealer, travel agent or a hotel-keeper to produce any document kept in pursuance of this Act or the Rules made thereunder for inspection.

37. Fixation of rates for other services.

- The prescribed authority may, by a notification in the Official Gazette, fix the reasonable maximum rates which may be charged in a tourist area, for such other tourist service, as may be prescribed.

38. Powers of Government to apply Act to other persons.

- The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or the Rules made thereunder shall, with such exceptions, adoptions or modifications as may be considered necessary, apply to persons doing the business of providing such tourist service in a tourist area as may be prescribed.

39. Powers and duties of Police in respect of offences and assistance to prescribed authority.

- Every Police Officer shall give immediate information to the prescribed authority of an offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall assist the prescribed authority in the exercise of his lawful authority.

40. 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 Act.

41. Reservation of powers of local authority.

- Nothing in this Act 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.

42. Power to make rules.

(1) 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 powers, such rules may provide for - (a) the maintenance of registers, books and forms by a hotel-keeper, dealer or travel agent for conduct of business; (b) the form of application for registration and for certificate; (c) the fee for registration; (d) the manner for giving notices under this Act; (e) classification of hotels and travel agents; (f) qualification for registration as travel agents; (g) manner of publication of the names and address of the persons and of the hotels removed from the register or to whom registration has been refused; (h) the place where the prescribed authority shall hold enquiry under this Act; and (i) any other matter which is to be or may be prescribed. (3) Every rule made under this Act shall be subject to the conditions of previous publication.

Secretariat, Panaji-Goan, U.D. Sharma

Dated: 23rd November, 1982. Secretary to the Government of Goa, Daman and Diu Law Department (Legal Advice)