



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/70

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**The Dadra and Nagar Haveli and Daman and Diu Registration of Tourist Trade Act, 1982 (Act No. 10 of 1982)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/—
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

The ¹[Dadra and Nagar Haveli and] Daman and Diu Registration of Tourist Trade Act, 1982

(Act No.10 of 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 ²[Dadra and Nagar Haveli and] Daman and Diu Registration of Tourist Trade Act, 1982.

(2) It shall extend to the whole of the Union territory of ³[Dadra and Nagar Haveli and] Daman and Diu.

(3) It shall come into force on such date as the ⁴[Administrator] may, by notification in the Official Gazette appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

⁵[(a) ‘Administrator’ means the Administrator of the Union Territory of Dadra and Nagar Haveli and Daman and Diu appointed by the President under article 239 of the Constitution;

(aa) ‘Adventure sports operator’ means a person operating adventure sports, such as, aero sports, go-carting, bungee jumping, wind surfing, paragliding, hot air balloon etc;

(aaa) ‘beach shack’ means a purely temporary stall on such material, size and design and for such activities on the beach as the Administrator may, by notification in the Official Gazette, or by rules made thereunder, specify;

(aaaa) ‘black-list’ means the list of dealers, hotel keepers or travel agents black-listed under the provisions of this Act and maintained by prescribed authority and exhibited at the places as may be prescribed;]

⁶[(aaaaa)] ‘boat’ includes a house-boat, motor-boat, motor launch, pedal boat, sailing boat ⁷[parasailing] and canoe;

(b) ‘certificate’ means a certificate of registration issued under any of the provisions of this Act;

⁸[(bb) ‘chair’ means chair made up of wood/steel/plastic or standard size;]

(c) ‘dealer’ means a person carrying on in a tourist area the business of selling any notified articles, whether wholesale or retail, ⁹[and whose stocks/turnover of the said notified articles exceeds 50% of their total stocks/turnover,] and includes his

¹ Substituted for the word and expression “Goa,” by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Laws) Second Order, dated 18th January 2022. herein after referred to as (Adaptations of State Laws) Second Order, 2022.

² Substituted for the word and expression “Goa,” by the (Adaptations of State Laws) Second Order, 2022.

³ Substituted for the word and expression “Goa,” by the (Adaptations of State Laws) Second Order, 2022.

⁴ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

⁵ Inserted by (Adaptation of State Laws) Second Order, 2022

⁶ Re-numbered for clause (a) as (aaaaa), by the (Adaptations of State Laws) Second Order, 2022.

⁷ Inserted by (Adaptation of State Laws) Second Order, 2022

⁸ Inserted by (Adaptation of State Laws) Second Order, 2022

⁹ Inserted by (Adaptation of State Laws) Second Order, 2022

agent or employee transacting business on his behalf;

¹⁰[(cc) 'deckbed' means bed made up of wood/steel/plastic, of size 6' x 3', with or without mattress;]

(d) 'Government' means the ¹¹[Union territory Administration of Dadra and Nagar Haveli and] 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) 'hotelkeeper' 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, ¹²[operation of water sports by a water sports operator without Certificate of Registration or without safety equipment on the vessel, charging of more fees by the tourist taxi operator than the one specified for the purpose] failure to give cash memos and willful 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 maybe 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, ¹³[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 ¹⁴[Administrator] 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 ¹⁵[Administrator] provided that different authorities may be notified for different provisions of this Act;

¹⁶[(jj) 'spice plantation' means a place where tourists visit and can get first-hand information and view of spice plants/trees on payment of monetary consideration;

(jjj) 'tourist taxi operator' means a person or firm operating motor vehicles for tourists on rental basis and for which permission has been granted by the Transport Department;]

(k) 'tourist area' means any area notified by the ¹⁷[Administrator] in the Official Gazette to be a tourist area for the purposes of this Act;

¹⁰ Inserted by (Adaptation of State Laws) Second Order, 2022

¹¹ Substituted for the words and expression 'Government of Goa,' by the (Adaptations of State Laws) Second Order, 2022.

¹² Inserted by (Adaptation of State Laws) Second Order, 2022

¹³ Inserted by (Adaptation of State Laws) Second Order, 2022

¹⁴ Substituted for the word "Government" by the (Adaptations of State Laws) Second Order, 2022

¹⁵ Substituted for the word "Government" by the (Adaptations of State Laws) Second Order, 2022

¹⁶ Inserted by (Adaptation of State Laws) Second Order, 2022

¹⁷ Substituted for the word "Government" by the (Adaptations of State Laws) Second Order, 2022

¹⁸[(kk) 'tourist season with reference to shack' means the period commencing on the first day of October or the calendar year and ending on the fifteenth day of June of the following calendar year;

(kkk) 'tour operator' means a person or a firm operating or conducting sightseeing or individual tours to the tourists for which licence has been issued by the Transport Department;]

(l) 'tourist' means a person or group of persons, including pilgrims, visiting the Union territory of ¹⁹[Dadra and Nagar Haveli and] 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, sightseeing;
- (b) Arrangements for lodging with or without food; and
- (c) Rendering other services, such as assistance for game, sports or receipt or dispatch of personal belongings of a tourist.

²⁰[(nn) 'water sports operator' means a person operating boats/ parasailing/ jet-ski/ kayaking/ canoeing/ rafting/ scuba diving, etc., to tourists and includes water sports equipment dealer;]

(o) 'umbrella' means umbrella made up of wood/steel pole with nylon or cotton cloth top.]

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 organized 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.

¹⁸ Inserted by (Adaptation of State Laws) Second Order, 2022

¹⁹ Substituted for the word and expression "Goa," by the (Adaptations of State Laws) Second Order, 2022.

²⁰ Inserted by (Adaptation of State Laws) Second Order, 2022

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 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 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.

²¹[(e) if he is black-listed by the prescribed authority under section 30A.]

(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-

²¹ Inserted by (Adaptation of State Laws) Second Order, 2022

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:—

Central
Act 45
of
1860

(a) if the hotel-keeper 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 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;

Central
Act 45
of
1860

(b) if the hotel-keeper 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;

(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.

²²[(e) if the hotelkeeper has failed to renew the certificate within a period of one month from the date of its expiry;]

(f) if he is black-listed by the prescribed authority under section 30A.]

(2) Any hotel the name of which is removed from the register under sub-section (1) Shall forthwith cease to operate.

²² Inserted by (Adaptation of State Laws) Second Order, 2022

²³[**10A. Closure of hotel.**— (1) If the holder of a certificate issued under section 8 of this Act intends to close down his business in the premises during the period of validity of the certificate, he shall inform the same to the prescribed authority in writing at least fifteen days prior to the date on which he actually intends to close down the business along with original certificate.

(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 maybe 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.

²⁴[**13A. Licensing of beach shacks.**— (1) The prescribed authority shall, through a public notice issued in the local newspapers publish detailed guidelines calling for applications for installation of beach shacks, on such beaches and such shacks as may be decided by the Administrator, from such persons as the government may from time to time decide.

(2) On receipt of such applications, the prescribed authority shall scrutinize the applications, and if found in order, grant necessary license by charging prescribed fees and on such terms and conditions as may be specified in this behalf.

(3) Where the number of eligible applicants are more than the number of beach shacks permitted on any particular beach, the selection shall be decided by draw of lots on such date and at such time as the prescribed authority may notify in this behalf.

(4) License shall be granted for putting up only one beach shack to a member of the family.

(5) Any person intending to erect a beach shack in private property shall, before he erects such shack, apply for registration to the prescribed authority in the prescribed manner.

Explanation. For the purpose of this section, — “family” shall include husband or wife, as the case may be, dependent parents and unmarried children, provided they figure in the same ration card as the applicant.

²³ Inserted by (Adaptation of State Laws) Second Order, 2022

²⁴ Inserted by (Adaptation of State Laws) Second Order, 2022

13B. Licences for deckbeds, umbrellas and chairs.— (1) Licences for putting up deck beds, umbrellas and chairs on such beaches as the Administrator may, by notification in the Official Gazette, specify, shall be granted by the prescribed authority by charging prescribed fees.

(2) Number of deck beds, umbrellas and chairs on the beach shall be as determined by the Administrator from time to time by notification in the Official Gazette.

(3) Deck beds or umbrellas or chairs put up on the beaches notified under sub-section (1), shall be removed during the night-time by 6.00 p.m.]

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 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 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.
- ²⁵[(e) if the travel agent has failed to renew the certificate issued under section 15 of this Act, within a period of one month from the date of its expiry;
- (f) if he is black-listed by the prescribed authority under section 30A.]

(2) Any travel agent whose name is removed from the register under sub-section (1) shall forthwith cease to be a travel agent.

²⁶[**17A. Restrictions on travel agent to function as recruiting agent.**— No travel agent registered under this Act shall commence or carry on any business of recruitment for an employer or by representing such employer with respect to any matter in relation to such recruitment including dealing with the persons so recruited or desiring to be recruited unless he/she has obtained a certificate from the registering authority under the Emigration Act, 1983 (Central Act 31 of 1983).]

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.

²⁷[CHAPTER IV-A]

Registration of Tour Operators, Water Sports and Adventure Sports Operators, etc.

19A. Registration.— (1) No person shall, in the tourist area, carry on the business of a tour operator, water sports operator, adventure sports operator, spice plantation or of providing

²⁵ Inserted by (Adaptation of State Laws) Second Order, 2022

²⁶ Inserted by (Adaptation of State Laws) Second Order, 2022

²⁷ Inserted by (Adaptation of State Laws) Second Order, 2022

temporary huts for the purpose of accommodation, unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to start business under sub-section (1) shall apply for registration to the prescribed authority in the prescribed manner, along with prescribed fee.

(3) Notwithstanding anything contained in sub-section (2), any person already engaged in any of the business as specified under sub-section (1) shall apply for registration within three months from the date of commencement of the Goa Registration of Tourist Trade Act, 1982 (10 of 1982).

(4) Every application made under sub-sections (2) or (3) as the case may be, disposed off within a period of one month from the date of receipt of the application.

19B. Certificate.— The prescribed authority shall, unless registration is refused under section 19D, direct that the name and particulars of the person starting business as specified in sub-section (1) of section 19A, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as prescribed.

19C. Renewal of Certificate of Registration.— The Certificate of Registration issued under section 19B shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of fees as prescribed.

19D. Refusal to register.— (1) The prescribed authority may refuse to register the business as specified in sub-section (1) of section 19A on any of the following grounds, namely: –

- (a) if the applicant does not possess essential requirements or qualifications as prescribed;
- (b) if he has been 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 of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;
- (c) if he has been declared as an insolvent by a Court of competent jurisdiction and has not been discharged;
- (d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;
- (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.

CHAPTER IV – B **Registration of online service provider**

19E. Registration of online service provider.— (1) No person shall carry on the business of providing service of online booking of hotel rooms, other accommodation or any other tourist related activity in the tourist area, unless he is registered in accordance with the provisions of this Act.

(2) No such person shall conduct such service of online booking unless such hotel, accommodation or tourist related activity is registered in accordance with the provisions of this Act.

(3) Every person intending to start such business specified in sub-section (1) shall apply for registration to the prescribed authority in prescribed manner, along with prescribed fee.

(4) Every application made under sub-section (3) shall be disposed of within a period of one month from the date of receipt of such application.

19F. Certificate.— The prescribed authority shall, unless registration is refused under section 19H, direct that the name and particulars of the person starting such business as specified in sub-section (1) of section 19E, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as may be prescribed.

19G. Renewal of certificate of registration.— The certificate of registration issued under section 19F shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of such fees as may be prescribed.

19H. Refusal to register.— (1) The prescribed authority may refuse to register the business as specified in sub-section (1) of section 19E on any of the following grounds, namely: –

- (a) if the applicant does not possess essential requirements or qualifications as prescribed;
- (b) if he has been 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 of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;
- (c) if he has been declared as an insolvent by a Court of competent jurisdiction and has not been discharged;
- (d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;
- (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.

19I. Penalty.— If any person contravenes the provisions of sub-section (1) or (2) of section 19E, he shall be liable by prescribed authority with fine as specified in section 22 of this Act.]

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 ²⁸[Administrator].

²⁸ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

(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 authorized 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 ²⁹[Administrator] 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 authorized agent.

CHAPTER VI

Offences and Penalties

³⁰[**22. Penalty for default in registration.**— (1) Any person carrying on the business of a dealer, hotel-keeper or travel agent or as mentioned in sub-section (i) of section 19 A 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.1,00,000/-

(2) Where the person on whom the penalty of fine is imposed under sub-section (1) does not within thirty days from the date of the order imposing such penalty, pay the fine imposed, then such person shall be liable to pay, by way of penal interest, a sum of: —

(a) Rs.100/- for each day for the first thirty days from the date of the expiry of the period of 30 days as aforesaid; and,

²⁹ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

³⁰ Substituted for “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 there under 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”, by the (Adaptations of State Laws) Second Order, 2022.

(b) Rs. 200/- for each day thereafter for a period of fifteen days.

(3) In case of failure on the part of a dealer a hotel-keeper or travel agent to pay fine imposed under sub – section (1) and /or penal interest under sub-section (2), the same shall be recovered as an arrears of land revenue, and the business shall be liable to be closed and the prescribed authority shall be at liberty to institute proceedings in the appropriate court of law for enforcing the closure of business.

(4) Any person erecting beach shack and/or carrying on activity therein without obtaining a license as required under section 13A of this Act, shall be punishable with fine which may extend to Rs.10,000/-, the beach shack shall be liable for demolition and the material thereof confiscated, without any prior notice, entirely at his risk and cost.

(5) Any person erecting beach shack and/or carrying on activities therein without proper registration as required under section 13A (5), shall be punishable with fine of Rs. 1,000/- which may extend to Rs. 5,000/-.

Explanation. — A person who has made an application for renewal of certificate before the date of its expiry and if the same is pending disposal, then he 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 willfully 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. ³¹[20,000/-.]

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.³²[Rs. 20,000/-.]

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 authorized 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 authorized to demand it, shall be punishable by the prescribed authority with fine not exceeding Rs.³³[Rs. 5,000/-.]

³⁴[**25A. Penalty for unauthorized sale, etc.**— Any person who indulges in selling any articles, materials, etc., in any tourist area, without any license or permission under any law for the time being in force, then such articles, materials, goods, etc., shall be confiscated by the officials authorized by the Administrator and the same shall be returned only on payment of minimum fine of Rs.10,000/- which may extend to Rs. 25,000/-. In the event of non-payment of fine, such confiscated articles, materials, goods etc., shall be disposed off by a public auction and the proceeds thereof shall be deposited in the Government Treasury. An inventory of all the confiscated items shall be maintained by the official confiscating the same.]

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

³¹ Substituted the figure for “2000” by the (Adaptations of State Laws) Second Order.2022.

³² Substituted the figure for “2000” by the (Adaptations of State Laws) Second Order.2022.

³³ Substituted the figure for “500” by the (Adaptations of State Laws) Second Order.2022

³⁴ Inserted by the (Adaptations of State Laws) Second Order.2022.

provisions of this Act or the Rules made thereunder in a tourist area for which no specific penalty has been provided, he shall be ³⁵[punishable with three months imprisonment or with minimum fine of Rs. 2000/- which may extend to Rs. 5,000/-. The offence under this section shall be cognizable, bailable and triable in summary manner.]

27. Obstructing lawful authorities.— If any person willfully 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 there under, he shall be liable to punishment with imprisonment which may extend to three months or ³⁶[with a minimum fine of Rs. 500/- which may extend upto Rs. 10,000/- or with both. The offence under this section shall be cognizable, bailable and triable in summary manner.]

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 ³⁷[minimum fine of Rs. 1,000/- which may extend to Rs. 20,000/- or with both. The offence under this section shall be cognizable, bailable and triable in summary manner.]

(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 2 of 1974).

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 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.

³⁵ Substituted the words and figure for “punishable by the prescribed authority with fine which may extend to Rs. 1,000/-“ by the (Adaptations of State Laws) Second Order.2022.

³⁶ Substituted the words and figure for “a fine which may extend to Rs.5000/- or with both” by the (Adaptations of State Laws) Second Order.2022

³⁷ Substituted the words and figures for “fine which may extend to Rs.5000/- or with both” by the (Adaptations of State Laws) Second Order.2022.

(2) On the composition of the offence, no further proceeding in respect thereof shall lie.

³⁸[**30A. Black-listing of dealers, hotel keepers or travel agents.**— (1) The prescribed authority may, on a complaint of malpractice having been proved or for any other offence committed under this Act, for reasons to be recorded, black-list a dealer, a hotel keeper or a travel agent as the case may be after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority, deems fit.

(2) Before removing the name of a dealer, a hotel keeper or a travel agent from the register under sub-section (1), the prescribed authority shall give notice to the dealer, the hotel keeper or the travel agent of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the dealer, the hotel keeper or the travel agent giving him a reasonable opportunity of showing cause against it.

(3) The particulars of a dealer, a hotel keeper or a travel agent black-listed shall be exhibited at conspicuous places in all tourist areas and notified to travel, trade and other concerned organizations, foreign missions in India, Indian missions abroad and other important concerned channels after the order of black-listing has become final.

(4) The action taken under sub-section (1) shall not protect such dealer, hotel keeper or travel agent from being prosecuted under the provisions of this Act.

(5) If the prescribed authority is satisfied that there are sufficient grounds for removal of a dealer, a hotel keeper or a travel agent from the black list, it may after recording the reasons, order his removal from such list and issue a fresh certificate of registration on payment of prescribed fee and notify the same for the information of all concerned.]

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 success or 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.

³⁸ Inserted by the (Adaptations of State Laws) Second Order.2022.

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 authorized 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 maybe prescribed.

38. Powers of ³⁹[Administrator] to apply Act to other persons.— The ⁴⁰[Administrator] 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 maybe 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) ⁴¹[Administrator] 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;

³⁹ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

⁴⁰ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

⁴¹ Substituted for the word “Government” by the (Adaptations of State Laws) Second Order, 2022

- (c) The fee for registration;
- (d) The manner forgiving 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.

By order and in the name of the
Administrator of U.T. of Dadra &
Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Dated: 22nd March, 2022

Sd/-
(Rohit P. Yadav)
Law Secretary
Department of Law & Justice
