



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

Act 10 of 1982

Keyword(s):

Boat, Certificate, Dealer, Hotel, Malpractice, Notified Article, Tourist, Travel Agent, Travel Arrangements

Amendments appended: 10 of 1988, 7 of 2011

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

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.

The Goa, 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 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;

¹"(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.

*See Notification on page 22.

¹Clause (c) substituted by (Amendment) Act, 1988 (Act 10 of 1988) (O. G. Series I No. 8 dated 27-5-1988). The original clause reads as follows:

"(c) 'dealer' means a person carrying on in a tourist area the business of selling any notified article, whether **wholesale** or retail, and includes his agent or employee transacting business on his behalf."

Explanation 2. The expression 'touting' means coercing for shopping, accommodation, transportation, sight seeing or pestering for any particular premises, person, establishment, manufacturer 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;

(1) '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.

*See Notifications dated 8-7-1985 on pages 52 and 53.

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 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;

Central Act 45 of 1860.

(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;

Central Act 45 of 1860

(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 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;

Central Act 45 of 1860

(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 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;

Central Act 45 of 1860.

(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 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;

Central Act 45 of 1860.

(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

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;

(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:

*See Notification dated 16-10-1986 at page 51.

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, hotelkeeper, 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 by the prescribed authority 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 authorised 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. 5000/- 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 Procedure Code, 1908 while hearing any application under this Act in respect of the following matters, namely:-

Central Act 45 of 1860.

(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 done 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-Goa,

Dated: 23rd November, 1982.

U. D. Sharma
Secretary to the
Government of
Goa, Daman and Diu,
Law Department
(Legal Advice)

The Goa Registration of Tourist Trade (Amendment) Act, 1988

(Goa Act No.10 of 1988)

[21-5-1988]

AN

ACT

further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 1988.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982), for clause (c), the following clause shall be substituted, namely:—

“(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.”

Published in Official Gazette, Series I, No. 8, dated 27-5-1988. The Act came into force on 21-5-1988.

3. *Amendment of clause 10.*— In clause 10 of the principal Scheme,—

(i) in sub-clause (1), for the expression “Rs. 30,000/- (Rupees thirty thousand only)”, the expression “Rs. 50,000/- (Rupees fifty thousand only)”, shall be substituted.

(ii) in sub-clause (2), for the expression “Rs. 30/- (Rupees thirty only)”, the expression “Rs. 103/- (Rupees one hundred and three only)”, shall be substituted.

By order and in the name of the Governor of Goa.

Surendra F. Naik, Under Secretary, Finance (R&C).

Porvorim, 15th June, 2011.



Department of Law & Judiciary

Legal Affairs Division

Notification

7/7/2011-LA

The Goa Registration of Tourist Trade (Amendment) Act, 2011 (Goa Act 7 of 2011), which has been passed by Legislative Assembly of Goa on 30-3-2011 and assented to by the Governor of Goa on 10-6-2011, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 15th June, 2011.

The Goa Registration of Tourist Trade (Amendment) Act, 2011

(Goa Act 7 of 2011) [10-6-2011]

AN

ACT

further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-second Year of the Republic of India, as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2011.

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

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982) (hereinafter referred to as the “principal Act”),—

(i) the existing clauses (a) and (aa) shall be re-numbered as clauses (aa) and (aaa) respectively and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:-

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

(ii) in clause (aa), so re-numbered for the words “and canoe”, the figure and words “parasailing and canoe” shall be substituted;

(iii) in clause (g), after the words “label on the articles” and before the words “failure to give cash memos” the expression “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” shall be inserted;

(iv) after clause (j), the following clauses shall be inserted, namely:-

“(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”.

(v) after clause (kk), the following clause shall be inserted, namely:—

“(kkk) ‘tour operator’ means a person or a firm operating or conducting sight seeing or individual tours to the tourists for which licence has been issued by the Transport Department”.

(vi) after clause (n), the following clause shall be inserted, namely:—

“(nn) ‘water sports operator’ means a person operating boats/parasailing/jetskii/kayaking/canoeing/rafting/scuba diving, etc., to tourists and includes water sports equipment dealer.”.

3. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (i), after clause (d), the following clause shall be inserted, namely:—

“(e) if the hotel-keeper has failed to renew the certificate within a period of one month from the date of its expiry”.

4. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. *Closure of hotel.*— 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 alongwith original certificate”.

5. *Amendment of section 17.*— In section 17 of the principal Act, in sub-section (i) after clause (d), the following clause shall be inserted, namely:—

“(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”.

6. *Insertion of new section 17A.*— After section 17 of the principal Act, the following section shall be inserted, namely:—

“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)”.

7. *Insertion of new Chapter IV A.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“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 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, alongwith 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 (Amendment) Act, 2011.

(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.— (1) 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”.

8. *Amendment of section 22.*— In section 22 of the principal Act,—

(i) for the words “travel agent”, the expression “travel agent or as mentioned in sub-section (i) of section 19A” shall be substituted;

(ii) for the letters and figures “Rs. 10,000/-” the letters and figures “Rs. 1,00,000/-”, shall be substituted.

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”.

9. *Insertion of new section 25A.*— After section 25 of the principal Act, the following section shall be inserted, namely:—

“25A. *Penalty for unauthorized sale, etc.*— Any person who indulges in selling any articles, materials, etc., in any tourist area, without any licence 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 Government 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 of 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”.

10. *Amendment of section 27.*— In section 27 of the principal Act, for the letters and figures “Rs. 2,000/-”, the letters and figures “Rs. 10,000/-” shall be substituted.

11. *Amendment of section 28.*— In section 28 of the principal Act, in sub-section (1), for the letters and figures “Rs.10,000/-”, the letters and figures “Rs. 20,000/-” shall be substituted.

Secretariat, PRAMOD V. KAMAT
Porvorim-Goa. Secretary to the Govt. of Goa,
Dated:15-6-2011. Law Department (Legal Affairs).



Department of Science, Technology &
Environment

Policy

GCZMA/H. COURT MATTER/07/656/
/Part IV/311

Policy for utilization of available open plots in
CRZ-III Zone for the purpose of establishing
Hotels/Beach Resorts

Background

1. As per paragraph 32(D) of the directions contained in the Judgement and Order of the Hon'ble High Court of Bombay at Goa, Panaji, in Writ Petition No. 422 of 1998 (Goa Foundation v/s Village Panchayat of Candolim & ors.) with Writ Petition No. 99 of 1999 (Goa Foundation v/s Village Panchayat of Calangute & ors.), the State Government has been directed-

“to identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/ regulation for utilization thereof before they are being allowed to be utilized for such construction activities.”

2. The Goa Coastal Zone Management Authority (GCZMA)/Department of Science,

Technology and Environment (DSTE), Government of Goa entrusted this task of identifying and delineating the open vacant plots above an area of 4000 sq. mts., in CRZ-III zone along the coastline of the State of Goa to M/s. Remote Sensing Instruments (RSI), Hyderabad. This Agency had carried out the task of identification of structures existing as in 1991 when the CRZ Notification, 1991 came into force and the structures that came up subsequently by temporal study of satellite imagery between 1991 and 2006 followed by field checks as per directions of the Hon'ble High Court in the same Writ Petitions detailed above. These reports were periodically submitted before the Hon'ble High Court and the data products/mapping of structures in form of survey plans were submitted to the Coastal Village Panchayats/ Municipality in terms of the directions of the Hon'ble High Court in M.C.A. No. 427 of 2007 in W. P. No. 422 of 1998 dated 18th March, 2008.

3. M/s. RSI, Hyderabad has interpreted rectified satellite data, on line to identify and delineate contiguous open plots measuring 4000 sq. mts. and above in the CRZ-III areas of Goa. By overlaying the geo-referenced revenue maps, the locations of each of these open plots in terms of survey numbers and sub-division number have been tabulated and broad landuse patterns in these plots have also been tabulated.

An atlas of the open plots in CRZ-III of all the villages has been made on 1:5000 scale and a table in MS Excel format showing the identification number (ID No.) of each plot, its locations in terms of survey of sub-division number and broad landuse/landcover pattern in these open plots has also been prepared.

M/s. RSI, Hyderabad has submitted a soft copy in portable document format.

4. In its report M/s. RSI, Hyderabad has indicated certain minor limitations to this study, as interpretation of the satellite data is with reference to the year 2005 and the landuse/landcover would need to be

ascertained by interpreting latest satellite imagery and/or field checks. Some of the open plots appear to fall in forest, which can be separated by overlaying the reserved forest map of the Forest Department, as and when required. Similarly some open plots fall in sand dune areas, which can be identified and separated. Many open plots fall in cultivated areas which need to be identified to ascertain the present status of cultivation/landuse. These features can be identified during site inspection separately.

Provisions of New CRZ Notification, 2011

5. The Ministry of Environment and Forests (MoEF), Government of India has notified the new Coastal Regulation Zone (CRZ) Notification, 2011 (S.O. No. 19(E) dated 6th January, 2011). Annexure-III to the CRZ Notification, 2011 defines the requirements and guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests. The same is enclosed as APPENDIX-I.

For any new development of a Hotel/Beach Resort/Motels or any structure with rooms for the purpose of temporary accommodation of visiting tourists, to be undertaken within 200 m. to 500 m. shall require to follow the guidelines as detailed above, subject to the State Government Development and Planning Regulations and Policy.

Provisions contained in Regional Plan for Goa, 2021

6. The Town and Country Planning Department, Government of Goa, has prepared the draft Regional Plan for Goa-2021 (RPG-21). As per draft RPG-21, all CRZ areas are classified as Other Eco-Sensitive zones (ECO-2), except CRZ-I areas, which are classified as Eco-Sensitive zones (ECO-1). Any development in ECO-2 areas will be as per CRZ guidelines.

The Town and Country Planning Department has vide Final Report, RPG-21

(Release One) dated 23rd November, 2010; has specified guidelines and has indicated that beach resorts/hotels/motels would be permitted on special conditions in Settlement Zone as mapped and defined in the land use maps approved by the Government [Reference: Appendix XI of the Final Report, RPG-21 (Release One)].

The Final Report, RPG-21 (Release One) also indicates a policy for Coastal and Hinterland Eco-Tourism for development in backward talukas for specific areas earmarked as a marker for development in the plans approved by the Government. [Reference: Chapter 4.2.2 (a) of the Final Report, RPG-21 (Release One)].

Guidelines for considering project proposals for Hotels/Beach Resorts in CRZ-III areas

7. Every proposal received by the GCZMA, will be forwarded for examination and assessment by the Goa State Expert Appraisal Committee (Goa-SEAC), in the first instance. While examining the proposal of any new Hotel related project in the open plots/spaces available, the Goa-SEAC, shall follow the guidelines as given below and incorporate the same in the Terms of Reference for the project proponents case:

(i) The land use/land cover as on site will be verified on ground by inspection. The surrounding land use pattern will be considered to determine the suitability of the land to be utilised for the purpose concerned.

(ii) The recommendations or findings of the Environmental Impact Assessment (EIA) report, will not be the sole criteria for determining the land use/suitability of the plot, for the purpose concerned. Additional reports on environmental standards/parameters pertaining to the site concerned, shall be identified and project proponents would be required to comply with the same.

(iii) Only those land areas, which are classified as "Settlement" in terms of

RPG- 21, will be considered for the purpose concerned.

(iv) The proposed project should essentially meet the requirements of recycling of effluents/sewage, efficient solid waste management practices and such other measures as directed by the Goa State Pollution Control Board.

(v) The proposed project's endeavour should be to meet 'Green' initiatives such as water harvesting (wherever feasible), use of solar and other renewable energy resources for lighting, heating etc.

(vi) The proposed project should be compliant to the standards prescribed under Environment (Protection) Rules, 1986 (as amended) and should also provide for compliance to the standards and conditions under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

(vii) All guidelines prescribed in CRZ Notification, 2011 shall be strictly followed.

8. On receipt of the proposal duly assessed and appraised by the Goa-SEAC, the same will be taken up for consideration by the GCZMA. Thereafter, the recommendations of the GCZMA and the appraisal of the Goa-SEAC, in respect of the project proposal shall be submitted to the Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for its recommendations. Only on obtaining its favourable recommendations and with approval of the State Government, shall the project proposal be submitted to the MoEF for its consideration, in term of the CRZ Notification, 2011.

9. The conditions at para (7) and para (8), shall not apply to the hotel projects approved earlier by the State Government/MoEF or are in the process of being considered for approval by MoEF based on earlier State Government/GCZMA approvals.

10. This policy issues with the approval of the Government of Goa vide U. O. No. 96 dated 27th May, 2011.

Michael M. D'Souza, Director & ex officio Joint Secretary (STE).

Saligao, 10th June, 2011.

Appendix-I

ANNEXURE-III

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:—

(a) the project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between (Low Tide Line and High Tide Line in CRZ III)⁽¹⁾;

(b) the proposed constructions shall be beyond the hazard line or 200 mts. from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200 metre of the High Tide Line; within the 200 metre 500 metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m) extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels or beach resorts and in

no case shall gaps be less than 500 metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted.

(1) In Annexure III, in item 1 (a), in line 2, the words "Low Tide Line and High Tide Line" be read as at (1) above vide S.O. 651 (E) dated 29-03-2011.

◆◆◆

Department of Tribal Welfare

Directorate of Tribal Welfare

Order

1/21/2011-12/ADMN/TWD/903

Sanction of the Government is hereby accorded for creation of following posts in the Goa State Commission for Scheduled Castes and Scheduled Tribes under the establishment of Directorate of Tribal Welfare with immediate effect.

Sr. No.	Designation	Pay scale	No. of posts
1.	Sweeper	To be out sourced	1

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. 567/F dated 30-5-2011, concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. 1438949 dated 30-5-2011.

By order and in the name of the Governor
of Goa.

Dipak S. Desai, Director & ex officio Joint
Secretary (Tribal Welfare).

Panaji, 2nd June, 2011.

Department of Printing & Stationery

Government Printing Press

—

Order

5/15/2010-DPS/502

Government is pleased to announce Braille Embossing facility for the citizens on the following charges by providing the soft copy of the material:

(a) Embossing of educational material provided by the Educational Institutions in soft copy @ Rs. 5/- per Braille page.

(b) The commercial establishments like hotels/restaurants etc., @ Rs. 10/- per Braille embossing page.

By order and in the name of the Governor of Goa.

N. D. Agrawal, Director & ex officio Addl. Secretary (Printing & Stationery).

Panaji, 14th June, 2011.

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 9.00