



LEGISLATIVE ASSEMBLY OF THE  
STATE OF GOA

**The Goa Registration of Tourist Trade  
(Amendment) Bill, 2011**

(Bill No. 9 of 2011)

<sup>AS</sup>  
~~To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM-GOA  
MARCH, 2011

# The Goa Registration of Tourist Trade (Amendment) Bill, 2011

(Bill No. 9 of 2011)

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BILL

5 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:-

10 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.

15 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”),—

20 (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:—

25 “(a) ‘adventure sports operator’ means  
a person operating adventure sports, such  
as, aero sports, go-carting, bungy 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/

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/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

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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

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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.

Porvorim-Goa.  
Dated:

NILKANTH HALARNKAR  
Hon. Minister for Tourism

Assembly Hall,  
Porvorim-Goa.  
Dated:

N. B. SUBHEDAR  
Secretary to the  
Legislative Assembly of Goa.

### **Statement of Object and Reasons**

There has been uncontrolled and unregulated operation of activities by tour operators, adventure sports operators, water sports operators, etc., in tourist areas. Also, persons having spice plantation in this State regularly receive tourists on monetary consideration and often temporary huts are provided to the tourists for their accommodation without any registration and documentation. In order to regulate all such activities, as also to make provision for their registration, it is proposed to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act No.10 of 1982) (hereinafter referred to as the "said Act"), by amending section 2 of the said Act suitably and by inserting a new Chapter IV-A therein.

The Bill further seeks to amend sections 10 and 17 of the said Act so as to provide that a hotel-keeper or a travel agent who fails to renew the certificate of registration issued under the said Act, the name of such hotel or travel agent shall be liable for removal from the register maintained under the said Act.

The Bill also seeks to insert a new section 10A in the said Act so as to provide that the hotel-keeper shall inform in writing about his intention to close down the hotel, to the prescribed authority at least 15 days prior to the actual closure.

The Bill also seeks to insert a new section 17A in the said Act so as to bring restrictions on any travel agent who also function as recruiting agent and to provide that he would be able to function as a recruiting agent only if he possesses a

certificate from the registering authority under the Emigration Act, 1983 (Central Act No. 31 of 1983).

The Bill also seeks to amend section 22 of the said Act so as to prescribe the penalty for violation of any of the provisions of the said Act or the rules framed thereunder.

The Bill also seeks to insert a new section 25A in the said Act so as to specify penalty for unauthorized sale of articles, materials, goods, etc., in any tourist area.

The Bill also seeks to amend sections 27 and 28 of the said Act so as to enhance the fine as specified therein.

This Bill seeks to achieve the above objects.

### **Memorandum Regarding Delegated Legislation**

Clause 1(2) of the Bill empowers the Government to issue notification for bringing into force the provisions of the Act.

Clause 7 of the Bill empowers the Government to make rules specifying the manner of making an application for registration, the fee therefore, the authority to whom the application for registration shall be made and the fee for renewal of Certificate of Registration.

These delegations are of normal character.

### **Financial Memorandum**

By bringing an amendment and insertion of new Chapter IVA in the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982), no financial implications are involved.

By registering the additional activities like spice plantation, aero sports, go-carting, bungy jumping, wind surfing, paragliding, hot air balloon, temporary huts, etc., during the tourist seasons, substantial revenue will be generated which in turn would be used for maintaining of beaches.

Porvorim-Goa.

Dated:

NILKANTH HALARNKAR

Hon. Minister for Tourism

Assembly Hall,

Porvorim-Goa.

Dated:

N. B. SUBHEDAR

Secretary to the

Legislative Assembly of Goa.