

THE MEGHALAYA REGISTRATION OF TOURIST TRADE BILL 2019**A****Bill**

to provide for the registration of persons dealing with tourists and for matters connected therewith

Be it enacted by the Legislatures of the State of Meghalaya in the Seventieth Year of the Republic of India as follows: -

CHAPTER-I

- | | |
|---|---|
| Short title, extent and commencement | 1. (1) This Act may be called the Meghalaya Registration of Tourist Trade Act, 2019.
(2) It extends to the whole of Meghalaya.
(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint. |
| Definitions | 2. In this Act unless the context otherwise requires,-
(a) "Act" means the Meghalaya Registration of Tourist Trade Act, 2019;
(b) "black-list" means a list maintained and exhibited by Tourism Department for hotels, travel agents & tourist guides who have been black-listed under Section 8 and Section 16 of this Act as the case may be;
(c) "certificate of registration" means a certificate issued under this Act;
(d) "Government" means Government of Meghalaya;
(e) "hotel-keeper" means any person who owns or operates a hotel as proprietor and includes a person managing or operating the hotel for and on behalf of the proprietor;
(f) "hotel" means any premises, establishment or part of premises including hotel, holiday home, resort, homestays, lodges, guest house, bed and breakfast, tent where lodging with or without board or other services is being provided |

for a monetary consideration;

Explanation: For the purpose of this clause, other services include convention and conference facilities and restaurant services within the hotel premises.

(g) "malpractice" includes dishonesty, cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel arrangements, charging a price higher than that displayed or willful failure to execute an order within the stipulated time or according to the terms agreed;

Explanation- I: The expression 'touting' means coercing for shopping, accommodation, transportation, luggage carrying, sight-seeing or pestering for any particular premises by a person, establishment or manufacturer with consideration of personal benefit.

(h) "official Gazette" means the Gazette of Meghalaya;

(i) "person" includes an individual, a registered firm, body corporate, cooperative society, association of persons, society or a company;

(j) "prescribed rules" means rules made under this Act;

(k) "prescribed authority" means the authority notified as such, by the State Government provided that different authorities may be notified for different provisions of this Act;

(l) "State" means the State of Meghalaya;

(m) "tourist" means a person or group of persons including pilgrims visiting the State from any part of India or outside India

(n) "tourist guide" means a person who engages himself as a paid guide for tourists;

(o) "travel agent" means a person engaged in the business of conducting tours and travel, trekking, camping, tour

operating including arrangements for lodging, sight-seeing, transportation for tourists for a monetary consideration and includes a tour operator, cargo agent in connection with tourism;

- (p) "restaurant" for the purposes of this Act means a place where food is being served for monetary consideration within the premises of a hotel as defined in this Act and includes a snack bar, bar, café with or without facilities for convention or conference; and
- (r) "Tourism Department" means the Tourism Department under the Government of Meghalaya.

CHAPTER – II

REGISTRATION OF HOTELS

Registration of hotels

3. (1) Any person intending to operate a hotel shall, before operating apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) above, any person already operating or running a hotel on the date of the notification of this Act, shall apply for registration within three months from the aforesaid date.

(3) Every application made under sub-section (1) above shall be disposed off within a period of two months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

Appointment of prescribed authority

4. The Government shall by notification appoint such officials to be the prescribed authority and they shall exercise the powers and functions as authorized under various provisions of this Act and the rules made under this Act.

**Certificate of
registration**

5. The prescribed authority shall, unless registration is refused under Section 6 of this Act 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 of registration to the hotel keeper in the prescribed manner specified in the rules made under this Act.

**Refusal to register
a hotel**

6. (1) The prescribed authority may refuse registration of a hotel under this Act on any of the following grounds, namely-

(a) if the hotel-keeper or the hotel does not hold a license or certificate required to be held by him under any law for the time being in force; or

(b) if the hotel-keeper is found to be in unlawful possession or under his control of any explosive substance of a nature likely to endanger life or to cause serious injury to property.

Explanation:- Explosive substance shall have the same meaning as defined in the Explosive Substances Act, 1908 as amended from time to time.

(c) if the hotel-keeper is convicted of any offence under the Arms Act, 1959, and five years have not been elapsed since the expiry of the sentence imposed upon him; or

(d) if the hotel-keeper is convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988; and five years have not elapsed since the expiry of the sentence imposed upon him; or

(e) if the hotel-keeper is convicted of any offence punishable under the Immoral Traffic Prevention Act, 1956 and five years have not elapsed since the expiry of the sentence imposed upon him; or

(f) if the hotel-keeper is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the prevention of hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him; or

- (g) if the hotel keeper has been declared an insolvent by a court of competent jurisdiction and has not been discharged; or
 - (h) if the name of hotel keeper has been removed from the register under any, of the clauses (a) to (i) of sub-section (1) of Section 7 of this Act and six months have elapsed since the date of removal; or
 - (i) 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.

**Removal of the
name from register**

7. (1) The prescribed authority may by an order in writing, remove the name of the hotel from the register and cancel its certificate of registration on any of the following:-

- (a) if the hotel-keeper ceases to operate the hotel for which it is registered; or
- (b) if any complaint of malpractice is received and proved against a hotel-keeper; or
- (c) if the hotel is black-listed under Section 8 of this Act; or
- (d) if the hotel-keeper is found to be in unlawful possession or under his control of any explosive substance of a nature likely to endanger life or to cause serious injury to property; or

Explanation:- Explosive substance shall have the same meaning as defined in the Explosive Substances Act, 1908 as amended from time to time.

- (e) if the hotel-keeper is convicted of any offence under the Arms Act, 1959 and five years have not elapsed since the expiry of the sentence imposed upon him; or
- (f) if the hotel-keeper is convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988; and five years have not

- elapsed since the expiry of the sentence imposed upon him; or
- (g) if the hotel-keeper is convicted of any offence punishable under the Immoral Traffic (Prevention) Act, 1956 and five years have not elapsed since the expiry of the sentence imposed upon him; or
 - (h) if the hotel-keeper is convicted of any offence of the Indian Penal Code, 1860 and under any law providing for the prevention of hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the termination of the sentence imposed upon him; or
 - (i) if the hotel-keeper has been declared an insolvent by a court of competent jurisdiction and has not been discharged.
 - (j) if the hotel-keeper has failed to renew the certificate of registration within a period of three months from the date of its expiry.

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

Black-listing of Hotel

8. (1) The prescribed authority may on proof of malpractice or for any other offences committed under this Act, for reasons to be recorded, black-list a hotel after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority may deem fit.
- (2) The particulars of a black-listed hotel shall be exhibited at conspicuous places and notified as prescribed in the Rules.
 - (3) Notwithstanding action taken under sub-section (1) above, the hotel-keeper shall be liable to be prosecuted under the provisions of law if deemed necessary.
 - (4) If the prescribed authority is satisfied that there are sufficient grounds for removal of a hotel from the black-list, he may, after giving a reasonable opportunity of being heard to the hotel-keeper and for reasons to be recorded in writing, order its removal from such list and

issue a fresh certificate of registration on payment of prescribed fees and notify the same for the information of all concerned.

**Notice of removal
and blacklisting of
hotel**

9. Before removing the name of a hotel from the register under Section 7 or blacklisting it under Section 8 of this Act, the prescribed authority shall give a notice to the hotel-keeper the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the hotel-keeper giving him a reasonable opportunity of show cause against it.

**Hotel keeper to
display
information**

10. Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel such information as may be prescribed under the Rules.

**Hotel keeper to
present detailed
bill**

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

CHAPTER-III

REGISTRATION OF TRAVEL AGENTS & TOURIST GUIDES

**Registration of
travel agent and
tourist guide**

12. (1) No person shall carry on the business of a travel agent or tourist guide unless he is registered in accordance with the provisions of this Act.

(2) Any person intending to act as a travel agent and or tourist guide, shall before he commences to act as such, apply for registration to the prescribed authority in accordance with the rules made under this Act.

(3) Notwithstanding anything contained in sub-section (2) above, any person acting as a travel agent and or tourist guide on the date of notification of this Act, shall apply for registration within three months from the aforesaid date.

(4) Every application made under sub-section (2) above shall be

disposed off within a period of two months from the date of receipt of the application, failing which the application shall be deemed to have been accepted for registration.

**Certificate of
registration**

13. The prescribed authority shall, unless registration is refused under Section 14 of this Act direct that the name and particulars of the travel agent or tourist guide be entered in the register maintained for the purpose and issue a certificate of registration to the travel agent or tourist guide in the prescribed form as specified in the rules made under this Act.

Refusal to register

14. (1) The prescribed authority may refuse the registration of a travel agent or tourist guide under the Act on any of the following grounds, namely:-

- (a) if he does not possess any of the prescribed qualifications; or
- (b) if he has been convicted of any offence under the Indian Penal Code, 1860 or under any of the provisions of this Act of any offence punishable under any law for the time being in force 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; or
- (c) if he has been convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and five years have not been elapsed since the termination of sentence imposed upon him; or
- (d) if he has been convicted of any offence punishable under Arms Act, 1959 and five years have not elapsed since the expiry of sentence imposed upon him; or
- (e) if he has been convicted of any offence punishable under Immoral Traffic (Prevention) Act, 1956 and five years have not elapsed since the expiry of sentence imposed upon him; or

(f) if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged; or

(g) if his name has been removed from the register under this Act and one year has not elapsed since the date of removal.

(2) No application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

**Removal of the
name of travel
agent and tourist
guide from the
register**

15. (1) The prescribed authority may, by an order in writing, remove the name of a travel agent or tourist guide, from the register and cancel his certificate of registration on the any of the following grounds; namely:

- (a) if he ceases to act as a travel agent or tourist guide; or
- (b) if he is convicted of any offence under 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; or
- (c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged; or
- (d) if any complaint of malpractice is received and proved against him; or
- (e) if he is black-listed under this Act or Rules as prescribed by the prescribed authority; or
- (f) if he has been convicted of any offence punishable under the Prevention of illicit Traffic in the Narcotic Drugs and Psychotropic Substances Act, 1988 five years have not elapsed since the expiry of sentence imposed upon him; or
- (g) if he has been convicted of any offence punishable under Arms Act, 1959 and five years have not elapsed since the expiry of sentence imposed upon him; or
- (h) if he has been convicted of any offence punishable under the Immoral Traffic Prevention Act, 1956 and five years have

terminated since the expiry of sentence imposed upon him.

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

Black-listing of travel agent and tourist guide

16. (1) The prescribed authority may, on proof of any complaint of malpractice or any other offence committed under this Act, for reasons to be recorded, black-list a travel agent or tourist guide after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority may deem fit.

(2) The particulars of a travel agent or tourist guide black-listed shall be exhibited at conspicuous places and notified as prescribed in the Rules.

(3) Notwithstanding action taken under sub-section (1) above the travel agent or tourist guide shall be liable to be prosecuted under the provisions of law if deemed necessary.

(4) If the prescribed authority is satisfied that there are sufficient grounds for removal of a travel agent or tourist guide from the black-list, he may, after giving a reasonable opportunity of being heard to the travel agent or tourist guide as the case may be and for reasons to be recorded in writing, order the removal of the travel agent or tourist guides from such list and issue a fresh certificate of registration on payment of prescribed fees and notify the same for information of all concerned.

Notice of removal of travel agent and guide

17. Before removing the name of a travel agent or tourist guide from the register under Section 15 of this Act or black-listing him under Section 16 of this Act, the prescribed authority shall give notice to the travel agent of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of that person, giving him a reasonable opportunity of showing cause against it.

CHAPTER-IV**APPEAL****Appeal**

18. (1) Subject to the provisions of sub-section (2) below, 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 thirty days from the date of communication of the order:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing it within the prescribed time limit.

(3) The appellant shall have a right to appear through a counsel and the prescribed authority may be represented by such officer or person or a counsel as the Government 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, dispose off the appeal for reasons to be recorded.

**Procedure to be
followed by
Appellate
Authority**

19. The appellate authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act No.5 of 1908) in respect of the following matters, namely:-

- (1) Summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith;
- (2) Compelling the production of any document;
- (3) Examining witnesses on oath; and
- (4) May summon and examine suo-moto any person whose evidence appears to be material.

Explanation: For the purpose of enforcing the attendance of witnesses and other persons mentioned above, the local limits of the jurisdiction of the prescribed authority extends to the whole of the State.

CHAPTER-V

OFFENCES AND PENALTIES

Penalty for defaulting registration

20. (1) Any person carrying on the business of a hotel-keeper or travel agent or tourist guide without a certificate of registration under this Act or in violation of any of the provisions of this Act shall be punishable with a fine which may extend to rupees five thousand and if the breach is continuing one with a fine of rupees two hundred for each day.

(2) The fine imposed under sub-section (1) above shall be recovered as if it is a fine recoverable under the provisions of the Code of Criminal Procedure, 1973.

Explanation: A person who has made an application within the prescribed period and is pending disposal shall not be a defaulter for the purposes of this Section.

Certificate not to be assigned and penalty

21. Any person who lends, transfers or assigns the Certificate of Registration issued under this Act, shall be liable to punishment with imprisonment which may extend to six months or with fine not exceeding rupees five thousand or with both.

Certificate and documents to be shown to persons

22. (1) Any person registered under this Act, shall, at all times on demand, produce and show certificate of registration or any other document required under this Act to the prescribed authority or any officer duly authorized by him on his behalf.

(2) Any person who refuses on demand to show his certificate of registration or document, shall be liable with punishment not exceeding rupees five hundred.

Penalty for malpractice

23. Any hotel-keeper, travel agent or tourist guide who commits a malpractice or contravenes any other provisions of this Act for which no specific penalty has been provided, shall be liable to punishment with imprisonment for a term which may extend to three months or

- with fine not exceeding rupees one thousand or with both.
- Penalty for obstructing lawful authorities** 24. 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 under this Act, he shall be liable to punishment with imprisonment which may extend to three months or with fine not exceeding rupees one thousand or with both.
- Institution of proceedings** 25. No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority.
- Cognizance of punishable offence** 26. No Court inferior to that of Judicial Magistrate First Class shall try any offence under this Act.
- Procedure for realization of fine** 27. (1) For the purpose of realization of fine or imposition of other punishment under this Chapter, the procedure as provided in the Criminal Procedure Code, 1973 shall be followed.
(2) All complaints shall be filed within one year from the date of offence.

CHAPTER-VI

MISCELLANEOUS

- Prior notice in cases of changes business** 28. (1) Whenever a business for which a certificate of registration is held by a person changes or devolves by inheritance or otherwise upon any person or undergoes a change in respect of any particular person entered in the register under this Act, such person shall, within two months of the date of such devolution or change, notify in writing the fact to the prescribed authority.

(2) The prescribed authority shall by an order in writing make necessary changes in the register maintained for the purpose and in the certificate of registration.

(3) Notwithstanding anything contained in sub-section (2) above the prescribed authority may by order in writing remove from the register the name of the person in whose favour the certificate was issued and cancel the certificate of registration if the successor is not qualified to be registered under this Act, after giving a reasonable opportunity of being heard to the successor.

**Return of
certificate of
registration**

29. When a certificate of registration is cancelled under this Act, the person holding such certificate shall, within seven days from the date of official issue of notification of the order of cancellation, return it to the prescribed authority.

**Certificate of
registration to be
kept exhibited**

30. The certificate of registration 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.

**Publication of list
of the persons
removed from the
register**

31. The prescribed authority shall from time to time publish in such manner it deems fit, names and addresses of the persons and of the hotel, travel agents or tourist guides whose names have been removed from the register and who have been refused registration under this Act.

Power to inspect

32. The prescribed authority or any person authorized by him in this behalf or any other lawful authority may inspect at all reasonable times, the hotel or the premises in which a travel agent or tourist guide carries on his business, and require the hotel-keeper, travel agent or tourist guide to produce any document, kept in pursuance of this Act or the rules made there under for inspection.

Power of the Government to apply the Act and to other persons

33. The Government may by notification in the official Gazette direct that the provisions of this Act or the rules made there under, with such exceptions, adaptations or modifications as may be considered necessary, also apply to persons doing business of letting hire tents, sleeping bags, rafting materials and or to such other persons as may be specified in the notification.

Powers and duties of police in respect of an offence and assistance

34. Every police officer shall provide information to the prescribed authority of offences coming to his knowledge, which has been committed under this Act and render all assistance to the prescribed authority in exercise of his lawful authority.

Indemnity

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

Power to make rules

36.(1) The Government may, by notification in the official Gazette, shall with previous publication of thirty days make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:-

- (a) maintenance of registers books and forms by a hotel-keeper, travel agent or tourist guide for conduct of business;
- (b) form of application for registration and certificate of registration;
- (c) fee for registration;
- (d) manner of giving notices under this Act;
- (e) constitution of a committee for classification of hotel, travel agents or tourist guides;
- (f) classification of hotel, travel agents and tourist guides;
- (g) qualifications for registration of travel agents or tourist guides;
- (h) manner of publication of the names and addresses of the

persons and of the hotel removed from the register or to whom registration has been refused;

- (i) manner in which a hotel, travel agent or tourist guide shall be blacklisted and the publication of names and addresses of such a hotels, travel agents or tourist guides;
- (j) place where the prescribed authority shall hold enquiry under this Act; and
- (k) all manners expressly required to be prescribed under this Act.

**Supply of
statistical data**

37. Every hotel, travel agent or tourist guide shall submit Statistical Data of tourist arrivals, occupancy and number of person employed by the hotel, travel agent or tourist guide, as the case may be, and any other information as may be called for from time to time in the manner as prescribed in the Rules.

Exemptions

38. This Act shall not apply to Government guest houses, dak bungalow, Inspection Bungalow, Circuit House, tourist lodges managed and run by Government primarily for government accommodation.

**Power to remove
the difficulties**

39. If any difficulty arises in giving effect to any of the provisions of this Act, Government may, by order, remove such difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Meghalaya Registration of Tourist Trade Bill, 2019 is proposed to provide the law for the registration of persons and agent dealing with tourists and for matters connected therewith. At present the tourist trade activities has been expanding and increasing rapidly in the State, however there is no enactment in the State to regulate the tourist operation and such operators, individual and agents. Therefore, the Bill is aimed at providing the provisions for regulating tourist trade and operation, registration of persons dealing with tourists, tourist agent and guides, including penalties for offences under the Bill.

Hence, this Bill.

(Metbah Lyngdoh)

Minister Tourism

(Andrew Simons)

Commissioner & Secretary
Meghalaya Legislative Assembly



FINANCIAL MEMORANDUM

No additional expenditures will be incurred from the Consolidated Fund of the State after the Bill is enacted.

MEMORANDUM ON DELEGATED LEGISLATION

Section 36 of the Bill delegates power to Government to frame rules under the Bill and the others are of normal character.