



The Rajasthan Tourism Trade (Facilitation and Regulation) Act, 2010

Act 9 of 2010

Keyword(s):

Certificate of Recognition and Registration, Guide, Hawking Articles for Sale, Heritage Hotel, Malpractices

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LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)
NOTIFICATION

Jaipur, April 29, 2010

No. F. 2 (14) Vidhi/2/2010.--In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorize the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Paryatan Vyavasay (Sukarkaran Aur Viniyaman, Adhinyam, 2010 (2010 Ka Adhinyam Sankhyank 9) :-

(Authorised English Translation)

THE RAJASTHAN TOURISM TRADE (FACILITATION
AND REGULATION) ACT, 2010
(Act No. 9 of 2010)

[Received the assent of the Governor on the 28th day of April, 2010]

An

Act

to provide for acceleration of growth of tourism trade and industry in the State and to provide for, at various tourist destinations, facilities to the tourists visiting the State and to provide for certain measures to make their travel hassle free as also to regulate conduct of persons confronting them or dealing with them and for boosting tourism traffic at heritage sites and also to provide for matters connected therewith and incidental thereto.

Whereas, with a view to accelerate tourism potential of the State, it is expedient to declare specifically tourism sector and trade therein as an industry and to make better provisions for upkeep of places and locations frequented by tourists by making it a statutory duty of the local authorities and making compliance thereof mandatory as also to ensure removal of hindrances coming in the way of tourists and further to make their visit comfortable, easy and self-assuring, to adopt certain measures in the shape of establishment of Tourist Assistance Force to deal with persons like touts (which in common parlance are known as 'lapkas'), beggars,

hawkers, taxi-car drivers, (which includes auto rickshaws and rickshaws) or any other elements who unduly harass or annoy the tourists so as to solicit and obtain undue pecuniary gain;

Whereas, it is further expedient to provide for setting out standards of services being provided by service providers and provide for recognition of service providers who are found to be of requisite standard and to provide for adherence by them to the stipulated norms and standards of the trade as also to provide for their obligation thereunder and also to provide for consequences of non-adherence thereof;

Whereas, it is further also expedient to provide for facilitation of growth of tourism trade and industry by offering avenues for investment by public-private partnership and to provide for collection of statistical data from service providers for the purpose of monitoring, future planning and growth of tourism trade and industry.

Be it enacted by the Rajasthan State Legislature in the Sixty-first Year of the Republic of India, as follows:-

CHAPTER - I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Rajasthan Tourism Trade (Facilitation and Regulation) Act, 2010.

(2) It shall extend to whole of the State except sections 13, 14 and 20 which shall extend only to such places and areas which are tourist areas or tourist destinations or heritage sites.

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

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context, -

(a) "appellate authority" means an appellate authority appointed under sub-section (2) of section 5 and notified as such in the Official Gazette;

- (b) "certificate of recognition and registration" means a certificate issued under sub-section (4) of section 4;
- (c) "Commissioner" means the Commissioner, Department of Tourism, Government of Rajasthan and includes the Director, whenever an officer is posted on the aforesaid post with such designation;
- (d) "Guide" means a person who is authorized under a license issued under section 8 to conduct tourists around tourist spots, monuments etc.;
- (e) "hawking articles for sale" means carrying and selling articles as a hawker in the tourist area for sale to the tourists and offering articles to the tourists even when not solicited and such offer is specifically spurned down and still the hawker persisting in selling the articles even by following a tourist in an undesirable manner and pestering a tourist to purchase the articles offered;
- (f) "heritage" includes anything inherited from ancestors whether as gifts of nature to mankind such as air, water, land (including flora and fauna, groves, mountains, hills, hillocks, rocks, caves, points, walk ways, rides, water falls, lakes, rivers, gorges etc.) or as man made things such as forts, palaces, other buildings and structures, artifacts including areas and precincts of historical, architectural, aesthetical and cultural significance covering manner of town and country planning as also way of life, generally encompassing faith, belief, ethos, art, literature, scriptures, customs, traditions, fairs, festivals, food habits and clothings and general trait of behaviour passed down from previous generations;
- (g) "heritage hotel" means a hotel run in a fort, a fortress, a palace, a haveli, a castle, hunting lodge or residences with heritage features built prior to a date specified by the State Government;

- (h) "hotel" means any premises or part of premises where lodging with or without board or other services are by way of business or trade is provided for a monetary consideration;
- (i) "hotelier" means any person who operates a hotel as proprietor and includes a person managing the affairs of a hotel on behalf of proprietor;
- (j) "local authority" means a Municipal Corporation, Municipal Council, Municipal Board, Panchayati Raj Institution, Jaipur Development Authority, Jodhpur Development Authority or any similar Authority established by law and Urban Improvement Trusts in their respective area of jurisdiction and shall include any other authority declared as such by the State Government;
- (k) "malpractices", includes,-
- (i) touting (which shall include pestering any tourist or group of tourists for availing facilities of shopping, accommodation, transportation, sightseeing or even goading to the extent of harassing tourist to visit any particular premises or establishment, dealer or any other service providers connected with tourism trade or any other establishment where tourist would like to stay or purchase something);

Explanation.-Any recognized, registered or bonafide service provider already engaged by any tourist or whose services were hired or resorted by the tourist voluntarily, when receives or contacts any tourist at any place where tourist visits, such person while so receiving or contacting shall not be treated as a tout within the meaning of this clause:

- (ii) charging a price higher than that displayed and/or declared;

- (iii) charging remuneration higher than that fixed;
- (iv) failure to display prices;
- (v) failure to display tariff;
- (vi) failure to give cash memo/credit memo;
- (vii) failure to execute an order according to terms agreed within reasonable time after the expiry of the period for performance of the obligation;
- (viii) charging tariff higher than fixed and displayed;
- (ix) the receiving and paying of any monetary gratification or commission for touting, coercing or forcing the tourist;
- (x) use of misleading names and logos such as palace, fort, haveli even when requisite characteristics of such places are missing; or showing of incorrect star rating of a hotel or showing names or abbreviations and logos similar to those which are in existence since long and reputed as such; with the intention to attract the tourists or people at large by colourable imitation of established and reputed name of bonafide service providers or public bodies; and
- (xi) any uncalled for person waiting outside any tourist place and hotel with intent to follow any tourist without his/her wishes;

Explanation. -For the purposes of this clause, -

- (I) delay or fault in service owing to mechanical or natural failure of any system or apparatus despite due care and caution would not amount to be malpractice;
- (II) inability of any service provider to perform its commitments owing to vis majeure or State action, will not be treated as a malpractice;
- (I) "motel" means a wayside place which provides basic amenities for tourists travelling by road

including regular meals, fast food, over night accommodation, parking place etc.;

- (m) "paying guest" means a tourist who stays in a paying guest accommodation approved by the Department of Tourism, Government of Rajasthan or the Central Government;
- (n) "paying guest accommodation" means a place of residence where a tourist stays on payment for boarding and lodging and such accommodation is recognized as such by the Department of Tourism, Government of Rajasthan or the Central Government;
- (o) "prescribed authority" means the prescribed authority appointed by the State Government for the purpose of this Act and notified as such in the Official Gazette;
- (p) "Schedule" means Schedule appended to this Act;
- (q) "service provider" shall include hotels, heritage hotels, motels, restaurants, dhabhas, Paying Guest Houses, handicraft shops or emporias, travel agents, tour operators, excursion agents, travel transport agencies, taxi-cabs, Guides and similar service providers who are providing services to the tourists whether they are recognized and registered as such or not by the prescribed authority;
- (r) "tourism unit" means such of the service providers as have been recognized as such or may be declared as tourism unit by the State Government from time to time;
- (s) "tourist" means a person who travels for pleasure and which,-
- (i) in relation to a foreigner shall mean a person visiting the State on a foreign passport, staying

at least twenty four hours in the State, the purpose of whose journey is leisure (recreation, holiday, health, study, religion and sport), business, family, mission or meeting; and

- (ii) in relation to domestic traveller shall mean a person who travels to the State from outside the State or within the State to a place other than his usual place of residence and stays at the hotels or other accommodation establishments (such as tourist bungalows, travellers' lodges, youth hostels etc.) or in Dharam Shalas, Sarais, Musafir khanas or such other places for a duration of not less than twenty four hours or one night for the purposes for pleasure (holidays, leisure, sports etc.), pilgrimages, religious and social functions/gatherings, business conferences/meetings, study and health;

Explanation.-For the purposes of this clause,-

- (a) persons coming to take up occupation or activities which are remunerated within the State;
- (b) person coming to establish residence in the State;
- (c) same day visitors i.e. temporary visitors such as travellers on cruises who stay for less than twenty four hours in the State;
- (d) persons visiting their home town or native place on leave or short visit for meeting relatives and friends, attending official work, social and religious functions etc. and stay in their own

homes or with the relatives and friends
and not using any sight seeing facilities;

(e) foreigners resident in the State having
taken up job or occupation in the State-

are not to be regarded as tourists;

- (f) "tourist area" means an area frequently visited by
tourists;
- (g) "Tourist Assistance Force" means the Tourist
Assistance Force specified under section 17;
- (h) "Tourist Assistance Force Personnel" means
members of all ranks of the Tourist Assistance
Force as specified under section 17;
- (i) "tourist destination" means such place, locality or
township or large geographical area containing
several tourist areas to which tourists usually visit;
and
- (j) "travel agent", "excursion agent" or "tour operator"
means and includes a person or agency engaged in
the business of making travel arrangements for
tourists for a monetary consideration.

CHAPTER-II

*Recognition and registration of service providers and regulation of
certain tourism trade related activities*

**3. Expert Committee for setting out norms, standard
and general principles for recognition and registration of
service providers.**— (1) For the purpose of ensuring that services
provided by service providers to the tourists are of acceptable
standard, the State Government shall appoint a Committee to set
out standards for service providers of various categories.

(2) After considering the recommendation of the Committee referred to in sub-section (1), the State Government shall declare standard and norms for recognition and registration of service providers and general principles governing such recognition and registration by framing and publishing a scheme of recognition and registration for general information. The scheme shall also classify the norms and standard, contravention of which shall be deemed minimal, graver or gravest for the purposes of section 4.

4. Recognition and registration of service providers, their obligations and consequences of non-adherence to norms and conditions of recognition.— (1) Any service provider operating or intending to operate as a service provider in the State, if and when desire to have itself/himself recognized by the Department of Tourism of the State, may apply to the prescribed authority in such manner and in such form as may be provided in the scheme framed under section 3.

(2) Every application presented under sub-section (1) shall be disposed of by the prescribed authority within ninety days from the date of receipt thereof.

(3) The prescribed authority shall, unless the application is rejected and recognition and registration is disallowed or refused, record particulars of the concerned service provider in the prescribed register of service providers which are recognized and registered as such. The register shall contain such particulars and shall be maintained in such form as may be prescribed.

(4) Whenever the application of a service provider is allowed and registered under sub-section (3), the prescribed authority shall issue a certificate of recognition and registration, in such form and on payment of such fee as may be prescribed.

(5) Where any application is rejected under sub-section (3), the prescribed authority shall record reasons thereof and communicate the same, in writing, to the applicant:

Provided that no application for recognition and registration shall be rejected or refused unless the applicant is heard and reasonable opportunity of being heard is afforded to him in the matter.

(6) Every service provider who is recognized and registered under this section shall be under an obligation to maintain the requisite standard and follow the norms of trade specified under the scheme framed and published under section 3.

(7) When any service provider fails to maintain the requisite standard of services provided by him or to comply with the norms of the trade or services offered and make default in discharging responsibility as recognized service provider as set out for him in the scheme made and published under section 3, then such service provider shall, besides being liable for imposition of penalty not exceeding the amount specified for each category of service providers in the Schedule, be derecognised and his name shall be struck off from the register and his certificate of recognition and registration shall be cancelled:

Provided that before imposing penalty and/or derecognising, cancelling registration of any service provider after striking of his name from the register, the prescribed authority shall serve a notice upon him calling him to show cause as to why the purported action should not be taken against him and afford him a reasonable opportunity of being heard in the matter.

(8) Where the non-adherence to norms and standards is found to be minimal, the prescribed authority may, instead of proceeding against the service provider under sub-section (7), censure the service provider and ask him to be careful in future and where the breach of norms is graver, the prescribed authority, instead of proceeding under sub-section (7), impose upon the defaulting service provider a penalty, not exceeding the amount specified in the Schedule appended to this Act:

Provided that action under sub-section (7), may be taken only in such of the cases of default where violations of norms and standard are gravest and where situation does not improve even after censuring and/or penalizing the service provider.

(9) The register containing names and particulars of service providers shall constantly be maintained, updated and shall be available on the website of the Department of Tourism of the State Government for information of tourists and people in general and may also be published in Newspapers, other periodicals as also through other modes, at such intervals, as the Commissioner of the Department of Tourism may consider appropriate.

5. Appeal.— (1) An appeal against the order made under sub-section (7) or (8) of section 4 by the prescribed authority shall lie to the appellate authority.

(2) The appellate authority shall be appointed by the State Government and notified as such in the Official Gazette.

6. Exit from recognition and registration.— Any service provider recognised and registered under section 4 shall have liberty to seek exit out of recognition and registered entities by making such an intention made known in writing to the prescribed authority, at least three months prior to the date from which exit is sought and thereafter the prescribed authority shall deregister that service provider and his name shall be struck off from the register of recognition and registered service providers.

7. Registration of paying guest accommodation.— (1) No person shall allow or use his house as a paying guest accommodation unless he is registered with the Department of Tourism, in accordance with the paying guest scheme framed by that Department.

(2) Whoever contravenes the provisions of sub-section (1) or the provisions contained in the scheme framed thereunder, he shall be liable to be imposed with a penalty of rupees five hundred

by the prescribed authority for first contravention and in case of second violation he shall be liable to be imposed with the penalty of rupees one thousand by the said authority.

(3) Where the contravention continues even after imposition of penalties under sub-section (2), the person contravening the provisions of sub-section (1) shall, on conviction, be liable to be with fine which may extend to rupees two thousand or with imprisonment which may extend to seven days or with both.

8. Licensing of Guides.— (1) The prescribed authority shall issue licences in the manner as may be prescribed to such number of Guides as the State Government may determine from time to time.

(2) Notwithstanding anything in any Rajasthan law, the Guides licensed by the prescribed authority shall be allowed free entry into all monuments and places of tourist interest situated within the State of Rajasthan under the control of any of the following, namely:—

- (a) Department of Archaeology and Museums, Government of Rajasthan; or
- (b) Forest Department, Government of Rajasthan; or
- (c) Any other Department or instrumentality of the State Government;

Provided that necessary permission shall have to be obtained by the Guides in respect of the monuments and places which are under the control of the following, namely: -

- (i) Archaeological Survey of India; or
- (ii) any private trust; or
- (iii) any other agency, which is not controlled by the State Government.

(3) The State Government shall frame rules for licensing of Guides and no person shall act as a Guide on payment of remuneration in lieu of providing services as a Guide unless he is

licensed by the prescribed authority under sub-section (1) in accordance with the rules made under this Act.

(4) Whoever is found to be acting as a Guide, without obtaining licence from the prescribed authority, shall be liable to be imposed with a fine not exceeding rupees one thousand upon the matter being reported to the prescribed authority by any member of the Tourist Assistance Force or any officer of the Department of Tourism and the prescribed authority shall hold enquiry and afford opportunity of hearing to the person concerned before passing orders for imposition of fine.

(5) Whoever is found to be acting as a Guide, at any tourist destination, without obtaining licence from the prescribed authority, even after once fined for such an offence under sub-section (4), shall be liable to be arrested without warrant by any Police Officer not below the rank of Sub-Inspector.

(6) Any person arrested under sub-section (5) shall be produced before the Judicial Magistrate having jurisdiction and such person shall, on conviction, be punished with simple imprisonment for a term which may extend to fifteen days or with a fine which may extend to rupees two thousand or with both.

9. Regulation of certain tourism trade related activities.—The Commissioner shall, from time to time, make regulations with the prior approval of the State Government to regulate tourism trade related activities like amusement parks, facilities at ropeways at the sites of embarkation and disembarkation, elephant/camel/horse safari, tourist villages, resorts, rural tourism, handicrafts, and other facilities like restaurants, cafeterias in the tourist area or a tourist destination, for the purpose of regulating such services with the object of providing quality facilities and services to the tourists and to the local populace as also to ensure safety and good health of people using such services and for that purpose such regulations may include

norms, standards, criteria and terms and conditions for settings up, running and continuing such services or activities:

Provided that if the regulation made under this section relates to any matter with respect to which there is a provision in any other law, rule, regulation or bye-law of the local authority in relation to public health, sanitation, licensing or with regard to safety, such regulation shall be subject to such law, rule, regulation or bye-law.

CHAPTER – III

Recovery of dues

10. Recovery of dues.—The amount of penalty imposed under the provisions of this Act, if not paid by the persons liable to pay within sixty days from the date of final order imposing penalty, shall be recoverable as arrears of land revenue.

CHAPTER-IV

Facilitation and regulation of film shootings

11. Facilitation and regulation of film shootings.— (1) Notwithstanding anything in any Rajasthan Law,-

- (i) any person willing to undertake film shootings at any place or location situate in tourist area or at heritage site or any other location in the State which is owned by the State Government or vested by the State Government in a local authority for holding the same in its behalf, shall apply to the Commissioner who shall act as the nodal agency for all the Departments of the State;
- (ii) the Commissioner shall make regulations with the prior approval of the State Government to regulate the activities of film shootings and such regulations among other things may provide for,-

- (a) single window clearance system for disposal of applications for intending film shooting by agencies;
 - (b) form of application and application fee;
 - (c) location fee per day;
 - (d) charges for police convoy;
 - (e) processing charges;
 - (f) security deposit;
 - (g) an undertaking from the applicant that he will not deface, defile or damage any natural or man made heritage site which is part of the location for film shooting and that in case any damage is caused, he shall, make good the loss by paying restoration charges and be also liable for punishment and penalties in accordance with law where the damage is irreparable or was caused by negligence or in a deliberate manner;
- (iii) once such permission is granted by the Commissioner, in accordance with the provisions of regulations framed under this section, the same shall be binding on all the departments of State and the local authorities.

(2) The regulations made under sub-section (2) shall be published in the Official Gazette.

(3) No person shall undertake film shootings in places or locations specified under clause (i) of sub-section (1) unless permitted to do so by the Commissioner.

12. Penalties and punishment for contravention.- (1) Whoever,-

- (a) contravenes the provisions of sub-section (3) of section 11 or makes default and commits irregularities in violation of provisions of regulations made thereunder;
- (b) by acts of omissions and commission or by negligence defaces, defiles, destroys or damages,

anything which is subject to restoration at any heritage site or any other premises or any place of natural heritage such as forests (with its flora and fauna) hills, hillocks, ravines, sand dunes, lakes, rivers, and the like where film shooting was allowed by the State Government;

shall be liable for restoration charges where the damage caused is subject to restoration.

(2) Where the damage is repairable, the Commissioner shall assess the cost of restoration after consulting the Public Works Department of the State Government and other experts on the subject, if any, and order for imposition of restoration charges and recovery thereof and besides ordering for recovery of restoration charges, may impose a penalty not exceeding rupees ten lakhs.

(3) Whoever, to whom permission is granted for film shooting under section 11, is found to have caused damage to the place, location or other things at a heritage site, not by negligence but through deliberate acts with the knowledge that his acts or omissions or commissions are likely to cause or bound to cause damage to the sites, premises, locations and the damage caused to is found to be so extensive and irreparable that the same cannot be restored or repaired, he shall, on conviction, be sentenced to a term of imprisonment which may extend to three months or with fine or with both.

(4) The penalty and punishment, under sub-section (1), shall be imposed and inflicted without prejudice to any other action or proceeding which may be initiated or proceeded with, including convictions and sentence for violation or contravention of any other law.

(5) Whoever,-

- (i) violates the undertaking given under and in accordance with the provisions contained in sub-clause (g) of clause (ii) of sub-section (1) of section 11; or

- (ii) contravenes the provisions of sub-section (3) of section 11; or
- (iii) is found to have otherwise wantonly caused damage to any heritage site,

shall be guilty of offence of,-

- (a) violating the undertaking given under sub-clause (g) of clause (ii) of sub-section (1) of section 11; or
- (b) contravention of provisions contained in sub-section (3) of section 11; or
- (c) wantonly causing damage to the heritage site,

as the case may be, and for each of such offence, such person shall, on conviction, be punishable with rigorous imprisonment which may extend to three years or with fine which may extend to rupees ten lakhs or with both.

CHAPTER - V

Prohibition of certain acts and activities in the tourist place, areas or destination and punishment for contravention thereof

13. Prohibition of certain acts and activities in the tourist places, areas and destinations.— (1) Notwithstanding anything to the contrary contained in any Rajasthan law, no person shall engage in the practice of touting, begging and hawking articles for sale in or around any tourist place, areas or destinations.

(2) Whoever engages in actual practice of touting at any place in or around any tourist area or tourist destination, shall be arrested without warrant by any Police Officer and shall be produced before the Judicial Magistrate, having jurisdiction, and such person shall, on conviction, be punished with rigorous imprisonment which may extend to three months or with a fine which may extend to rupees three thousand or with both.

(3) Whoever commits subsequent offence of touting in violation of provisions of sub-section (1), and engages in the practice of touting even after having been punished once under sub-section (2), shall be arrested without warrant by any Police Officer and shall be produced before the Judicial Magistrate having jurisdiction and such person shall, on conviction, be punished with rigorous imprisonment which may extend to three years or with fine which may extend to rupees thirty thousand or with both.

(4) Whoever, habitually engages in the practice of touting even after having been punished more than once i.e. under sub-section (2) and sub-section (3) shall be arrested without warrant by any Police Officer and shall be produced before the Judicial Magistrate having jurisdiction and such person, on conviction, be punished with rigorous imprisonment which may extend to seven years or with fine which may extend to rupees one lakh or with both.

(5) Whoever practices begging or engages himself in hawking articles for sale at any place of tourist importance or any tourist destination or in any tourist area, shall upon first contravention of prohibition made under sub-section (1), shall be dispersed by the Tourist Assistance Force Personnel and such person shall be removed from that area.

(6) Whenever it appears to any Tourist Assistance Force Personnel that any beggar or hawker or a body of such persons whose activities are prohibited under sub-section (1), have entered in the tourist area, shall direct the persons contravening the prohibition to leave the area and remove themselves beyond that area.

(7) Whenever there is reasonable apprehension or likelihood of entry of persons or group of beggars or hawkers whose activities are prohibited under sub-section (1), the Tourist Assistance Force Personnel shall prevent their entry in the tourist

area and direct them not to enter there. The Tourist Assistance Force Personnel shall record the entry of this fact in a diary which shall be maintained by them in the prescribed manner.

(8) Whenever any person or group of persons to whom direction has been given under sub-section (6) or sub-section (7), to remove himself or themselves from the tourist area, -

- (a) fails to remove himself or themselves as directed; or
- (b) having removed himself or themselves, re-enters the area or part thereof-

shall be apprehended and removed from that area by any Police Officer and released outside that area and entry of such apprehension and release shall be recorded in the daily diary maintained at the police station.

(9) Whoever commits further violation of the prohibition imposed on begging or hawking articles for sale in any tourist area under sub-section (1), even after having committed violations under sub-sections (6) or (7) and his consequential removal under sub-section (8), the offender shall be arrested by any Police Officer and shall be produced before any officer of Tourism Department, not below the rank of Assistant Director who shall record the statement of the Police Officer as well as of the offender and peruse the daily diary or other record showing events of violations of this Act by the offender and after hearing the offender and the Police Officer record his findings in a summary manner and where the offender is found to be guilty of violation of prohibition as aforesaid in this section, the concerned officer of Tourism Department shall impose a fine not exceeding rupees five hundred for violation of provisions of sub-section (1).

(10) Whoever commits any subsequent violation of the prohibition imposed on begging or hawking articles for sale in any tourist area under sub-section (1), even after having been punished under sub-section (9), shall be arrested without warrant by any Police Officer and the offender shall be produced before the

Judicial Magistrate, having jurisdiction, and shall, on conviction, be punished with rigorous imprisonment which may extend to three months or with a fine which may extend to rupees three thousand or with both.

CHAPTER - VI

Duties of local authorities towards public health and sanitation in the tourist area

14. Duties of local authorities towards public health and sanitation etc.— (1) Notwithstanding anything contained in any Rajasthan Law, the local authorities under whose local areas, the places of tourist destination or tourist areas are situate, shall have the duty to ensure cleanliness and check defacement and defiling of the properties in their respective local areas as also to effectively enforce the laws prohibiting littering on streets and public places and to maintain general cleanliness at all roads, streets and public places and, therefore, it is hereby declared their statutory duty to keep all places and areas of tourist destination, clean and hygienic and concerned local authorities shall ensure cleaning of roads, drains, main-holes and maintenance of street lights and prevention of encroachments in and around those places and heritage sites in respective areas, which are known as tourist areas or an area frequented by tourists.

(2) The State Government, in the Department of Urban Development shall oversee the compliance of provisions contained in sub-section (1) and may issue directions to the concerned local authorities for strict compliance of their statutory duty and in cases of persistent non-compliance and default, initiate action against erring local authorities in accordance with the laws governing such local authorities.

CHAPTER - VII

Statistical information

15. **Statistical information.**— (1) Each and every service provider whether licensed, recognized or registered as service provider of any category under the provisions of this Act or not, shall be duty bound to furnish such statistical information or statistical data and at such intervals and in such form to such authority as may be prescribed.

(2) If any person, who is required to furnish the statistical information in terms of sub-section (1), fails to furnish such statistical information within the period as may be prescribed, he shall, upon first non-compliance, be liable to be imposed with a penalty which may extend to rupees one thousand and upon second or subsequent non-compliance, be liable to be imposed by the said authority with a penalty which may extend to rupees two thousand.

(3) Where any non-compliance of the provisions of sub-section (1) is reported to the prescribed authority by any officer of the Department of Tourism, the prescribed authority shall, before imposing penalty under sub-section (2), call upon the defaulting person to show cause as to why a penalty as provided under said sub-section should not be imposed and after showing cause by the defaulting person, where the prescribed authority is satisfied that delay in furnishing the statistical information was not deliberate and the said person was prevented by cause beyond his control, he may condone the delay and in case he is not satisfied with the reasons put forth by the defaulting person, he may, by order, impose a penalty assigning reasons therefor in the order.

(4) Where any person bound to furnish statistical information in terms of the provisions contained in sub-section (1), continues to contravene the provisions of said sub-section even after the imposition of penalties under sub-section (3), shall, on conviction, be punished with simple imprisonment for a term which may extend to two months or with fine or with both.

CHAPTER VIII*Declaration of tourism trade as industry*

16. Declaration of trade and service providers under tourism sector as industry.— All trade and service providers in tourism sector are hereby declared as industry for all such purposes as are outlined in the tourism policy of the State Government or as may be declared by it from time to time which may include availability of incentives to recognized and registered tourism units, and concessions from State Government in accordance with the rules made by the State Government in this behalf as also for availability of finance through financial institutions in accordance with their norms and policies.

CHAPTER- IX*Tourist Assistance Force*

17. Tourist Assistance Force.— (1) A special group of personnel known as Tourist Assistance Force shall be engaged, deputed or appointed by the Commissioner on such terms and conditions as may be specified by him from time to time after seeking prior approval of the State Government.

(2) The Tourist Assistance Force shall consist of such specially trained police personnel drawn from Rajasthan State Police or other suitable trained personnel as the State Government may determine and specify.

(3) The Tourist Assistance Force shall discharge such functions as are assigned to it under this Act and such other functions as the State Government may assign to them in accordance with law for the time being in force in the State.

(4) The Officer Incharge of the Department of Tourism at the tourist destination shall deploy the Tourist Assistance Force at various places in the tourist area in consultation with the Deputy Superintendent of Police incharge of that local area. The officers of

these two departments shall ensure that necessary assistance is provided to the tourists and they are protected against harassment. In case of a dispute between the officers of two departments the matter shall be referred to the District Magistrate and whose direction thereon shall be final and binding upon them.

(5) The Officer Incharge of the Department of Tourism having jurisdiction over the local area comprising the tourist area or tourist destination shall have power to give directions to the Tourist Assistance Force personnel if and when such occasion arises and they shall comply with those directions in the matters of functions assigned to them under this Act or the rules or regulations made by the State Government or the Commissioner under this Act.

(6) The Tourist Assistance Force personnel shall keep watch on touts, hawkers, beggars etc. and for enforcing the provisions of this Act, the Tourist Assistance Force personnel shall patrol the tourist areas and timely inform the concerned Police Officer at police station having jurisdiction for initiating appropriate action against the illegal hawkers and touts, beggars etc. and the Station House Officer time being incharge of the police station, shall act in accordance with law to enforce the provisions of this Act and provide help to the Tourist Assistant Force personnel.

(7) The Tourist Assistance Force personnel shall wear name tag and such uniform and insignia and other accessories as may be determined by the State Government and shall carry a photo identity card duly displayed on their person.

18. Framing of regulations for regulating the functions assigned to the Tourist Assistance Force.— Subject to the prior approval of the State Government, the Commissioner may frame regulations, not inconsistent with the provisions of this Act or any other law for the time being in force for regulating the Tourist Assistance Force.

CHAPTER-X*Heritage tourism*

19. Formulation of policy on heritage tourism.— (1) The State Government shall formulate policy on heritage tourism incorporating therein package of special concessions and incentives for heritage hotels, other heritage sites and heritage villages and provide general guidelines for development as also for facilitation and regulation thereof, and make it public in the form of booklets and afford wide publicity through media.

(2) Such policy may be revised by the State Government from time to time to pave the way for proper and timely growth of heritage tourism.

20. Guidelines for maintenance of good hygienic conditions at heritage sites.— (1) The State Government besides formulating policy on heritage tourism under section 19 shall have powers to issue special or general directions, from time to time, with regard to manner in which the liquid or solid waste, if any, generated by hotels, restaurants, kiosks, tea shops or stalls etc. near the heritage sites shall be disposed off.

(2) All activities pertaining to displaying of advertisements, erection of display hoardings etc. near the heritage precincts or sites shall be regulated by the rules or regulations framed by the State Government or the concerned local authorities.

(3) Whoever contravenes the directions given under sub-section (1) shall be liable to be imposed with a fine not exceeding rupees five thousand by the prescribed authority:

Provided that before imposition of fine, the prescribed authority shall hold enquiry and afford opportunity of hearing to the person concerned before passing orders for imposition of fine.

(4) Whoever further contravenes the directions issued under sub-section (1) even after imposition of fine or fines under sub-section (3), shall, on conviction, be punished with simple

imprisonment for a term which may extend to three months or with a fine which may extend to rupees twenty five thousand or with both.

(5) The contravention of provisions of sub-section (2) shall be dealt with by the concerned local authorities in accordance with law for the time being in force in the local area comprising the heritage sites or precincts.

CHAPTER – XI

Public- private participation in the tourism industry

21. Public-private participation in the tourism industry.— (1) Efforts shall be made by the Department of Tourism for inviting and effecting collaboration with private entrepreneurs in respect of those units of public sector undertakings which can give better results by such a measure.

(2) New viable projects or units servicing the tourism sector may be floated so as to attract private participation.

(3) Incentives may be offered to the entrepreneurs so as to generate feeling of assurance of viability and profitability in the trade.

CHAPTER-XII

Miscellaneous

22. Punishment for false display of recognition.— (1) Any service provider, who is not recognized and registered under and in accordance with the provisions of this Act, falsely represents that he is recognized and registered by the Department of Tourism or the State Government as a service provider for specific services, the prescribed authority shall have power to impose a penalty of, not exceeding rupees ten thousand for the first such offence, and not exceeding rupees one lakh for second or subsequent offence:

Provided that before ordering imposition of penalty, the prescribed authority shall afford reasonable opportunity of showing cause against the proposed action.

(2) An appeal against the order of the prescribed authority may be preferred by any aggrieved person within thirty days from the date of order, before the appellate authority and the order of the appellate authority shall be subject to review by the State Government.

(3) Where any service provider, even after imposition of penalty under sub-section (1), continues to display or show that he is recognized or registered as such by the Department of Tourism or the State Government, he shall, on conviction, be punished with simple imprisonment for a term which may extend to two months or with fine or with both.

23. Punishment for malpractice or other contravention.— Whoever commits any malpractices in a tourist area or contravenes any of the provisions of this Act for which no specific penalty has been provided under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

24. Punishment for persistent contravention, violation or default.— Any person who commits further contravention, violation or default of any of the provisions of this Act even after the imposition of penalties and infliction of punishment specified under this Chapter shall, on conviction, be sentenced to such term of simple imprisonment which may extend to three months.

25. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding whatsoever shall lie against the State Government, or any functionary of the State Government or the Tourist Assistance Force personnel exercising powers under this Act or any person in respect of anything which is in good faith done or intended to be done under this Act, or the rules, regulations or scheme made or framed thereunder.

26. Cognizance of offences by courts.— No court shall take cognizance of any offence punishable under Chapters II, IV, V, VII, X and XII of this Act save on the complaint made by or under the authority of the State Government or the prescribed authority.

27. Offences by companies.— (1) Where any contravention of any of the provisions of this Act is made by a company, every person who, at the time when the contravention was made, was incharge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,-

- (a) "company" means, any body corporate, and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

28. Powers of the prescribed authority to summon and enforce attendance of witnesses and other persons.— (1) The prescribed authority shall have all the powers which are vested in a

civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely:-

- (i) summoning and enforcing attendance of a person against whom inquiry is to be conducted and witnesses required in connection therewith;
- (ii) compelling the production of any document; and
- (iii) examining witnesses on oath.

(2) In addition to that which is provided under sub-section (1), the prescribed authority shall have power to summon or examine *suo motu* any person whose evidence in his opinion appear to be material for reaching at a just conclusion in any matter being inquired into by him.

(3) For the purpose of enforcing the attendance of witnesses and other persons referred above, the local limits of jurisdiction of the prescribed authority shall extend to whole of the State.

29. Act to over ride other laws.— Save as otherwise provided under this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Rajasthan law for the time being in force or any custom or usage or instrument having effect by virtue of any such law.

30. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removal of difficulty:

Provided that no order under this section shall be made after expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is so made, before the House of the State Legislature.

31. Power to make rules.— (1) The State Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of the State Legislature makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

32. Repeal and savings.— As from the commencement of this Act,-

- (i) any rules, orders and schemes made or framed in exercise of the executive power by the State Government which are inconsistent with the provisions of this Act, save as expressly provided in this Act, shall stand repealed and on such repeal, provisions of section 6 of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) shall apply as if the rules, orders and schemes so repealed were provisions of a Rajasthan Act;
- (ii) all rules, orders, schemes made or framed in exercise of the executive power by the State Government on the subject matter covered by this Act and in force immediately before the commencement of this Act which are consistent with the provisions of this Act, shall be deemed to have been made or framed under and in accordance with the provisions of this Act, until they are superseded by any new rules, orders or schemes made or framed under this Act.

SCHEDULE

(See sub-section (7) of section 4)

Categories of service providers	Amount of penalty which may be imposed for non-adherence to standard
1. Hotel (a) having up to 40 rooms	Rupees 10,000/-
(b) having more than 40 rooms	Rupees 20,000/-
2. Motel	Rupees 10,000/-
3. Heritage Hotel (a) basic	Rupees 10,000/-
(b) classic and grant	Rupees 20,000/-
4. Tour operator or Travel Agency	Rupees 20,000/-
5. Excursion Agent or Elephant, Horse, Camel Safari Operator	Rupees 15,000/-
6. Restaurant or Cafeteria	Rupees 5,000/-
7. Handicraft Emporia	Rupees 25,000/-
8. Tourist Village Operator	Rupees 10,000/-
9. Ropeway Service Provider	Rupees 25,000/-
10. Amusement Park Operator	Rupees 25,000/-
11. (a) Government of India approved Guide	Rupees 10,000/-
(b) State Level Guide	Rupees 5,000/-
(c) Local Level Guide	Rupees 5,000/-
12. Any other service providers	Rupees 5,000/-

Note :- The above penalty is for first offence. For second offence the amount of penalty shall be doubled. For other subsequent offence the licences of operation shall be forfeited.

एस. एस. कोठारी,

Principal Secretary to the Government.