

The Assam Tourism (Development and Registration) Bill, 2024.

A BILL

Preamble to accelerate development and to provide facilitation of tourism and to regulate the malpractices and conduct of person associated with tourist activities and tourism business and in matters connected therewith and incidental thereto.

It is hereby enacted in the Seventy-fifth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Assam Tourism (Development and Registration) Act, 2024.

(2) It shall extend to the whole of the state of Assam.

(3) It shall come into force at once.

Definitions

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

(a) “Authority” means the Director of Tourism, Government of Assam;

(b) “Appellate Authority” means an authority as notified in the Official Gazette as per section 16.

(c) “Adventure Sports Operator” means a person or an organisation or enterprises as the case may be associated or engaged in adventure sports such as aero-sports, paragliding, para-motoring, hot air balloon, zip line, trekking, mountaineering, mountain biking, All-Terrain Vehicle;

(d) “Adventure Safety Audit Committee” means the committee constituted under section 12;

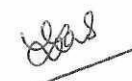
(e) “District Tourism Officer” means an officer of the Directorate of Tourism, Government of Assam who shall be empowered to act as an enforcing officer and have certain regulatory powers or authority to enforce tourism-related laws, regulations, and policies within their jurisdiction under the provision of this Act;

(f) “Government” means the State Government of Assam.

(g) “Government agency” means a government undertaking, local authority body or corporation established by or under any law and owned or controlled by the Government or any other body or authority owned or controlled by the Government holding not less than fifty-one per cent of the paid-up share capital in such corporation or body;

(h) “Guide” means a person who is authorized under the Act to engage himself as a paid guide to the tourists by accompanying them to any tourist destination and furnishing information regarding any matter of significance, historical, archaeological, botanical, ethnological, cultural, social or other interest with respect to such tourist location;

(i) “Health trade” means and refers to health and wellness tourism that are taken by tourists with the principal purpose to improve their health or well-being inclusive of but not limited to physical fitness programme, spa visits, medical treatment, health farms, beauty treatment


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and different alternative therapies derived from different cultures;

- (j) "Heritage" means 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;
- (k) "Hotel" means to any premises or part of premises including hotels, heritage hotels or bungalows with heritage features built prior to a date as specified by the Government, excluding, but not limited to holiday homes, resorts, homestays, motels, tourist lodges, guest houses, bread and breakfast, river cruise and vessel, houseboat or a tent providing accommodation, caravan or service apartments as provided for monetary consideration;
- (l) "Local authority" means any Gram Panchayat, Municipal Council, Municipal Corporation, Development Authority or other statutory authority which is a local self-government entity entrusted with the control or management of any area;
- (m) "Revisional Authority" means the authority notified by the state Government in the Official Gazette as per section 17;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "Public Private Partnership" means an agreement between the government or its agency on one side and a private sector participant on the other for the provision of public assets or related services for public benefit through investments made or management undertaken by the private sector participant for a specified period of time where there is substantial risk sharing between the government and the private sector participant and where the private sector participant receives performance compensation;
- (p) "Service provider" means a person who provides services to a tourist and shall include,-
- (i) hotels, heritage bungalows, resorts, motels, homestay, tent accommodations, camping facility,
 - (ii) restaurants, dhaba, guest houses, cafeterias, bars, wayside amenities centers, bread and breakfast,
 - (iii) cruise ships, cruise boats, house boats, tourist boats,
 - (iv) Water sports and outdoor sports, adventure sports, rope way,

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- (v) Golf courses, arts and crafts villages, handicraft shops or emporia, amusement park, water park, museum aquaria,
 - (vi) travel agents, tourist transport operator, tour operators, excursion agents, taxi-cabs, guides ,
 - (vii) and similar service providers providing services to the tourists whether registered as such or not.
- (q) "State" means the State of Assam;
- (r) "Tourist" means a person who travels for pleasure and which,
- (i) in relation to a domestic traveler, means a person who travels to the State of Assam from outside the State or within the State to a place other than his usual place of residence and stays at hotels or other accommodation establishments such as tourist bungalows, tourist lodges, heritage bungalows, motels, houseboats 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, religious, pilgrimages, and social functions or gatherings, business conferences or meetings, study and health;
 - (ii) in relation to foreigner, means a person visiting the state on foreign passport, staying for at least twenty-four hours in the State, for the purpose of leisure (recreation, holiday, health, study, religion, sport) business, family, mission or meeting and;

Explanation:- For the purpose of this clause, the following kind of travellers are not to be regarded as tourists:-

- (i) persons coming to take up occupations or activities, which are remunerated within the state;
 - (ii) persons coming to establish residence in the state;
 - (iii) same-day visitors i.e., temporary visitors such as transit travellers, travellers on cruises who stay for less than twenty four hours which may be for the purpose of field visits or study tours conducted schools, colleges, universities or any other educational institutions.
 - (iv) persons visiting their hometown or native place on leave or short visit for meeting friends and relatives, attending official work, social and religious functions etc. and stay in their own homes or with friends and relatives and not using any sightseeing facilities;
 - (v) foreigners who have taken up jobs or occupations in the state.
- (s) "Tourist area" means an area frequently visited by tourists including such place, locality or township or large geographical area containing several tourist areas

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to which tourists usually visit;

(t) "Tourist Transport Operator" means and includes but not limited to,

- (i) a company or an individual engaged in the business of promotion of tourism by providing tourist transport vehicles on tourist circuits; or
- (ii) any travel agency (who possesses its own vehicle or has taken a vehicle on lease for this purpose for a period of at least one year) run by a company or an individual that provides all tickets for travel by air, rail, ship, passport and visa service and also arrange tours, accommodation, entertainment and other tourism-related services; or
- (iii) any tour operator (Company or individual) who provides transport, accommodation, sight-seeing, entertainment and other tourist related services for tourists and who possesses own vehicle or has taken a vehicle on lease for this purpose for a period of at least one year and is recognized by the Authority under this Act;

(u) Malpractices means, -

- (i) "Touting" means and includes pestering any tourist or group of tourists for shopping, lodging, transportation, sightseeing, or even harassing tourists to visit any particular premises or establishment or tourism operators connected with the tourism trade or any other establishment where tourists shall like to stay or purchase something :

Provided that when any recognized and registered tourist transport operator, bonafide service provider of business operator who is already engaged by any tourist or whose services were already hired or resorted by any tourist voluntarily such person shall not be considered a tout.

- (ii) charging a price that is more than that disclosure
- (iii) charging remuneration that is higher than that specified;
- (iv) failure to display prices;
- (v) failure to provide invoice or cash memo or credit memos;
- (vi) failure to execute an order in accordance with the conditions agreed upon within a reasonable time after the time frame for the execution of the obligation has expired;
- (vii) charging a higher fee than fixed and displayed;
- (viii) accepting and providing monetary reward or commission for hawking, touting, coercing or forcing the tourist;
- (ix) use of misleading names and logos of such places when requisite characteristics of such places are missing; or showing of incorrect star

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rating of a hotel or showing names or abbreviations and logos similar to those that have been in existence for a long time and are reputed as such with the intent of attracting tourists in general, by the imitation of established and reputed names of bona fide service providers or public bodies; and

- (x) any uninvited individual loitering outside any tourist attraction or hotel with the purpose to follow any tourist without his will and cause obstruction;
- (xi) Any kind of nuisance including any act of commission or omission or the carrying out of any activity, procedure or operation that produces or is likely to create harm, danger or irritation to the senses of sight, smell or hearing or may be hazardous to life or is causing damage to health or property;

Explanation — For the purposes of this clause,

- (a) inability of any service provider to perform its commitments due to force majeure or state action shall not be treated as malpractice;
- (b) delay or fault in service owing to the mechanical or natural failure of any system or apparatus despite due care and caution shall not amount to malpractice.
- (v) “Water sports operator” means a person operating boats or Parasailing or kayaking canoeing, rafting, or such bid of activities to tourists and includes a water sports equipment dealer.

Registration of
tourism Business
and service
provider

3. (1) Any person intending to operate the tourism business and service provider within the state, shall apply for registration to the Authority in such manner and in such form and accompanied with such particulars and details and fees as may be prescribed :

Provided that any person or service provider already operating such business in the State before the commencement of this Act shall apply to the Authority for registration within three months from the date of commencement of this Act.

- (2) The tourism business and service provider shall include :-
- (i) Hotels, Service Apartments, Heritage Bunglows, Homestay;
 - (ii) Tour Operator, Tourist Transport Operators, Travel Agents or Excursion agents;
 - (iii) Bread and Breakfast;
 - (iv) Restaurants and Way Side Amenities;
 - (v) Water Sports, Golf tourism activity, Adventure sports Operations, River rafting activities etc. ;
 - (vi) Tourist Lodge, Resort;
 - (vii) Aero sports or Paragliding or Parasailing activities;

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- (viii) Dhaba, Guest House, Motels;
- (ix) Tourist Guides;
- (x) Health Trade;
- (xi) Temporary tents and huts for the purpose of accommodation, deck beds, umbrellas, chairs etc.;
- (xii) River cruise, Vessels, House Boats, Caravan;
- (xiii) Tea Tourism and any other activity as may be notified by the State Government in the Official Gazette from time to time :

- (3) Every application made under sub-section (1) above shall be disposed of within a period of two months from the date of receipt of the application.
- (4) The Authority unless application is rejected record particulars of the concern service provider or business operator in the Register of service providers which such particulars and in such form as may be prescribed.
- (5) When the authority allows the application of service provider or business operator and registered under sub-section (3) the authority shall issue a certificate of registration in such form as may be prescribed
- (6) When any application for registration is rejected by the authority it shall record the reason thereof and communicate the same in writing to the applicant

Provided that no application shall be rejected unless reasonable opportunity of being heard is allowed.
- (7) Every service provider and business operator, who is registered under this section shall abide by the terms and conditions as may be prescribed and specified in the certificate of registration.
- (8) The registrar containing the names and particulars of service providers shall be continuously updated and shall be available on the website of the State Government for information of tourists and people in general.

Issue of Duplicate certificate

- 4. If a certificate of registration issued under this Act is lost, damaged or destroyed, the Authority shall, on an application made in this behalf by that person holding such certificate and on payment of such fee as may be prescribed issue a duplicate certificate.

Renewal of Certificate

- 5. The service provider registered under this Act shall get the registration certificate renewed after a period of three years from the date of issuance of registration certificate by the Authority and shall also pay renewal license fee as may be prescribed.

Certificate of registration to be kept exhibited

- 6. The Certificate of Registration shall be kept by a person holding it, in a conspicuous place at the principal place of his business and if he has no principal place of business, he shall keep it on his person.

Changes in Registration Certificate

- 7. (1) Whenever a tourism unit for which a registration certificate is held by a person, devolves by inheritance or otherwise upon any other person or undergoes a change in respect of any particulars entered in the register under this

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Act, such person shall within thirty days of the date of such devolution or change, notify in writing the fact to the Authority.

- (2) The Authority shall make necessary changes in the register maintained for the purpose and in the registration certificate.
- (3) Notwithstanding anything contained in sub-section (2), the Authority may remove from the register the name of the person in whose favour the certificate was issued and cancel the registration certificate, if the successor is not eligible to be registered under this Act.

Return of the certificate of registration

8. When a certificate of registration is cancelled under this Act, the person or service provider holding the certificate shall within seven days from the date of service of the order of cancellation, return it to the Authority in the manner as may be prescribed.

Removal of name from Register

9. (1) The Authority may, after providing to the applicant an opportunity of being heard by an order in writing, remove the name of an applicant from the register and cancel the registration certificate on any of the following grounds, namely:-
 - (i) if the applicant is found to have violated any of the provisions of the Act;
 - (ii) if the applicant is declared insolvent by a Court of competent jurisdiction and has not been discharged;
 - (iii) if any complaint of malpractice is made or received and proved against the applicant;
 - (iv) if the applicant owner ceases to operate the service in the tourist area for which it was registered;
 - (v) if the holder of a certificate intends to close down his business or service in the premises during the period of validity of the certificate, he shall inform the same to the Authority in writing along with the copy of the original certificate at least fifteen days prior to the date from which he actually intends to close down the business;
 - (vi) if the applicant has failed to renew the registration certificate issued under this Act within a period of 1 (one) month from the date of its expiry.
- (2) Any applicant whose name is removed from the register under this Act shall forthwith cease to operate for which the registration was applied for.

Refusal to Register

10. (1) The Authority may refuse registration of an applicant on any of the following grounds, namely: -
 - (i) if the applicant fails to meet the eligibility criteria and requirements set forth in accordance with the Act;
 - (ii) if the applicant is convicted of any offence under the Bharatiya Nyaya Sanhita, 2023 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling, or profiteering or adulteration of food or drugs or corruption and

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two years have not elapsed since the termination of the sentence imposed upon him;

- (iii) if the applicant has been declared insolvent by a Court of competent jurisdiction and has not been discharged;
- (iv) if the name of the applicant has been removed from the register under this Act and three months have not elapsed since the date of such removal;
- (v) if the applicant does not hold a requisite and valid license or certificate required to be held by him under any law for the time being in force to carry out requisite activity;
- (vi) if in the opinion of the 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.

Blacklisting

11. (1) The Authority may on proof of malpractice or for any other offences committed under this Act and for reasons to be recorded in writing, blacklist such party after taking into consideration the nature of malpractice or the gravity of the offence for such period as the Authority may deem fit.
- (2) The particulars of a blacklisted party shall be exhibited at conspicuous places and notified in the website for information of all travel trade, other concerned organizations and other important concerned channels after the order of black-listing the stakeholder has become final.
- (3) The Authority, after giving a reasonable opportunity of being heard to the black listed party, if satisfied that there is no sufficient grounds for blacklisting, it may, 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.

Adventure Safety
Audit Committee

12. (1) The Government shall constitute an Adventure Safety Audit Committee for each adventure activity (Air or land or water) who shall have the overall control for regulating the operations taking place in the area. The members shall consist of the following , namely;-
- (i) District Commissioner of the concerned District or his or her representative -Chairman
 - (ii) Superintendent of police or his or her representative -Member
 - (iii) Sub-Divisional Officer concerned (Civil) or his or her representative -Member
 - (iv) Medical Officer of the concerned areas or his or her representative -Member
 - (v) Joint Director of Tourism or Deputy Director of Tourism (Headquarter) of the assigned zone -Member

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- (vi) Deputy Director of Tourism or -Member District Tourism Officer of the area Secretary
- (vii) Divisional Forest Officer of the area -Member or his or her representative
- (viii) District Transport Officer or his -Member representative
- (ix) District Sports officer or his -Member representative
- (x) any two or one member of the -Member respective adventure tour activities

Functions of the Adventure Safety Audit Committee

13. (1) The Adventure Safety Audit Committee shall be constituted for conducting risk assessment of the adventure sites and activities, Inspection of the adventure-related service providers like campsite owners, adventure equipment dealers offering equipment on sale or on rent.
- (2) Adventure sports operators and the Adventure Service providers shall get clearance from the Adventure Safety Audit Committee before getting a certificate of registration and the renewal of certification of registration.
- (3) All adventure activities shall be allowed in the areas that shall be identified by the competent authorities only.
- (4) Any adventure operations happening outside the designated area shall be considered as illegal.

Technical Committee

14. (1) The Authority shall constitute a Technical Committee comprising of the following members, namely;—
- (i) Director of Tourism - Chairperson
 - (ii) Director of Sports or his or her - Member representative
 - (iii) Commissioner of Transport or - Member his or her representative
 - (iv) Additional Director of Tourism - Member or his or her representative
 - (v) Regional Director, India - Member Tourism, (North East Region) or his or her representative
 - (vi) Circle Conservator of Forest or - Member his or her representative
 - (vii) Joint Director of Tourism - Member
 - (viii) Deputy Director of Tourism - Member Secretary
 - (ix) any two, one from the respective - Member Adventure Sports and one from tourism business

Functions of Technical Committee

15. (1) The concerned District Tourism Officer of the designated zone shall scrutinize the applications for adventure activities initially and put up the same before the Technical Committee who shall hold the meeting and fix the date, time and venue for the scrutiny or inspection of the documents, equipment's, conducting practical,

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physical tests of Guides and final approval by giving at least fifteen days clear notice to all the qualified operators.

- (2) The Technical Committee shall meet at least twice in every three months of the year.
- (3) The Technical Committee shall be responsible for the following:-
 - (a) to inspect and certify the equipment with the operator under the provisions of this Act;
 - (b) to ensure that the operator(s) and the guide (s) shall follow all safety procedures indicated in their rules;
 - (c) to notify the identified river stretch where the operations can be conducted;
 - (d) to determine the river capacity of each river every year before the start of any operation.

Appeal

16. (1) The State Government by notification, published in the Official Gazette shall constitute an Appellate Authority for hearing appeal against the order of the authority.
- (2) Any person aggrieved by the decision of the Authority, may prefer an appeal to the Appellate Authority within a period of thirty days from the receipt of the order of the authority in such form, in such manner and to be accompanied by such fees as may be prescribed:

Provided that the Appellate Authority may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

- (3) On receipt of an appeal under sub-section (2) above, the Appellate Authority may, after providing the parties to the dispute, an opportunity of being heard, pass such orders as it deems fit.
- (4) The appellant shall have a right to appear in person or through a counselor by a duly authorized agent and the Authority may be represented by such officer or person as the Authority may appoint.
- (5) The Appellate Authority shall send a copy of every order made by it to the parties to of appeal.
- (6) The Appellate Authority may, for the purpose of examining the legality or propriety or correctness of any decision or order of the authority referred to in the appeal, on its own motion or otherwise, call for the records relevant to disposing of such appeal or application and make such orders as it thinks fit.
- (7) The Appellate Authority shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a Civil Court in respect of the following matters, namely—
 - (a) summoning and enforcing the attendance of any person and examining his on oath;
 - (b) requiring the discovery and production of documents;

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- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or document or a copy of such record or document, from any office subject to the provisions of Bharatiya Sakshya Adhiniyam, 2023; Act No. 47 of 2023
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing an application for default or deciding it, ex - parte;
- (h) setting aside any order of dismissal of any application for default or any order passed by it, ex - parte; and
- (i) any other matter which may be prescribed.

(8) An order passed by the Appellate Authority under this Act shall be executable by the Authority as a decree of a Civil Court and for this purpose, the Appellate Authority shall have all the powers of a Civil court

Revisional
Authority

17. (1) The government may appoint Revisional Authority by notification published in the Official Gazette either on its own motion or on an application made by an aggrieved party, who when call for the records of any case disposed of by an Appellate Authority, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by the Appellate Authority and may pass, such order thereon, as it may deem fit and such order shall be final:

Provided that no such application for revision shall be entertained after the expiry of three months from the date of receipt of the order of the Appellate Authority:

Provided further that Revisional Authority shall on its own motion can call for the record of any case decided or pending before any authority and pass such order as it may deem fit:

Provided further that no order under this section shall be made to the prejudice of a person unless he has had a reasonable opportunity of being heard either personally or through a counsel or by a duly authorized agent.

Statistical
Information

18. (1) Every service provider, whether licensed, recognized, or registered as a Service provider of any category under the provisions of this Act or not, shall be required to provide such statistical information or statistical data at such intervals and in such form to such authority as may be prescribed.

(2) In the event that a person who is subject to providing the statistical information under this Act fails to provide such statistical information within the period as may be prescribed, he shall, on non-compliance, be subject to a penalty, imposed by the said authority as per the provisions of the Act or Rules thereof.

(3) Before imposing a penalty under this Act, the Authority shall request that the defaulting person shall be served with a show cause notice as to why a penalty

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as provided under this Act shall not be imposed. After the defaulting person has provided such justification, the Authority may impose the penalty if it is determined that the delay in providing the justification was the cause of the non-compliance with the provisions under this Act.

- (4) If, despite the imposition of penalties under the Act, a person who is required to provide statistical information continues to violate the provisions under the Act, he shall be subjected to penalty in the manner as may be prescribed.

Grant of use of
awesome Assam
Logo

19. (1) The "Awesome Assam" logo, now recognized all over the world is the property of the Tourism Department, Government of Assam. To prevent infringement or misuse of the logo, that may in any way compromise its brand identity, any organization or body or event management who desires to use the logo shall apply for the same in the prescribed format to the Authority.
- (2) All establishments and offices of the Department are permitted to use the awesome Assam logo.
- (3) The use of the logo shall be permissible for only those events directly organized by the Department in collaboration with any other State or Union Territories or tourism corporations. For all other events, prior approval from the Authority shall be obtained.
- (4) The service provider of Assam as approved by the Department shall be permitted to use the logo for the duration of such approval. The tourist unit and the service providers shall not be able to use the awesome Assam logo if the permission is revoked.
- (5) Permission for use of the Assam tourism logo for or during events (including fairs and festivals) other than those organized by the Department shall be considered at a cost, keeping in mind the merit of the case as follows:-
- (a) nature and importance of the event;
 - (b) profile or track record of the organizers;
 - (c) profiles of participants and delegates;
 - (d) other deliverables offered by way of exhibition space at the venue;
 - (e) the extent to which the event shall aid in raising awareness of tourism and the culture and heritage of the country;
 - (f) content of the programme and inclusion of tourism related content in the programme.
- (6) Requests for use of Assam Tourism logo on publications, website portals, photographers, research scholars, academicians, electronic media shall be considered only if the publications, websites or portals are tourism matter related to Assam and are not commercial in nature and such requests shall be considered on merit of each case at a cost.
- (7) All requests for use of the logo at events and persons who are not registered under the provision of this Act shall be intimated before 30 (thirty) days of the event with

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detailed information about the organization as mentioned under sub-section (5) above for consideration of the use of the logo. The use of the logo for any other purpose shall be considered on the basis of merit of each case, keeping in view the visibility, impact and the extent to which use of the logo shall help in generating greater awareness about Assam Tourism or tourism business.

- (8) Any organisation who uses the logo without prior permission from the Department shall have to pay such fine and in such manner as may be prescribed.
- (9) Permission accorded by the Department for use of the logo shall be subject to:-
- (a) the right of the Department to withdraw permission for use of the logo by giving sufficient notice;
 - (b) the right of the Department, to view the proposed design and layout of the logo usage, prior to finalization of the same. All permissions granted prior to the commencement of the Act for use of the logo which do not conform to the provisions of this section shall stand cancelled.

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| Penalty for default in registration | 20. Any person carrying on the business of a tourism unit or travel agent or guide or adventure sport or any other business connected with tourist trade, as the case may be, without a proper registration under this Act or in contravention of any of the provisions of this Act shall be fined for an amount not exceeding ten thousand rupees and if the breach is a continuing one, he shall be fined with a minimum amount of rupees two hundred per day which may be extended upto of two thousand rupees per day till the default continues. |
| Penalty for false statement | 21. If any person who is required to make a statement under this Act, willfully makes a false statement or suppresses a material fact with the intention to mislead the Authority, he shall be fined for an amount not exceeding five thousand rupees. |
| Penalty for lending or transfer without permission | 22. Any person who lends, transfers or assigns the certificate of registration issued under this Act, without the permission in writing from the Authority, shall be fined for an amount not exceeding ten thousand rupees. |
| Penalty for Malpractice | 23. Any person who commits a malpractice or contravenes any other provision of this Act for which no specific penalty has been provided, shall be punished with a fine not exceeding ten thousand rupees. |
| Penalty for Obstructing lawful activities | 24. If any person willfully obstructs or offers any resistance to, or otherwise interferes with the discharge of the functions of the Authority or any other officer authorized by it, exercising any power or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made there under, shall be liable to punished with a fine not exceeding one thousand rupees. |
| Prohibition of certain activities in tourist area | 25. (1) No person shall engage in the practice of begging, hawking articles for sale in and around the tourist areas.

(2) Whoever commits offences under sub-section (1) above shall be punished with a fine which may extended to three thousand whoever commits subsequent offences shall be punished with fine which may extend upto rupees ten thousand and whoever habitually engages in such |

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offences shall be punished with fine of thirty thousand.

Power of state
Government to
issue directions

26. (1) The Government may from time to time, issue to the service provider and tourist business operator such directions as may think necessary in the interest of the integrity and the security of the State and public order.
- (2) The Government may frame policies for the tourism development, tourism business including resources for its growth Security, Integrity and prevention of misuse. The Government may in consultation with the Authority direct any service provider or stake holder to provide any data for targeting of better delivery of services or formulation of evidence based policies in such manner as may be prescribed.
- (3) The Government shall disclose annually the directions made by it under sub-section (2), in such form as may be prescribed.

Regulation of
certain tourism
business

27. The State Government shall from time to time make regulations to regulate tourism business related activities like amusement parks, facilities at ropeways at the sites of embarkation and disembarkation, elephant or camel or horse safari, tourist villages, resorts, rural tourism, handicrafts, and other facilities like restaurants, cafeterias in the tourist area, 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 setting up, running and continuing such services or activities:

Provided that if the regulations made under this section relates to any matter with respect to which there is a provision in any other law, rule, regulations or bye-laws 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-laws.

Powers and
Functions of the
Authority

28. (1) The Authority shall perform the following functions namely :-
- (a) regulate tourism activities;
 - (b) register the tourism service provider such as hotels, heritage bungalow, homestay operators, Service apartments, travel agents, excursion agents, tourist guides, health trade, tour operators engaged in tourism activities in the state and to issue certificates, approvals, permits and maintain central data base in a manner as may be prescribed;
 - (c) protect the interest of the tourists visiting the state;
 - (d) frame regulations and detailed guidelines and issue executive instructions for its proper functioning;
 - (e) furnish the required reports;
 - (f) ensure compliance with prescribed safety and environmental regulations for sustainable and responsible tourism activities and business.
- (2) The Authority shall have District Tourism Officers to administer and enforce the provisions relating to safety, environment, trade, and dispute resolution and for any other activities or purposes of tourism business.

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- (3) Each District Tourism Office or branches or zones shall be headed by an officer appointed by the Authority who shall function under the superintendence, direction and control of the Authority.
- (4) The Authority may with prior approval from the Government, establish tourist facilitation centers at such other places as may be considered necessary.
- (5) The Authority or any person authorized by him in this behalf may, within the tourist area, inspect at all reasonable times, the premises of business organization in which a tourism stakeholder carries on his business and to produce any document kept in pursuance of this Act or the rules made there under for inspection.

Powers and
Functions of
District Tourism
Officers

29. The District Tourism Officers shall,
- (i) conduct routine inspections of tourism business and service provider, such as hotels, restaurants, tour operators and travel agencies etc. to ensure whether they meet the required standards and comply the guidelines;
 - (ii) oversee the process of issuing permits to tourism businesses and service provider and verify that the tourism businesses are operating within the parameters of the permits;
 - (iii) investigate complaints and issues raised by tourists, ensuring that service provider are providing services as advertised and that tourists' rights are protected;
 - (iv) enforce specific tourism-related regulations, such as environmental protection, safety standards and health and sanitation requirements under the provision of this Act;
 - (v) collect fines, penalties, or other disciplinary actions against service provider in cases of non-compliances;
 - (vi) conduct educational programmes and raise awareness among public, tourism businesses, service provider and about relevant laws and regulations;
 - (vii) collect data on tourism activities and compliance levels and provide valuable insights to policymakers and service provider; and
 - (viii) perform any other related function as may be assigned, by the State Government from time to time.

Duty of Police
Officer or Forest
Officer

30. Every Police Officer or Forest Officer shall give immediate information to the Authority for commission of any offence or violation of any laws relating to tourism business and service provider under the Act and shall assist the Authority in compliance of lawful activity.

Reservation of
powers of local
authority

31. Nothing in this Act shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.

Certificate to be
shown on
demand

32. (1) Any person registered under this Act shall at all times, on demand, produce and show his certificate of registration to any of the following persons, namely:-

- (a) the Authority or any other officer duly authorized by it in this behalf;

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(b) any authority authorized by the Government or any officer authorized by the Director Tourism, Assam; and

(c) any bonafide customer.

(2) Any person who refuses on demand to show his certificate to, or allows to be read by any of the persons authorized to demand it, shall be punishable with fine not exceeding five thousand rupees.

Offences by companies

33. (1) Where any contravention of any of the provisions of this Act a company, 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.

Powers to make rules

34. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) form and manner of the maintenance of registers, books and records of registers of tourism unit operators, travel agents, guides and adventure sports operators for the conduct of the business;

(b) the form of application for registration certificate and certificate of registration;

(c) the fee for the registration, renewal and issuance of duplicate certificate;

(d) the manner of giving notices under this Act;

(e) classification of tourism units;

(f) qualifications for registration as tourism unit operator, travel agent, guide and adventure sports

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operator etc.;

- (g) safety measures and standards to be adopted in the conduct of adventure sports and facilities to be provided;
- (h) standards for maintenance of hygiene and cleanliness, waste disposal and minimum facilities in various types of tourism units, hotels, heritage bungalows, homestays, residential hotels etc.;
- (i) manner of publication of the names and addresses of the tourism unit, travel agent, guide and adventure sports operator removed from the register;
- (j) manner in which the fair rates shall be displayed, type of tickets and receipts to be issued, submission and maintenance of accounts and statement thereof to the Authority and collection and deposit of license fee, renewal fee and other dues; and
- (k) the place where the Authority shall hold enquiry under this Act and all matters expressly required to be prescribed under this Act.

Act to apply to other persons

35. The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or of the rules made there under shall with such exceptions, adaptations or modifications as may be considered necessary, apply to persons doing the tourism business in the State as may be specified in the notification and the Authority may fix the rates to be charged for the services to be rendered in such manner as may be prescribed.

Protection of action taken in good faith

36. No suit, prosecution or other legal proceedings, whatsoever shall against the State Government, any officer or any person in respect of anything which is of good faith done or intended to be done under this Act or the rules made thereunder.

Powers to remove difficulties

37. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order published in the official Gazette make such provision, not inconsistent with the provisions of this Act, which appears to be necessary or expedient for removing difficulty :

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

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STATEMENT OF OBJECTS AND REASONS

Assam Tourism (Development and Registration) Bill, 2024 is proposed to provide a comprehensive legal framework for the Tourism sector in Assam.

The Bill is proposed with an aim at revitalizing and promoting the tourism industry within the State of Assam. The tourism sector holds significant economic potential for Assam, contributing to job creation, revenue generation and overall development of the State. This Bill seeks to address several critical aspects of tourist management, infrastructure development and promotion.



Minister,
Tourism Department,
Assam, Dispur.



Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the Consolidated Fund of the State of Assam.



Minister,
Tourism Department,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION.

The Bill is proposed for framing rules by Executives. The delegation is, however, of normal nature.



Minister,
Tourism Department,
Assam, Dispur.