

# **The Goa Registration of Tourist Trade (Amendment) Bill, 2019**

**(Bill No. 05 of 2019)**

**A**

**Bill**

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

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

1. Short title and commencement.- (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2019.

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

2. Insertion of new Chapter IV-B.- In the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982), after Chapter IV-A, the following Chapter shall be inserted, namely:-

## **“CHAPTER IV – B**

### **Registration of online service provider**

19E. Registration of online service provider.- (1) No person shall carry on the business of providing service of online booking of hotel rooms, other accommodation or any other tourist related activity in the tourist area, unless he is registered in accordance with the provisions of this Act.

(2) No such person shall conduct such service of online booking unless such hotel, accommodation or tourist related activity is registered in accordance with the provisions of this Act.

(3) Every person intending to start such business specified in sub-section (1) shall apply for registration to the prescribed authority in prescribed manner, alongwith prescribed fee.

(4) Every application made under sub-section (3) shall be disposed of within a period of one month from the date of receipt of such application.

19F. Certificate.- The prescribed authority shall, unless registration is refused under section 19H, direct that the name and particulars of the person starting such business as specified in sub-section (1) of section 19E, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as may be prescribed.

19G. Renewal of certificate of registration.- The certificate of registration issued under section 19F shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of such fees as may be prescribed.

19H. Refusal to register.— (1) The prescribed authority may refuse to register the business as specified in sub-section (1) of section 19E on any of the following grounds, namely:—

- (a) if the applicant does not possess essential requirements or qualifications as prescribed;
- (b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;
- (c) if he has been declared as an insolvent by a Court of competent jurisdiction and has not been discharged;
- (d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;
- (e) if in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.

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

19I. Penalty.- If any person contravenes the provisions of sub-section (1) or (2) of section 19E, he shall be punishable by prescribed authority with fine as specified in section 22 of this Act.

## **Statement of Objects and Reasons**

In order to regulate the business of providing service of online booking of hotel rooms, accommodation and other tourist related activity in tourist area, the Bill seeks to insert new Chapter IV-B in the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

This Bill seeks to achieve the above object.

## **Financial Memorandum**

The Bill seeks to prescribe fees for registration of online service provider and its renewal, including imposing fines, which will generate revenue, which at this stage cannot be quantified.

## **Memorandum Regarding Delegated Legislation**

Clause 1(2) of the Bill seeks to empower the Government to issue notification for appointing a date for bringing the Act into force.

Clause 2 of the Bill empowers the Government to make rules specifying the manner in which the application to be made by online service provider and the form in which certificate of registration is to be issued to him.

These delegations are of normal character.

Assembly Hall,  
Porvorim – Goa.  
28<sup>th</sup> January, 2019.

(Manohar Azgaonkar)  
Minister for Tourism

Assembly Hall,  
Porvorim – Goa.  
28<sup>th</sup> January, 2019.

(Nilkanth Subhedar)  
Secretary to the  
Legislative Assembly of Goa

## ANNEXURE

### Extract of Chapter IV-A of Goa, Daman and Diu Registration of Tourist Trade Act 1982 (Act 10 of 1982)

#### Dealing with Registration of Tour Operators, Water Sports and Adventure Sports Operators, etc.

<sup>19</sup>[CHAPTER IV-A

Registration of Tour Operators, Water Sports  
and Adventure Sports Operators, etc.

**19A. Registration.**— (1) No person shall, in the tourist area, carry on the business of a tour operator, water sports operator, adventure sports operator, spice plantation or of providing temporary huts for the purpose of accommodation, unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to start business under sub-section (1) shall apply for registration to the prescribed authority in the prescribed manner, alongwith prescribed fee.

(3) Notwithstanding anything contained in sub-section (2), any person already engaged in any of the business as specified under sub-section (1) shall apply for registration within three months from the date of commencement of the Goa Registration of Tourist Trade (Amendment) Act, 2011.

(4) Every application made under sub-sections (2) or (3) as the case may be, disposed off within a period of one month from the date of receipt of the application.

**19B. Certificate.**— The prescribed authority shall, unless registration is refused under section 19D, direct that the name and particulars of the person starting business as specified in sub-section (1) of section 19A, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as prescribed.

**19C. Renewal of Certificate of Registration.**— (1) The Certificate of Registration issued under section 19B shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of fees as prescribed.

**19D. Refusal to register.**— (1) The prescribed authority may refuse to register the business as specified in sub-section (1) of section 19A on any of the following grounds, namely:—

(a) if the applicant does not possess essential requirements or qualifications as prescribed;

(b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;

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

(d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;

(e) if in the opinion of the prescribed authority there is sufficient ground to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard].