

DRAFT**THE MIZORAM REGISTRATION OF TOURIST TRADE BILL 2020****A****BILL**

To provide for registration of persons dealing with tourists and tourism trades and for matters connected therewith

Be it enacted by the Legislative Assembly of the State of Mizoram in the Seventy first year of the Republic of India as follows:

CHAPTER 1

**Short title, extent
and
commencement**

1. (1) This Act may be called the Mizoram (Registration of Tourist Trade) Act, 2020
- (2) It extends to the whole of Mizoram
- (3) It shall come into force on the date of publication in the Official Gazette

Definitions

2. In this Act, unless the context otherwise requires:-
 - a) "Act" means the Mizoram Registration of Tourist Trade Act, 2020.
 - b) "adventure sports operator" means a person operating adventure sports such as aerosports, bungee jumping, paragliding, hot air balloon, zipline etc.
 - c) "boat" includes a houseboat, motor boat, pedal boat, sail boat (parasailing & canoe) etc.
 - d) "shack" means a purely temporary stall on such material, size and design and for such activities as the Government may, by notification, specify.
 - e) "black-list" means a list maintained and exhibited by Tourism Department for hotels, travel agents and tourist guides who have been blacklisted under Section 7, 12, Section 21 and 30 of this Act, as the case may be.
 - f) "certificate of registration" means a certificate issued under this Act.
 - g) "dealer" means a person carrying on in a tourist area the business of selling any notified article, whether

wholesale or retail and includes his agent or employee transacting business on his behalf. Dealer may strictly comply with all the laws/instructions in force in the state relating to running of business.

- h) "Government" means the Government of Mizoram.
- i) "hotel" means any premises, establishment or part of premises including hotel, holiday home, resort, homestays, lodges, guest houses, bread and breakfast, houseboat, bar or a tent where lodging is provided for a monetary consideration.
- j) "hotel keeper" means any person who owns or operates a hotel as proprietor and includes a person managing or operating the hotel for and on behalf of the proprietor.
- k) "malpractice" includes cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel management, charging a price higher than that displayed on the label or remuneration higher than that fixed under this Act, failure to display price label on the articles, operation of water sports by a water sports operator without Certificate of Registration or without safety equipment on the vessel, charging of more fees by the tourist taxi operator than the one specified for the purpose, failure to give cash memos and wilful failure to execute an order within the stipulated time and according to the terms agreed.

Explanation 1: For the purpose of this clause, labelled price (the price displayed on the label on the article) shall be the reasonable price as may be fixed by the prescribed authority.

Explanation 2: The expression "touting" means coercing for shopping, accommodation, transportation, sightseeing or pestering for any particular premises, person, establishment, manufacturer, vending, hawking, massaging, or any other service connected with tourism with consideration of personal benefit.

- l) “notified article” means any article notified by the Government in the Official Gazette for the purpose of this Act.
- m) “Official Gazette” means the Gazette of Mizoram.
- n) “prescribed” means rules made under this Act.
- o) “prescribed authority” means the authority notified as such by the State Government provided that different authorities may be notified for different provisions of the Act.
- p) “restaurant” means a place where food is being served for monetary consideration and includes a tea stall, dhaba, snack bar, cafe with or without facilities for convention or conference.
- q) “State” means the State of Mizoram.
- r) “tourist area” means any area notified by the Government in the Official Gazette to be a tourist area for the purposes of this Act.
- s) “tourist” means a person or group of persons including pilgrims visiting the State from any part of India or outside India.
- t) “tourist guide” means a person who engages himself as a paid guide for tourists.
- u) “Tourism Department” means the Tourism Department under the Government of Mizoram.
- v) “tour operator” means a person engaged in the business of ticketing, conducting tours and travels, trekking, camping, tour operating including arrangements for lodging, sight-seeing, transportation for tourists for a monetary consideration and includes a travel in connection with tourism.
- w) “water sports operator” means a person operating boats/parasailing/jet ski/kayaking, canoeing, rafting, scuba diving etc to tourists and includes water sports equipment dealer.

CHAPTER 2

Tourist Area

3. The Government shall have the power to declare any area.

in the state to be a Tourist Area for the purpose of promotion, development, regulation and management of Tourism and related infrastructure and services

CHAPTER 3 REGISTRATION OF DEALERS

Registration

4. (1) Every person intending to carry on business of a dealer under this Act shall, before he commences such business, apply for registration to the prescribed authority in a prescribed manner.

Provided that nothing in this sub-section shall apply to the sale of notified articles in fairs and temporary markets organised during festivals.

- (2) Notwithstanding anything contained in sub-section(1), any person already carrying on business of selling any notified article in a tourist area **on the date such article is notified under clause (1) of section 2** shall apply for registration under this Act within 3 months from the date of commencement of this Act.
- (3) Every application made under sub-section (1) shall be disposed of within a period of 3 months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

Certificate of Registration

5. The prescribed authority shall, unless registration is refused under section 5, direct that the name and the particulars of the dealer be entered in the register for the purpose and shall issue a certificate to the dealer in the prescribed form within a period of three months from the date of receipt of the application.

Refusal to Register

6. (1) The prescribed authority may refuse to register a dealer under this Act on any of the following grounds:-

- (a) If he is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or
 - (b) If he has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
 - (c) If his name has been removed from the register under clause (a) to clause (d) of sub-section(1) of section 6 and three months have not elapsed since the date of removal, or
 - (d) If in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.
- (2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

**Removal of the name
from Register**

7. (1) The prescribed authority may after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a dealer from the register and cancel his certificate on any of the following ground:-
- (a) If he ceases to be a dealer
 - (b) If he is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or
 - (c) If he has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
 - (d) If any complaint of malpractice is received and proved against him.

**Black-listing of
a dealer**

- (2) Any dealer whose name is removed from the register under sub-section 1 shall forthwith cease to be a dealer.
8. (1) The prescribed authority may, on proof of malpractice or for any other offences committed under this Act, for reasons to be recorded in writing, blacklist a dealer after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority may deem fit.
- (2) The particulars of a black-listed dealer shall be exhibited at conspicuous places and notified as prescribed.
- (3) Notwithstanding action taken under sub-section (1) above, the dealer shall be liable to be prosecuted under the provisions of law if deemed necessary.
- (4) If the prescribed authority is satisfied that there are sufficient grounds for removal of a dealer from the black-list, he may, after giving a reasonable opportunity of being heard to the dealer and for reasons to be recorded in writing, order its removal from such list and issue a fresh certificate of registration on payment of prescribed fees and notify the same for the information of all concerned.
- (5) Before removing the name of a dealer from the register under section 6 or blacklisting it under section 7 of this Act, the prescribed authority shall give a notice to the dealer the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the dealer giving him a reasonable opportunity of show cause against it.

CHAPTER 4
REGISTRATION OF HOTELS

Registration

9. (1) Every person intending to operate a hotel under this Act shall, before operating it, apply for registration to the prescribed authority in a prescribed manner.

- (2) Notwithstanding anything contained in sub-section(1), any person already operating a hotel on the date of notification of this Act, shall apply for registration under this Act within 3 months from the aforesaid date.
- (3) Every application made under sub-section (1) shall be disposed of within a period of 3 months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

**Certificate of
Registration**

10. The prescribed authority shall, unless registration is refused under section 10, direct that the name and the particulars of the hotel and the hotel-keeper be entered in the register for the purpose and shall issue a certificate to the hotel-keeper in the prescribed form within a period of three months from the date of receipt of the application.

**Refusal to
Register**

11. (1) The prescribed authority may refuse to register a hotel under this Act on any of the following grounds:
- (a) If the hotel-keeper is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or
 - (b) If hotel-keeper has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
 - (c) If the name of the hotel-keeper has been removed from the register under clause (a) to clause (d) of section 11 and three months have not elapsed since the date of removal, or
 - (d) If the hotel-keeper does not hold a license or certificate required to be held by him under any law for the time being in force, or
 - (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.

**Removal of the name
from Register**

12. (1) The prescribed authority may after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a hotel from the register and cancel its certificate on any of the following grounds:
- (a) If the hotel-keeper ceases to be a owner or proprietor of a hotel as defined under clause (i) of section 2.
 - (b) If the hotel-keeper is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or
 - (c) If the hotel keeper has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
 - (d) If any complaint of malpractice is received and proved against a hotel-keeper.
 - (e) If the hotel-keeper has failed to renew the certificate within a period of one month from the date of expiry.
- (2) Any hotel whose name is removed from the register under sub-section 1 shall forthwith cease to be a hotel.

**Black-listing of
Hotel**

13. (1) The prescribed authority may, on proof of malpractice or for any other offences committed under this Act, for reasons to be recorded in writing, blacklist a hotel after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority may deem fit.
- (2) The particulars of a black-listed hotel shall be exhibited at conspicuous places and notified in a

prescribed manner.

(3) Notwithstanding action taken under sub-section (1) above, the hotel-keeper shall be liable to be prosecuted under the provisions of law if deemed necessary.

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

(5) Before removing the name of a hotel from the register under Section 11 or blacklisting it under Section 12 of this Act, the prescribed authority shall give a notice to the hotel-keeper the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the hotel-keeper giving him a reasonable opportunity of show cause against it.

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| Display of Information | 14. | Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel such information as may be prescribed. |
| Presenting Detailed Bills | 15. | Every hotel-keeper shall render detailed bills to the person residing in the hotel and other customers and shall give receipts in acknowledgement of all payments. |
| Closure of a Hotel | 16. | If the holder of a certificate under section 9 of this Act intends to close down his business in the premises during the period of validity of the certificate, he shall inform the same to the prescribed authority in writing at least fifteen days prior to the date on which he actually intends to close down the business alongwith original certificate. |

**Classification of hotels 17.
fixation of rates**

The prescribed authority may, after following the procedure as may be prescribed and after giving an opportunity of being heard to the hotel –keeper, by notification in the Official Gazette, classify the hotels and award a grade to each hotel and also fix the reasonable maximum rate and the service charges, if any, commensurate of the hotel and the quality of food, accommodation and service, which may be charged by the hotel keeper for board or lodge or for both from the person staying therein or from other customers.

Provided that nothing in this section shall apply to the hotels which are classified or graded by the Government of India or any board or authority under the Government of India or by an Act of Parliament.

CHAPTER 5

REGISTRATION OF RESTAURANTS

Registration

18. (1) Every person intending to operate a restaurant under this Act shall, before operating it, apply for registration to the prescribed authority in a prescribed manner.
- (2) Notwithstanding anything contained in sub-section(1), any person already operating a restaurant on the date of notification of this Act, shall apply for registration under this Act within 3 months from the aforesaid date.
- (3) Every application made under sub-section (1) shall be disposed of within a period of 3 months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

**Certificate of
Registration**

19. The prescribed authority shall, unless registration is refused under section 9, direct that the name and the particulars of the restaurant and the restaurant-keeper be entered in the register for the purpose and shall issue a certificate to the restaurant-keeper in the

prescribed form within a period of three months from the date of receipt of the application.

Refusal to Register

20. (1) The prescribed authority may refuse to register a restaurant under this Act on any of the following grounds:
- a) If the restaurant-keeper is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or
 - b) If restaurant-keeper has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
 - c) If the name of the restaurant-keeper has been removed from the register under clause (a) to clause (d) of section 20 and three months have not elapsed since the date of removal, or
 - d) If the restaurant-keeper does not hold a license or certificate required to be held by him under any law for the time being in force, or
 - 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.

Removal of the name from Register

21. (1) The prescribed authority may after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a restaurant from the register and cancel its certificate on any of the following grounds:
- a) If the restaurant-keeper ceases to operate a restaurant.
 - b) If the restaurant-keeper is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling,

gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or

- c) If the restaurant-keeper has been declared insolvent by a court of competent jurisdiction and has not been discharged, or
- d) If any complaint of malpractice is received and proved against a restaurant-keeper.
- e) If the restaurant-keeper has failed to renew the certificate within a period of one month from the date of expiry.

(2) Any restaurant whose name is removed from the register under sub-section 1 shall forthwith cease to be a restaurant.

**Black-listing of
Restaurant**

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

(5) Before removing the name of a restaurant from the register under section 20 or blacklisting it under section 21 of this Act, the prescribed authority shall give a notice to the restaurant-keeper the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the restaurant-keeper giving him a reasonable opportunity to show cause against it.

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| Display of Information | 23. | Every restaurant-keeper shall cause to be displayed at some conspicuous place of the restaurant such information as may be prescribed. |
| Presenting Detailed Bills | 24. | Every restaurant-keeper shall render detailed bills to the customers and shall give receipts in acknowledgement of all payments. |
| Closure of a Restaurant | 25. | If the restaurant-keeper who are holder of a certificate under section 18 of this Act intends to close down his business in the premises during the period of validity of the certificate, he shall inform the same to the prescribed authority in writing at least fifteen days prior to the date on which he actually intends to close down the business alongwith original certificate. |
| Classification of Restaurants and fixation of rates | 26. | The prescribed authority may, after following the procedure as may be prescribed and after giving an opportunity of being heard to the restaurant-keeper, by notification in the Official Gazette, classify the restaurants and award a grade to each restaurant and also fix the reasonable maximum rate and the service charges, if any, commensurate of the restaurant and the quality of food and service, which may be charged by the restaurant-keeper from its customers.
Provided that nothing in this section shall apply to the restaurants which are classified or graded by the Government of India or any board or authority under the Government of India or by an Act of Parliament. |

CHAPTER 6

REGISTRATION OF TOUR OPERATOR & TOURIST GUIDE

Registration

27. (1) No person shall carry on the business of a tour operator or a tourist guide unless he is registered in accordance with the provisions of this Act.
- (2) Every person intending to act as a tour operator or a tourist guide shall, before he commences to act as such, apply for registration to the prescribed authority in a prescribed manner.
- (3) Notwithstanding anything contained in sub-section(2), any person already engaged as a tour operator or a tourist guide on the date of notification of this Act, shall apply for registration under this Act within 3 months from the aforesaid date.
- (4) Every application made under sub-section (2) shall be disposed of within a period of 3 months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

Certificate of Registration

28. The prescribed authority shall, unless registration is refused under section 28, direct that the name and the particulars of the tour operator or tourist guide be entered in the register for the purpose and shall issue a certificate to the tour operator or tourist guide in the prescribed form within a period of three months from the date of receipt of the application.

Refusal to Register

29. (1) The prescribed authority may refuse to register a tour operator or a tourist guide under this Act on any of the following grounds:
- (a) If the tour operator or tourist guide is convicted of any offence under the Indian Penal Code, 1860 and

under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or

(b) If the tour operator or tourist guide has been declared insolvent by a court of competent jurisdiction and has not been discharged, or

(c) If the name of tour operator or tourist guide has been removed from the register under clause (a) to clause (d) of section 29 and three months have not elapsed since the date of removal, or

(d) If the tour operator or tourist guide does not hold a license or certificate required to be held by him under any law for the time being in force, or

(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.

**Removal of the name
Register**

30. (1) The prescribed authority may after affording a **from** reasonable opportunity of being heard, by an order in writing, remove the name of a tour operator or tourist guide from the register and cancel its certificate on any of the following grounds:

a) If he ceases to be a tour operator or tourist guide.

b) If the tour operator or tourist guide is convicted of any offence under the Indian Penal Code, 1860 and under any law providing for the hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since the expiry of the sentence imposed upon him, or

c) If the tour operator or tourist guide has been declared insolvent by a court of competent jurisdiction and has not been discharged, or

- d) If any complaint of malpractice is received and proved against him.
- e) If the tour operator or tourist guide has failed to renew the certificate within a period of one month from the date of expiry.

(2) Any tour operator or tourist guide whose name is removed from the register under sub-section 1 shall forthwith cease to be a tour operator or tourist guide.

**Black-listing of
Tour Operator or
Tourist Guide**

31.

(1) The prescribed authority may, on proof of malpractice or for any other offences committed under this Act, for reasons to be recorded in writing, blacklist a tour operator or tourist guide after taking into consideration the nature of malpractice or the gravity of offence, for such period as the prescribed authority may deem fit.

(2) The particulars of a black-listed tour operator or tourist guide shall be exhibited at conspicuous places and notified as prescribed.

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

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

(5) Before removing the name of a tour operator or tourist guide from the register under section 29 or blacklisting it under section 30 of this Act, the prescribed authority shall give a notice to the tour operator or tourist guide the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the tour operator or tourist guide

- giving him a reasonable opportunity to show cause against it.
- Restriction to function as a recruiting agent** 32. No tour operator or tourist guide registered under this Act shall commence or carry on any business of recruitment for an employer or by representing such employer with respect to any matter in relation to such recruitment including dealing with the persons so recruited or desiring to be recruited unless he/she has obtained a certificate from the registering authority under the Emigration Act, 1983 (Central Act 31 of 1983).
- Fixation of Rates** 33. The prescribed authority may, by notification in the Official Gazette, fix the reasonable maximum rates which may be charged by a tour operator or tourist guide for the service rendered by him to a person engaging him as such.
- Tour operator or Tourist guide not to demand tip,etc.** 34. No tour operator or tourist guide shall demand any tip, gratuity, presents or commissions other than that permissible under this Act from any persons engaging him or from any dealer selling notified article to any persons or from any hotel-keeper in whose hotel such person resides or intends to reside.

CHAPTER 7

APPEAL AND REVISION

- Appeal** 35. (1) Subject to the provisions of sub-section 2 below, an appeal shall lie from every order of the prescribed authority under this Act to the Appellate Authority to be appointed by the Government.
(2) Every such appeal shall be preferred within ninety days from the date of communication of the order.

Provided that the Appellate Authority may entertain

the appeal after the expiry of 90 days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) The appellant shall have the right to be represented by a counsel or by a duly authorised agent duly appointed by the prescribed authority

(4) On receipt of any such appeal, the Appellate Authority shall, after giving a reasonable opportunity of being heard and after making such enquiry as it deems proper, dispose of the appeal for reasons to be recorded in writing.

Procedure to be Followed by the Appellate Authority

36. The Appellate Authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters:

(1) Summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith.

(2) Compelling the production of any document.

(3) Examining witnesses on oath

(4) Summoning and examining suo-moto any person whose evidence appears to be material.

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

Revision

37. The Revision Authority, to be appointed by the Government may, either on his own motion or an application made by an aggrieved party, call for the record of any case disposed off by the appellate authority, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by the appellate authority and pass such order thereon as it may deem fit and such order shall be final.

Provided that no such record shall be called for after the expiry of three months from the date of communication of the order;

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 authorised agent.

CHAPTER 8

OFFENCES & PENALTIES

Penalty for default in registration

38. (1) Any person carrying on the business of a dealer, hotel keeper, tour operator or tourist guide without a certificate of registration under this Act or in violation of any provisions of this Act shall be punishable by the prescribed authority with fine which may extend up to **Rs. 50,000/-**

Explanation: A person who has made an application for renewal of certificate before its expiry and if the same is pending disposal then he shall not be a defaulter for the purposes of this section.

(2) When the person on whom the penalty of fine is imposed under sub-section (1) does not within 30 days from the date of the order imposing such penalty, pay the fine imposed, then such person shall be liable to pay, by way of penal interest, a sum of:-

a) Rs. 100 for each day for the first 30 days from the date of expiry of the period of 30 days as aforesaid, and,

b) Rs.200/- for each day thereafter for a period of 15 days.

(3) In case of failure on the part of a dealer, hotel-keeper, tour operator or tourist guide to pay the fine imposed under sub-section(1) and/or penal interest under sub-section(2), the fine shall be recovered as an arrear of land revenue, and the business shall be liable to be

closed and the prescribed authority shall be at liberty to institute proceedings in the appropriate Court of Law for enforcing the closure of the business.

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| Certificate not to Be assigned | 39. | Any person who lends, transfers or assigns the certificate issued under this Act, shall be punishable by the prescribed authority with fine which may extend upto Rs. 20000/- |
| Certificate & documents to be shown to persons on demand | 40. | (1) Any person registered under this Act, shall at all times, on demand, produce and show his certificate or any other documents required under this Act or the rules made thereunder to the prescribed authority or any officer authorised by him in this behalf.
(2) Any person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorised to demand it, shall be punishable by the prescribed authority with fine not exceeding Rs. 5000/-. |
| Penalty for Malpractice | 41. | If any dealer, hotel-keeper, travel agent, tour operator or tourist guide or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provisions of this Act or the rules made thereunder, shall be liable to be punishment with imprisonment for a term which may extend to three months or with fine not exceeding Rs. 10000/- or with both. |
| Penalty for obstructing lawful authorities | 42. | If any person wilfully obstructs or offers any resistance to, or otherwise interferes to the discharge of the functions of the prescribed authority or any other officer authorised by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made thereunder, he shall be liable to punishment with imprisonment which may extend to 3 months or with fine not exceeding Rs. 10000/- or with both. |

**Penalty for
Subsequent
Breaches**

43. Any person committing a breach of any of the provisions of the Act or the rules made thereunder for which he has been once punished with fine by the prescribed authority under any of the provisions of this Chapter, shall be punishable with imprisonment which may extend to six months or with minimum fine of Rs. 5000/- which may extend to Rs. 50,000/- or with both. The offence under this Act shall be cognizable, bailable and triable in summary manner.

**Institution of
Proceedings**

44. No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority.

45. Any fine imposed under this Chapter shall be recovered as if it were a fine recoverable under the provisions of the Code of Criminal Procedure, 1973. (Central Act 45 of 1973)

CHAPTER 9

MISCELLANEOUS

**Notification of
Changes**

46. (1) Whenever a business, for which a 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 Act, such person shall, within sixty days of the date of such devolution or change, notify in writing, the fact to the prescribed authority.

(2) The prescribed authority shall make necessary changes in the register maintained for the purpose and in the certificate.

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

- Return of Certificate** 47. When a certificate is cancelled under this Act, the person holding such certificate shall, within seven days from the date of communication of the order of cancellation, return it to the prescribed authority.
- Duplicate Certificate** 48. If a certificate issued under this Act is lost, damaged or destroyed, the prescribed authority shall, on an application made in that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.
- Certificate to be Exhibited** 49. The certificate shall be exhibited by the person holding it in a conspicuous place at the principal place of his business and if he has no place of business, he shall keep it in his person.
- Publication of list of Persons removed From the register** 50. The prescribed authority shall from time to time publish in such manner as it deems fit, names and addresses of the persons and of the hotel, travel agents, tour operators and tourist guides whose names have been removed from the register and who have been refused registration under this Act.
- Power to inspect** 51. The prescribed authority or any person authorised by him in this behalf may, inspect at all reasonable times, the premises in which a dealer or tour operator or travel agent or tourist guide carries on his business or any premises where a hotel or restaurant is operated and require such dealer, hotel keeper, restaurant-keeper or travel agent, to produce any document kept in pursuance of this Act or the rules made thereunder for inspection.
- Powers of Government to apply the Act and to other persons** 52. The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or the rules made thereunder shall, with such exceptions, adoptions or modifications as may be

considered necessary, apply to persons during the business of providing such tourist service as may be prescribed.

Powers & duties of Police in respect of offences and assistance

53. Every police officer shall give immediate information to the prescribed authority of an offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall assist the prescribed authority in the exercise of his lawful authority.

Indemnity

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

Power to make Rules

55. (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 powers, such rules may provide for:

- a) the maintenance of registers, books and forms by a hotel-keeper, dealer, etc for conduct of business.
- b) The form of application for registration and for certificate.
- c) The fee for registration.
- d) The manner for giving notices under this Act.
- e) Classification of hotels, travel agents, tour operator and tourist guides.
- f) qualification for registration as travel agents.
- g) manner of publication of the names and addresses of the persons and the hotels removed from the register or to whom registration has been refixed.
- h) the place where the prescribed authority shall hold enquiry under this Act.
- i) any other matter which is to be or may be prescribed.

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| Exemptions | 56. This Act shall not apply to Government Guest Houses, Circuit Houses, Tourist Lodges and Government Rest Houses managed and run by Government primarily for government accommodation. |
| Power to remove Difficulties | 57. 1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, remove such difficulty.
Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.
2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly of Mizoram |

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