

# **The Goa Tourism Promotion, Management and Regulation Bill, 2023**

**(Bill No. of 2023)**

**A**

**BILL**

To consolidate and amend the laws applicable to tourism in the State, and to protect, preserve and retain the natural and cultural heritage of the State in order to ensure that it remains a destination of choice for tourists by improving its tourism competitiveness, with the principal focus on the well-being of tourists by establishing a planning body for fostering structured growth and development of tourism, regulation of trade and services related and incidental to tourism, facilitation and promotion of sustainable tourism, adoption of data-driven decision-making, expeditious grievance redressal for tourists and formulation of standards that deliver quality tourism services as well as providing for matters ancillary and incidental or connected to the aforesaid.

WHEREAS, considering the tourists visiting the State significantly outnumber the residents, it is expedient to identify and demarcate areas for targeted tourism development and to ensure the safety and well-being of tourists through appropriate regulation and control over activities, persons, and entities, to constitute a designated law enforcement agency, to effectuate compliance with the law and applicable standards by all stakeholders, and to deliver public amenities.

WHEREAS, with a view to propagate sustainable tourism practices, it is further expedient to provide measures for capacity building and knowledge dissemination, to incentivise the adoption of sustainable practices; and with the aim to mitigate the negative impact of tourism on the environment, it is imperative to undertake carrying capacity assessment.

## **CHAPTER I**

### **Preliminary**

- 1. Short title, extent, commencement, and application.** – (1) This Act may be called the Goa Tourism Promotion, Management and Regulation Act, 2023.
  - (2) It shall extend to the whole of the State of Goa.
  - (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.
  
- 2. Definitions.** - In this Act, unless the context otherwise requires, -
  - (a) **“Board”** means the authority established under sub-section (1) of section 3;

- (b) **“Carrying capacity”** means the maximum number of tourists that any place can sustainably accommodate taking into account the environmental, social, and economic impacts of tourism;
- (c) **“Defect”** means any fault, imperfection, shortcoming in the quality, quantity, potency, purity, or standard in relation to goods;
- (d) **“Deficiency”** means any fault, imperfection, shortcoming or defect in the feature, quality, amount, nature, worth, authenticity, capacity, and standard in relation to services;
- (e) **“Department”** means the Department of Tourism, Government of Goa;
- (f) **“Director”** means the Director, Tourism, Department of Tourism;
- (g) **“Event”** means and includes any activity carried out for the purpose of providing or intending to provide services or goods to tourists for a period not less than two hours and not more than six months;
- (h) **“Government”** means the State Government of Goa;
- (i) **“Misleading advertisement”** in relation to goods or services, means an advertisement, which falsely describes such goods or services; or gives a false guarantee to, or is likely to mislead the tourists as to the nature, substance, quantity or quality of such goods or services; or conveys an express or implied representation which is made by the tourism enterprise of such good or service; or deliberately conceals important information;
- (j) **“Operational standards or codes of practice”** means and includes a set of guidelines, procedures, and requirements used to ensure consistent and efficient operations and performance of a tourism enterprise;
- (k) **“Person”** means and includes any company or association or body of individuals, whether incorporated or otherwise, and any local authority under Article 12 of the Constitution of India;
- (l) **“Prescribed”** means prescribed by rules made by the State Government under this Act;
- (m) **“Public Amenities”** means facilities, resources, services, and infrastructure that are provided for the use, comfort, convenience or enjoyment of the public at large;
- (n) **“Regulations”** means specified by regulations made by the Board;
- (o) **“Schedule”** means a Schedule annexed to this Act;
- (p) **“State”** means the State of Goa;

- (q) **“Tourism Cluster”** means any place, building, point of interest or area notified by the Government under sub-section (1) of section 18;
- (r) **“Tourism Competitiveness”** means the ability to plan and ensure optimization of attractiveness of a place, by delivering trade, services and infrastructure, while ensuring that the resources including human capital and services supporting tourism are developed, used and deployed in an efficient and sustainable manner;
- (s) **“Tourism Enterprise”** means and includes a place, establishment, entity or activity, operated or used or undertaken or carried out for providing or intending to provide services or goods to tourists, as prescribed in Schedule II;
- (t) **“Tourism Outcome”** means the effect of tourism on a particular location or community in the State;
- (u) **“Tourist”** means a person who visits the State for any duration and for any purpose, including business or leisure but other than for employment;
- (v) **“Tourism Evaluation”** means a process to evaluate the effect of any development in the State on the well-being of tourists and on sustainability, environment, waste management, economy and public amenities;
- (w) **“Tourism Safety Force”** means the force constituted under section 20.

## CHAPTER II

### Goa Tourism Board

- 3. Establishment of the Board.** – (1) The Government shall establish an authority which may be referred to as the Goa Tourism Board (hereinafter referred to as Board) or may be referred to by any other name as may be notified by the Government.
- (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.
- (3) The principal office of the Board shall be at Panaji or such other place as the Government may notify.
- (4) The Board may establish additional offices at other places within or outside the State or the country.
- 4. Objectives of the Board.** – (1) The Board shall have the overall objective of securing holistic planning and development of tourism in the State in a manner that is sustainable, ecologically sound, and beneficial to residents and tourists alike.
- (2) Notwithstanding the generality of sub-section (1), the Board shall, -

- (a) enable an inclusive Government response to ensure steady improvement in tourism competitiveness;
- (b) plan and oversee the development of infrastructure, public amenities, and services to effectively manage and address the overall impact of tourist inflow as well as enable adequate services to provide global best in class tourism experience in the State;
- (c) ensure accountability from all parts of the Government and public authorities for provision of appropriate infrastructure and delivery of public amenities or services to maintain the tourism competitiveness of the State;
- (d) improve regulation of tourism enterprises to ensure better delivery of goods or services, promote culture of compliance and protection of interest of tourists and to curb malpractices;
- (e) eliminate activities that negatively impact tourism competitiveness;
- (f) enable growth in the tourism sector while improving the human development index in the State;
- (g) ensure the health, safety, and overall well-being of tourists through all necessary means.

**5. Composition of the Board.** – The Board shall consist of, -

- (a) Chief Minister, who shall be the Chairperson of the Board;
- (b) Minister of Tourism, who shall be the Co-Chairperson of the Board;
- (c) Chief Secretary .....member;
- (d) Secretary Tourism.....member;
- (e) Representative from the Ministry of Tourism, Government of India.....member;
- (f) Director, Department of Tourism.....member;
- (g) Chairman, Goa Tourism Development Corporation (GTDC).....member;
- (h) Managing Director, GTDC.....member;
- (i) Environmental Expert, Government of Goa.....member;
- (j) six representatives from the industry and industry bodies including those from the Goa Chamber of Commerce and Industry (GCCCI), Confederation of Indian Industry (CII), World Travel and Tourism Council, India Initiative (WTTCCII), or any other industry or industry body that the Government may deem fit.....members;
- (k) four subject matter experts who shall be people of ability, integrity, standing, and with special knowledge, or professional experience, in the areas of tourism, administration, sustainability, waste management, land use and urban planning,

panchayati raj administration, livelihood, heritage and culture, information technology, or any other area, that the Government may deem fit.....members;

- (l) a person appointed as the Chief Executive Officer (CEO) by the Government, who shall be the Member Secretary of the Board.

**6. Appointment and tenure of the members.** - All members of the Board other than the ex-officio members shall, -

- (a) be appointed from a panel of persons recommended by a search and selection committee constituted by the Government;
- (b) hold office for a maximum period of two years at a time.

**7. Sitting fees and other allowances of the members.** - For all members of the Board other than the ex-officio members, -

- (a) The sitting fees and other allowances shall be such as prescribed.
- (b) The sitting fees and other allowances, shall not be varied to their disadvantage after appointment.

**8. Role of the Chief Executive Officer.** – (1) The Chief Executive Officer shall have powers of general superintendence in the conduct of the day-to-day affairs of the Board subject to the directions of the Board, and exercise such other powers and functions as prescribed.

- (2) If the Chief Executive Officer is temporarily absent or for any other reason is temporarily unable to perform his duties the Director shall discharge the duties of the Chief Executive Officer during such time.

**9. Officers and other employees of the Board.** – (1) The Board shall appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.

- (2) The salary and terms and conditions of service of the officers and such other employees, shall be such as prescribed.

**10. Powers and functions of the Board.** – (1) The Board shall perform the following functions, namely, -

- (a) ensure appropriate implementation of the provisions of this Act and of any plans or schemes or programs developed under it;

(b) develop, notify and update any plan in accordance with Chapter III of this Act;

(c) specify operational standards or codes of practice for, -

- i. tourism enterprise;
- ii. maintenance and operation of public amenities;

Provided that the Board may also formulate different or additional operational standards or codes of practice for tourism enterprises operating in tourism clusters.

*Explanation:* For the purposes of this Act, all or any applicable operational standards or codes of practice shall be mandatory in tourism clusters.

(d) specify the mechanism to, -

- i. enforce operational standards or codes of practice;
- ii. enable availability of and accessibility to public amenities;
- iii. ensure safety, security and well-being of tourists;

(e) determine benchmarks to evaluate tourism outcomes including the following outcomes, namely, -

- i. sustainable practices in tourism enterprises;
- ii. heritage and culture;
- iii. ecology and environment;
- iv. health and sanitation;
- v. infrastructure and mobility;

(f) develop policies and action plans to facilitate competition and to promote efficiency in tourism and its allied sectors;

(g) regulate places, persons and activities that are related or ancillary to tourism;

(h) determine a framework for planning, collecting, maintaining, analyzing, and processing of data to identify, measure and monitor tourism trends, sectoral trends as well as for delivery of public amenities and services of tourism enterprise;

(i) enable delivery of public amenities and services of tourism enterprise through appropriate regulation;

(j) transform the State into a sustainable tourist destination;

(k) identify areas to undertake and enable tourism carrying capacity assessments;

(l) encourage and promote investment through public-private partnerships in tourism in the State;

(m) establish benchmarks for tourism evaluation of any project or developmental activity;

(n) identify any project or developmental activity that affects or is likely to affect the tourism competitiveness of the State;

- (o) perform such other functions as may be entrusted to it by the Government.
- (2) For the purposes of this Act, the Board shall exercise the following powers, namely, -
  - (a) issue directions to any person in order to secure compliance with the provisions of this Act;
  - (b) issue directions to any person on any matter that impacts the tourism competitiveness of the State and anything related or incidental to it;
  - (c) call for information from any person, necessary to effectively undertake any or all of its functions;
  - (d) undertake public consultations;
  - (e) issue directions to any person planning to or undertaking any project or developmental activity as identified under sub-clause (n) of sub-section (1), to conduct a tourism evaluation in line with the benchmarks formulated under sub-clause (m) of sub-section (1);
  - (f) invite any experts as special invitees to the meetings of the Board, if deemed necessary.

**11. Establishment of the tourism fund.** – (1) The Government shall create a Goa Tourism Development Fund (hereinafter referred to as Fund), which shall be controlled and administered by the Board in such manner as prescribed.

- (2) All monies received by or on behalf of the Board shall be credited to the Fund.
- (3) The Board may for the purposes of this Act raise loans, accept grants, contributions, donations, subventions, and gifts; source funds from State or Central Government schemes and domestic or external borrowings; levy such charges and fees for tourism related activities as it may deem fit; or raise funds in any other manner as it may deem fit.

**12. Accounts and audit.** - (1) The Chief Executive Officer shall cause to be maintained books of accounts and other records in relation to the functioning of the Board, in such form and manner as prescribed.

- (2) The Chief Executive Officer shall cause to be prepared, -
  - (a) an annual statement of accounts in such form and manner as prescribed; and
  - (b) an audit report;which shall be submitted to the Board, which shall cause it to be laid before the Legislative Assembly of the State.

**13. Meetings of the Board.** – (1) The Board shall meet at such times and places, and transact business at its meetings in such manner as may be specified by regulations.

(2) The Chairperson, and in his absence the Co-Chairperson, shall preside over the meetings of the Board.

(3) If the Chairperson or the Co-Chairperson are unable to attend a meeting, any other ex-officio member of the Board shall preside over such meetings.

(4) All questions which come up at any meeting of the Board shall be decided by way of voting in such manner as may be specified by regulations.

**14. Vacancy not to invalidate proceedings of the Board.** – Any act or proceeding of the Board shall not be invalid merely by reason of, -

(a) any vacancy or any inadequacy in the constitution of the Board; or

(b) any inadequacy in the appointment of a person acting as a member of the Board.

**15. Empowered committees.** – (1) The Board shall establish one or more empowered committees to provide technical inputs by way of recommendations to the Board, on various subjects including, -

(a) health and hygiene;

(b) safety and security;

(c) sustainability;

(d) sanitation, and waste management;

(e) tourism in the digital economy;

(f) marketing and public relations;

(g) infrastructure and mobility;

(h) archaeology, architecture, culture, and history;

(i) accountability and compliance.

(2) The empowered committees shall be chaired by such members as may be nominated by the Government.

(3) In addition to the empowered committees established under sub-section (1), the Board may also establish ad-hoc empowered committees as it may deem fit.

### **CHAPTER III**

#### **Tourism Planning and Development**



**16. Tourism plan.** – (1) The Board shall prepare tourism plans and notify the same after obtaining approval of the Government.

Provided that the Goa Tourism Master Plan notified prior to the commencement of this Act shall be in force until it is reviewed and altered.

(2) Tourism plans shall, *inter-alia*, include, -

- (a) long-term strategies with a vision, goals, and targets for sustainable tourism, action plans and mechanisms to leverage resources, empower sustainable travel choices and help businesses reduce their environmental impact and retain the green cover of the State;
- (b) identification and demarcation of various places or sites for targeted tourism development and attendant infrastructure, including tourism clusters in the State;
- (c) measures for the efficient use of public places allocated for tourism activities and the maintenance of ecological, natural as well as man-made sites;
- (d) plan for erection, installation, and maintenance of adequate public amenities, as per consultation with urban local bodies or panchayats or other Departments and instrumentalities of the State, for various places or sites in the State, including tourism clusters;
- (e) interventions and regulations for enhancing the health, safety, and well-being of tourists;
- (f) strategies for building resilience in the tourism ecosystem for better disaster preparedness and response;
- (g) programs targeted at developing the human capital required to deliver and maintain the tourism competitiveness of the State and to add value to and for improving livelihood opportunities;
- (h) plans for promoting and showcasing the State as a marque tourist destination;
- (i) benchmarks for all activities through tourism evaluation and strategic responses through mitigation measures relating to it.

(3) The Board shall review the tourism plans annually or at such other shorter intervals as it may deem fit.

**17. Tourism Cluster.** – (1) The Government may, under sub-clause (b) of sub-section (2) of section 16, notify one or more places, buildings, points of interest or areas in the State as a tourism cluster on the recommendation of the Board.

(2) Before recommending a tourism cluster, the Board shall assess any place based on such factors as may be specified by regulations.

**18. Declaration of a tourism cluster.** - (1) The Government may, by notification in the Official Gazette, declare, -

- (a) a new tourism cluster; or
- (b) alteration of the limits of a tourism cluster; or
- (c) denotification of a place previously notified as a tourism cluster;

in such form and manner as prescribed.

(2) A notification under sub-clause (a) or sub-clause (b) of sub-section (1) shall specify the limits of the place.

(3) The altered limits of an existing tourism cluster shall be applicable from the date on which the notification is issued.

**19. Powers and functions of the Department in a tourism cluster.** – The Department shall exercise the following powers and perform the following functions in a tourism cluster, namely, -

- (a) enforce and monitor compliance with the mandatory operational standards or codes of practice laid down for tourism enterprises and public amenities;
- (b) make recommendations to urban local bodies or panchayats or both, in respect of any development or construction that adversely affects or is likely to adversely affect tourism;
- (c) make recommendations to all Departments and instrumentalities of the State for the maintenance and availability of public amenities;
- (d) ensure the safety, security, and well-being of tourists;
- (e) exercise such other powers and perform such other functions as may be directed by the Government.

**20. Tourism Safety Force.** – (1) The Government shall, for the purpose of clause (d) of section 19, constitute a tourism safety force consisting of, -

- (a) officers deputed from amongst the police personnel of the State;
- (b) tourist guards deployed in tourism clusters.

(2) The Director shall be responsible for the deployment of tourism safety force and he may issue directions to the tourism safety force.

**21. Powers and functions of the Tourism Safety Force.** – The tourism safety force shall, -

- (a) have the power to arrest in case of a non-bailable and cognizable offence;
- (b) have the power to conduct search of any person and seize any items in his belonging for any violations of this Act;
- (c) have the power to secure evidence from and attendance of witness for clauses (a) and (b);
- (d) have the power to impose and collect fines for offences of nuisance and touting under this Act;
- (e) coordinate with and assist the tourist guards from outside the tourism clusters for ensuring the safety and security of tourists;
- (f) coordinate with all Departments and instrumentalities of the State for ensuring the safety and security of tourists in the tourism cluster.

**22. Appointment, powers and functions of tourist guards.** - (1) The Government shall appoint persons as tourist guards within and outside the tourism clusters for discharging such functions as may be specified under this Act.

(2) The tourist guards in the State shall perform the following functions, namely, -

- (a) assist the officers appointed under sub-section (1) of section 20 in the prevention of any crime against tourists and ensure their safety and security;
- (b) assist the local administration and the police in preventing drug trafficking, illegal liquor sale or illegal liquor consumption;
- (c) detain any person found to be violating any provision of this Act and present such person to the officers appointed under sub-section (1) of section 20 or to the nearest police station;
- (d) apprise the tourists of touts and undesirable or illegal activities, and assist the local administration and the police in taking the necessary action;
- (e) assist tourists as first responders in case of a health emergency including, by way of providing first aid, Cardiopulmonary Resuscitation (CPR), and coordinate with the health service providers, local administration, and police;
- (f) extend assistance to tourists in lost and found services;
- (g) provide necessary information to tourists to facilitate their visits, in matters relating to passport, visas, residential permit, exchange of currency and immigration issues;
- (h) monitor levels of pollution as well as waste management and disposal;
- (i) prevent graffiti and littering at tourist sites, and any other form of nuisance under this Act;

(j) perform such other functions as may be entrusted to it by the Government.

**23. Superintendence of tourist guards.** – (1) The tourist guard shall be under the superintendence of the Director.

(2) The Director shall be responsible for the deployment of the tourist guard.

(3) The Director may deploy the tourist guard at such places and for such duration as he may deem fit.

(4) Notwithstanding the generality of sub-section (3), the Director may deploy the tourist guard,

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(a) at tourist destinations within the State;

(b) in tourism clusters as a part of the tourism safety force;

(c) with a tourist group or contingent within an area;

(d) at railway stations, bus stations, airports, or ports;

(e) at any place to monitor any service or activity which is a subject of relevance under this Act.

**24. Compliance with operational standards.** - (1) All tourism enterprises in tourism clusters shall comply with the applicable mandatory operational standards or codes of practice.

(2) If any tourism enterprise fails to comply with any applicable operational standards or codes of practice, the Director may suspend its registration under sub-section (2) of section 31.

**25. Delivery of public amenities.** - The Board may, for a tourism cluster, issue recommendations to any local authority or Department or instrumentality of the State responsible for public amenities, to install and maintain public amenities for such tourism cluster.

#### **Chapter IV**

#### **Registration and Regulation of Tourism Enterprises**

**26. Registration of tourism enterprises.** – (1) No person shall operate any tourism enterprise in the State unless such enterprise is registered under this Chapter along with such registration fee and in such form and manner as prescribed.

Provided that the Government may exempt a class or classes of tourism enterprises from the requirement of registration or include a new class or classes of tourism enterprises to comply with the requirement of registration by amending Schedule II.

Provided further, that the Government shall require any establishments, entities or activities within a tourism cluster to comply with the requirement of registration under this Chapter.

- (2) Any person who has been operating a tourism enterprise prior to the commencement of this Act, shall within one hundred and eighty days from the date of commencement of this Act, apply for a registration.
- (3) Any person intending to operate a tourism enterprise on a temporary basis, shall prior to the commencement of operations of such enterprise, apply for a registration along with such registration fee and in such form and manner as prescribed.

*Explanation:* For the purposes of this section, “temporary basis” means any period up to six months.

- (4) The Department may allocate any public place as notified for allocation by the Government, for the operation of a tourism enterprise in such manner as prescribed.

*Explanation:* For the purposes of this section, applications may be invited for all or any type of public place, including beaches allocated for erection of temporary structures on a seasonal basis.

- (5) If, upon scrutiny of the application the Department requires any additional information or if the application is incomplete, the Department shall inform the applicant to furnish such information or complete the application, as the case may be, within such time as prescribed.
- (6) In case the applicant fails to furnish the required information within the prescribed time under sub-section (5), the application for registration shall stand rejected.
- (7) The Department on receipt of an application may either grant the registration or reject the application.
- (8) Every application submitted under sub-section (1), sub-section (3) and sub-section (5), shall be disposed of within sixty days from the date of receipt, failing which the application shall be deemed to have been accepted.
- (9) At the time of grant of any registration, the Department may specify such additional terms and conditions to be complied with by the applicant, as it deems fit.

**27. Permit for events.** – (1) Any person intending to organize, -

- (a) an event having not more than twenty-five attendees, shall submit an application forty-eight hours prior to the commencement of such event;

- (b) an event having more than twenty-five attendees but not more than seven hundred and fifty attendees, shall submit an application fifteen days prior to the commencement of such event;
  - (c) an event having more than seven hundred and fifty attendees, shall submit an application forty-five days prior to the commencement of such event;  
for a permit along with such fee and in such form and manner as prescribed.
- (2) Every application made under sub-clauses (a), (b) or (c) of sub-section (1) shall be disposed of by the Department within thirty hours, ten days and thirty days respectively, from the time or date of receipt of such application, as the case may be, failing which the application shall be deemed to have been accepted.

**28. Grounds for rejecting an application of registration.** – (1) Where an application for registration has been submitted under sub-section (1) or sub-section (3) or sub-section (5) of section 26, sub-section (1) of section 27 or sub-section (1) of section 33, the Department may reject the application based on all or any of the following grounds, namely, -

- (a) the declaration of any statement in any of the forms for registration is found to be false or fraudulent;
  - (b) the certificate of registration earlier issued to the applicant has been suspended or cancelled under this Act and two years have not elapsed since such suspension or cancellation;
  - (c) the applicant has been convicted of offences under this Act and two years have not elapsed since the termination of imposition of such fine and penalty;
  - (d) any other grounds as prescribed.
- (2) The Department shall give the applicant an opportunity of being heard before rejecting an application in such form and manner as prescribed.
- (3) The rejection of any application shall be through a reasoned order provided by the Department to the applicant.

**29. Certificate of registration and Unique Identification Number.** -Upon registration, the Department shall issue a certificate of registration and provide a Unique Identification Number (UIN) to the registered tourism enterprise in such form and manner as prescribed.

- 30. Changes by registered tourism enterprise.** – (1) Every registered tourism enterprise shall provide prior information to the Department of any changes in its activities, if such changes alter the applicable operational standards or codes of practice for such tourism enterprise.
- (2) The Department shall within thirty days from the date of receipt of such information, -
- (a) approve such changes and alter the registration; or
  - (b) reject such application and direct the tourism enterprise to make a fresh application.
- (3) The information to be submitted to the Department by such tourism enterprise shall be in a form and manner as prescribed.

- 31. Improvement notice.** – (1) If the Department has reasonable grounds to believe that any registered tourism enterprise has failed to comply with the provisions of this Act, the Department shall serve an improvement notice, to such tourism enterprise where such notice shall, -
- (a) specify the precise provisions and the manner in which the tourism enterprise has failed to comply with such provisions;
  - (b) state the grounds on the basis of which the Department believes that the tourism enterprise has failed to comply with the provisions of this Act;
  - (c) specify the measures which in the opinion of the Department, the tourism enterprise must undertake, within such reasonable period as may be specified in the notice, in order to fully comply with this Act.
- (2) If the tourism enterprise fails to adhere to the improvement notice, its registration shall be suspended and a fine may also be imposed upon it.
- (3) If after the suspension of registration under sub-section (2), the tourism enterprise continues to not adhere to the improvement notice within a period of fifteen days, the Department may, after giving an opportunity of being heard, cancel its registration through a reasoned order and shall also impose a fine upon it.

- 32. Grounds for cancelling registration.** – (1) The Department shall issue a reasoned order for cancelling the registration of a tourism enterprise under this Act on any of the following grounds, -
- (a) concealment or misrepresentation of any information in the application for registration;
  - (b) unlawful possession of any explosive or substance likely to endanger life or cause injury to property;

- (c) conviction for an offence under the Immoral Traffic (Prevention) Act, 1956 (Act 104 of 1956) and two years have not elapsed since the termination of the sentence imposed;
  - (d) employment of child labour in contravention of the provisions of the relevant law in force;
  - (e) conviction for any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (Act 45 of 1860) or under any of the provisions of this Act or any offence punishable under any law providing for prevention of hoarding, smuggling, or adulteration of food or drugs and three years have not elapsed since the termination of the sentence imposed;
  - (f) conviction for an offence under the Prevention of Corruption Act, 1988 (Act 49 of 1988) and two years have not elapsed since the termination of the sentence imposed;
  - (g) where the Department has reasons to believe that the person operating the tourism enterprise is a related party of any person whose registration has been suspended or cancelled in the past for any of the reasons enumerated under this section, and where such related party is operating the tourism enterprise on behalf of such person;  
*Explanation:* For the purposes of this Act, “related party” means a related party as defined under sub-section 76 of section 2 of the Companies Act, 2013 (Act 18 of 2013).
  - (h) any other grounds as prescribed.
- (2) The Department shall, before issuing an order of cancellation under sub-section (1), give the registered tourism enterprise an opportunity of being heard.

**33. Renewal of registration.** – (1) An application for renewal of any registration under this Act, shall be made thirty days prior to the expiry of the certificate of registration along with such fee and in such form and manner as prescribed.

(2) A certificate of registration is deemed to be valid till the final disposal of an application for renewal by the Department.

**34. Power of the Government to modify or waive requirements.** - Notwithstanding anything contained in this Act, the Government may, by notification in the Official Gazette, modify or waive any requirement for registration by a tourism enterprise through a reasoned order, for the following purposes, -

- (a) enhancing tourism competitiveness of the State;
- (b) creating unique and diverse experiences for tourists;



- (c) greater sustainability in tourism;
- (d) increase in accessibility and mobility for tourists;
- (e) greater livelihood opportunities for the local population;
- (f) such other purpose as the Government may deem fit.

**35. Penalty for invalid registration or non-registration.** - Any tourism enterprise operating without a valid registration or not registered under this Act, shall be liable to pay a fine specified in Schedule I, and may be ordered to cease and desist from operating, through a notice in such form and manner as prescribed.

## **Chapter V**

### **Integrated Information Infrastructure**

**36. Creation of tourism integrated information infrastructure.** - (1) The Government shall establish a tourism integrated information infrastructure, in order to collect, record, monitor, manage, analyse, and disseminate data and information for, -

- (a) enhancing the tourism competitiveness of the State;
  - (b) facilitating data-driven planning, development, growth, and management of tourism;
  - (c) monitoring and processing information relating to development and trends in tourism;
  - (d) enhanced enforcement of this Act;
  - (e) assessing the performance of tourism enterprises against applicable operational standards or codes of practice;
  - (f) fortifying the health, safety, and well-being of tourists;
  - (g) ensuring improvement of the quality of tourism enterprises available in the State;
  - (h) any other purpose as it may deem fit.
- (2) The Board shall specify the categories of data or information which may be collected and maintained.

**37. Obligation to share data and information.** - Every tourism enterprise shall be duty bound to furnish data or information to the Department in such form and manner as prescribed.

**38. Obligation of the Department.** – (1) The Department shall collect, maintain and process all information and data through a secure infrastructure with due regard to the privacy and in such manner that the privacy of data principals is safeguarded.

(2) The Department shall ensure that any information and data collected under this Chapter is used or published for the limited purposes specified under section 36.

**39. Order for securing compliance.** - Where any tourism enterprise fails to comply with the provisions of this Chapter, the Department may issue directions to ensure such compliance.

## **Chapter VI**

### **Grievance Redressal Mechanism**

**40. Establishment of a grievance redressal cell.** – (1) The Government shall establish a grievance redressal cell for redressal of any grievances of tourists in the nature of monetary claims against a registered tourism enterprise under section 29 or against an event organiser who has been issued permit under section 27.

(2) The grievance redressal cell shall operate in such manner as prescribed.

(3) Notwithstanding the generality of sub-section (1), the grievance redressal cell shall, -

- (a) be easily accessible to tourists;
- (b) provide for simple registration of a complaint;
- (c) have a ticketing system for categorising complaints and tracking their status;
- (d) be free of charge; and
- (e) incorporate such other features as prescribed.

**41. Grounds for registration of complaints.** – (1) The grievance redressal cell shall have jurisdiction on complaints from tourists against any registered tourism enterprise under section 29 or event organiser who has been issued a permit under section 27, where the value of the goods or services paid or payable as consideration by the tourist, does not exceed such monetary value as may be notified by the Government.

(2) A complaint may be filed by any tourist with the grievance redressal cell on one or more of the following grounds, -

- (a) any deficiency in services provided by any registered tourism enterprise or at an event issued permit;
- (b) any defect in goods provided by any registered tourism enterprise or at an event issued permit; or
- (c) any misleading advertisement of goods or services provided by any registered tourism enterprise or at an event issued permit.

**42. Procedure of the grievance redressal cell.** – (1) Upon receipt of a complaint, the grievance redressal cell shall cause it to be registered and issue a notice to the concerned tourism enterprise or event organizer within four hours of registration of the complaint in a form and manner as prescribed.

(2) The tourism enterprise or event organizer shall submit a response to the notice within forty-eight hours from the time of issue of such notice, in such form and manner as prescribed.

(3) The complainant, on receipt of the response from the tourism enterprise or event organizer, shall inform the grievance redressal cell within forty-eight hours, whether such response is satisfactory or not, in a form and manner as prescribed.

(4) If on the expiry of the period under sub-section (2), -

- (a) the tourism enterprise or event organizer has not responded to the notice under sub-section (2); or

- (b) the complainant through a response under sub-section (3), has confirmed that the response of the tourism enterprise or event organizer is not satisfactory; the grievance redressal cell shall, forward the complaint to the Grievance Redressal Officer for adjudication under sub-section (1) of section 45 in such manner as prescribed.

(5) No complaint shall be forwarded to the Grievance Redressal Officer where the cause of action,

-

- (a) is part of any proceedings before any court, tribunal, or any other authority; or

- (b) a decree or award or order or arbitral award has been passed by any court, tribunal, arbitrator, or any other authority.

(6) A tourism enterprise or an event organizer that fails to respond to a notice under sub-section (2), shall be liable to pay a fine as specified in Schedule I.

**43. Appointment of the Grievance Redressal Officer.** – (1) The Government shall appoint two persons as Grievance Redressal Officers on a whole-time basis in such manner as prescribed. Provided that the Government may also appoint such additional number of Grievance Redressal Officers in like manner as it deems fit.

(2) The Government may appoint one or more additional Grievance Redressal Officer on a need basis, for such period as may be specified in the notification for appointment.

(3) A person shall be qualified for appointment as a Grievance Redressal Officer if he is a person with such qualifications and experience as prescribed.

(4) The Government may appoint an institution dealing with alternate dispute resolution to manage and operate the grievance redressal mechanism to address all grievances and discharge the functions and powers of the Grievance Redressal Officer appointed under sub-section (1) and sub-section (2), in such manner as prescribed.

**44. Terms of office, removal and conditions of service of the Grievance Redressal Officer.** – (1) The salary and terms and conditions of service of the Grievance Redressal Officer shall be such as prescribed.

(2) The procedure for resignation and removal of the Grievance Redressal Officer shall be such as prescribed.

(3) The salary and terms and conditions of service of the Grievance Redressal Officer shall not be varied to his disadvantage after appointment.

**45. Proceedings before the Grievance Redressal Officer.** – (1) On receipt of a complaint, the Grievance Redressal Officer shall inform the parties of the receipt of such complaint within forty-eight hours.

(2) Within twenty-four hours of the receipt of the complaint, the Grievance Redressal Officer shall undertake a review of the complaint to ascertain if, -

(a) the complaint is frivolous, vexatious or malafide;

(b) the complaint is made without sufficient cause;

(c) there is no prima facie loss or damage, or inconvenience caused to the complainant;

(d) the complaint has been previously rejected by the Grievance Redressal Officer or withdrawn by the complainant; or

(e) the proceedings before the Grievance Redressal Officer are not appropriate for adjudication as the complaint requires detailed representation or consideration of voluminous documentary and oral evidence.

(3) The Grievance Redressal Officer may refuse to address a complaint, through a reasoned order, on the basis of the review under sub-clauses (a), (b), (c) or (d) of sub-section (2).

Provided that the Grievance Redressal Officer shall communicate every order of refusal made under sub-clause (e) of sub-section (2) to the Board along with an explanation for such rejection.

- (4) On rejection of any complaint under sub-clause (e) of sub-section (2), the Grievance Redressal Officer shall forward the complaint to the appropriate District Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019 (Act 35 of 2019).
- (5) The Grievance Redressal Officer shall pass a reasoned order on the complaint within such time and in such manner as prescribed.
- (6) The order of the Grievance Redressal Officer shall be final and binding on the parties.
- (7) Notwithstanding anything contained in this section, the complainant may withdraw the complaint at any time and such withdrawal shall result in closure of the proceedings before the Grievance Redressal Officer.

**46. Functions of the Grievance Redressal Officer.** - For the purpose of this Act, the Grievance Redressal Officer shall perform the following functions, -

- (a) dispose the complaint received within the period prescribed under sub-section (5) of section 45;
- (b) exercise general powers of superintendence over his office;
- (c) communicate a copy of any order passed by him against any tourism enterprise or person or entity, to the Department and also send a copy of the same to the Board;
- (d) any other function as prescribed.

**47. Manner of conducting the proceedings.** – (1) The proceedings before the Grievance Redressal Officer shall be conducted in such manner that, -

- (a) physical appearance of the complainant is not mandatory;
  - (b) submissions including statements, documents, proof of receipts or payments, any audio-visual evidence may also be made through a digital mode;
  - (c) issuance of award or compensation is made through a digital mode to the complainant;
  - (d) no charge or fees is levied on the complainant.
- (2) Subject to sub-section (1), the proceedings before the Grievance Redressal Officer shall be conducted in such manner as prescribed.

- 48. Report of the Grievance Redressal Officer.** – (1) The Grievance Redressal Officer shall prepare an annual report to be submitted to the Department in such manner as prescribed.
- (2) The Department may request for ad-hoc reports from time to time from the Grievance Redressal Officer.

## **CHAPTER VII**

### **Adjudication Of Disputes**

- 49. Review mechanism for actions of the Department.** – (1) Any tourism enterprise or person or entity aggrieved by a decision of the Department pertaining to, -
- (a) registration, rejection of application or the renewal of registration;
  - (b) suspension of registration;
  - (c) cancellation of registration;
  - (d) improvement notice;
  - (e) any other direction issued by the Department;
- shall within a period of fifteen days from the date of communication of any such decision, file an application for review with the Director.
- (2) No application for review shall be entertained by the Director if it is filed after the expiry of the period specified under sub-section (1).
- Provided that such application may be entertained, if the Director, is satisfied with the sufficient cause shown for not filing the application within the time limit.
- (3) The application shall be submitted in such form and manner as prescribed.

## **CHAPTER VIII**

### **Enforcement of the Act**

- 50. Grounds and procedure for inspection, search.** – (1) Where an officer of the Department, not below the rank of Deputy Director, has reasons to believe that any person or tourism enterprise, -
- (a) is operating without a valid registration;
  - (b) operating in a tourism cluster in violation of the applicable operational standards or codes of practice under this Act; or
  - (c) has committed any other violation of this Act that is punishable with fine under this Act;

he may authorize any officer of the Department in writing, to inspect any place of business or premises of such person or tourism enterprise.

- (2) Where the officer of the Department, not below the rank of Deputy Director, either pursuant to an inspection carried out under sub-section (1) or otherwise, has reasons to believe that any documents or books or things, which in his opinion shall be useful for any proceedings under this Act, are secreted in any place, he may authorize in writing any officer of the Department to search and seize or may himself search and seize such documents or books or things.

Provided that the documents or books or things so seized shall be retained by such officer as may be necessary for their examination and for any inquiry or proceedings under this Act.

- (3) The person or tourism enterprise from whose custody any documents are seized under sub-section (2) shall be entitled to make copies of or take extracts from such documents in the presence of an authorized officer of the Department except where making such copies or taking such extracts would prejudice the investigation in the opinion of such officer.
- (4) An authorized officer of the Department under this section can take such photographs, audio or video recordings, as deemed necessary, of any premises of a tourism enterprise mentioned under sub-section (1), or of any individual who in the reasonable opinion of such officer is acquainted with the facts or circumstances of an alleged or a suspected contravention of any provision of this Act.
- (5) The owner, occupier or operator of any premises of a tourism enterprise mentioned in sub-section (1), shall provide to the authorized officer of the Department such assistance required by such officer for entry and the purposes of inspection or search of the premises of a tourism enterprise under sub-section (1).
- (6) Any Assistant Director of the Department, may confiscate the goods being sold, or intended to be sold, or forming part of services being provided by any tourism enterprise, if such goods are being sold or intended to be sold, or forming part of services being provided in violation of any provision of this Act.

**51. Power to require evidence as to identity and power to arrest.** – (1) An officer of the Department not below the rank of Deputy Director may require any person, whom such officer reasonably believes to have committed an offence under this Act, to satisfy such officer as to such person's identity, nationality, or residential address, and provide any evidence in that regard.

- (2) Such officer may cause the person under sub-section (1) to be arrested without warrant if, -

- (a) such person fails to provide evidence; or
- (b) the officer has reason to believe that any evidence provided by the person is false.

**52. Power to examine, secure attendance.** – For the purpose of investigating any offence under this Act, an officer of the Department not below the rank of Deputy Director may do all or any of the following: -

- (a) examine orally any person who appears to be acquainted with any facts or circumstances of the subject matter of the investigation;
- (b) issue a notice requiring any person within the limits of the State, who appears to be acquainted with facts or circumstances of the subject matter of the investigation, to appear before an authorized officer of the Department, and such person must comply with such notice;
- (c) require any person whom an authorized officer of the Department has reason to believe, has any document or article in his possession, custody or control relevant to the investigation, to produce such document or article.

**53. Liability of officers in certain cases.** – (1) Any officer of the Department exercising powers under this Act or the rules and regulations made under it who, -

- (a) vexatiously and without any reasonable grounds makes any seizure; or
  - (b) commits any act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty;
- shall be guilty of an offence under this Act and shall be liable to pay a fine specified in Schedule I.

(2) In case any false complaint is made against an officer of the Department under sub-section (1) and it is proved so, the complainant shall be guilty of an offence under this Act and shall be liable to pay a fine specified in Schedule I.

## **CHAPTER IX**

### **Measures for Sustainable Tourism**

**54. Board responsible for sustainable tourism.** – (1) The Board shall have the responsibility of developing, managing, and enabling the State as a sustainable tourist destination.

(2) Notwithstanding the generality of sub-section (1), the Board shall work towards, -

- (a) incorporating principles of circular economy in the tourism ecosystem;



- (b) promoting sustainability of resources and materials to improve the quality of tourism outcomes;
- (c) developing destinations that are inclusive, green, and knowledge-based;
- (d) enabling efficient waste management;
- (e) minimizing the economic leakage, damage to the natural environment and overcrowding in the State as an effect of tourism;
- (f) mitigating the vulnerability of the State's tourism sector to climate change and retaining its green cover;
- (g) laying down general guidelines for promoting sustainability certification for tourism enterprises.

**55. Awareness and capacity building.** – (1) The Board shall undertake necessary measures to enable capacity building, create awareness and impart training among the residents, tourism enterprises and tourists.

- (2) The Board shall formulate a public outreach calendar for all activities planned to be undertaken for the purposes of this section.
- (3) The activities scheduled under sub-section (2) shall be updated on a quarterly basis.
- (4) The Board shall maintain a publicly accessible portal for the purposes of this Chapter.

**56. Carrying capacity assessment.** – (1) The Board shall, to facilitate the assessment of the carrying capacity under sub-clause (k) of sub-section (1) of section 10, may notify one or more areas of the State at such intervals as it may deem fit.

- (2) Notwithstanding the provisions of sub-section (1), the Board shall conduct carrying capacity assessments in a tourism cluster either on a yearly basis or at such intervals as it may deem fit.
- (3) If the Board is of the view that, based on the carrying capacity assessment report, an area or place has or is about to breach its carrying capacity, then the Board shall, -
  - (a) prohibit fresh registration or renewal of one or more categories of tourism enterprises in such area or place;
  - (b) issue orders to any person to take corrective measures for reversal of adverse impact on sustainability which shall include making up for the loss of green cover;
  - (c) issue any other directions as it may deem fit.

(4) In discharging its functions under this Chapter, the Board may invite inputs from the local community, independent industry experts, stakeholders or such other relevant persons as it may deem fit.

**57. Operational standards or codes of practice to take into consideration carrying capacity assessment.** - While specifying the operational standards or codes of practice for tourism enterprises under sub-clause (c) of sub-section (1) of section 10 the Board shall take into consideration the carrying capacity assessment report of different places and areas in the State.

## CHAPTER X

### Offences and Penalties

**58. Penalty under this Act.** – (1) Any person who contravenes any provision of this Act shall be guilty of an offence under this Act.

(2) The offences specified in column (II) of Schedule I shall be punishable to the extent specified in the corresponding entry in column (V) of the said Schedule.

(3) Any person who contravenes any provision of this Act and in respect of which no penalty is specifically provided as per sub-section (2), shall be punishable with fine, which may extend to fifty thousand rupees.

(4) Where the owner of an article or a property has been convicted for an offence under this Act, and any fine imposed has not been paid, the Department or the Court imposing the fine may direct the sale of the article or the property of such convicted person.

(5) The Department may, where applicable, after affording the parties an opportunity of being heard, through a reasoned order, impose fines as provided in the corresponding entry in column (V) of Schedule I.

**59. Offence of nuisance.** – (1) Any person who, -

- (a) commits or omits or carries on any activity which causes or is likely to cause injury, danger, annoyance to the sense of sight, smell, or hearing or which is or may be dangerous to life or injurious to health or property of a tourist;
- (b) coerces, pesters, or attempts to force a tourist to purchase goods or services;
- (c) consumes liquor in any space where consumption of liquor is not permitted;

- (d) cooks in a space beyond the confines of an establishment or any other space permitted for such activity;
  - (e) litters waste including used material, empty bottles, in places other than the ones meant for dumping such waste; or
  - (f) commits any other such activity as prescribed;
- shall be guilty of an offence of nuisance.
- (2) Every person who commits an offence of nuisance shall be liable to pay a fine specified in Schedule I.

**60. Offence of touting.** – (1) Any person who solicits purchase of goods or services to a tourist in a public place, where such goods or services are not being provided by such person, shall be guilty of an offence of touting.

(2) Every person who commits an offence of touting shall be liable to pay a fine specified in Schedule I.

(3) Any tourism enterprise found in any manner engaging a person to commit an offence of touting to further the sale of its goods or services shall be liable to pay a fine specified in Schedule I along with suspension of its registration under this Act for a period not less than ten days.

**61. Penalty for failure to furnish information or furnishing false information.** - Any person who furnishes, or is required to furnish under this Act, any particulars, documents, or any information, -

- (a) makes any statement which he knows or has reason to believe to be false; or
  - (b) omits to state any fact knowing it to be material; or
  - (c) willfully alters, suppresses, or destroys any document which is required to be furnished as aforesaid;
- shall be liable to pay a fine specified in Schedule I.

**62. Penalty for willful failure to comply with directions or orders.** - If any person willfully fails to comply with the directions or orders of the Board or the Department, he shall be liable to pay a fine specified in Schedule I.

**63. Compounding of offences.** – (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 02 of 1974), any offence punishable under this Act, on an application of

the person found to have committed such offence, may be compounded by an Assistant Director or any other authorized officer of the Department through a reasoned order.

- (2) An application for compounding shall be accompanied with a sum of fifty per cent of the maximum fine provided for such offence and made in such form and manner as prescribed.
- (3) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

**64. Revision of fines.** - The fines as provided in this Act shall be evaluated by the Government in consultation with the Department, every two years, and may be increased by such amount not exceeding ten per cent in value of the existing fines, as prescribed.

Provided that the fines for different offences can be increased by different amounts, as the Government may deem fit.

**65. Protection of acts done in good faith.** - No suit or other legal proceeding shall lie against any official of the Department or any official of the tourism safety force or any tourist guard or against any other official under this Act, except where any offence results from the willful misconduct or gross negligence of any such official, in respect of anything which is done or intended to be done in good faith under this Act or any rules or regulations made under it.

## **CHAPTER XI**

### **Miscellaneous**

**66. Order for securing compliance.** - Where any tourism enterprise or any person fails to comply with the provisions of this Act, the Government may issue directions for such compliance to such tourism enterprise or person.

**67. Board on matters relating or incidental to tourism.** – (1) Notwithstanding anything contained in any other law for the time being in force, the Board shall have the power to intervene in any matter that impacts tourism competitiveness of the State or is a subject matter of interest as to tourism as may be determined by the Board.

- (2) The mode and manner of intervention by the Board along with any delegation of such intervention shall be as prescribed.

**68. Publication of rules, regulations, orders.** – (1) Every rule, regulation, notification, declaration, operational standards or codes of practice, order, or directions made in pursuance of this Act, shall be published in the Official Gazette.

(2) The Board shall upload and maintain all publications made under sub-section (1) on a portal in a manner that the publications are legible, searchable, machine readable and available free of cost.

**69. Members, officers and employees appointed under this Act to be public servants.** - All members, officers and employees appointed under this Act shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

**70. Delegation of powers of the Board.** – The Board may delegate any of its powers and functions under this Act to any member, officer or employee appointed under this Act, except the power to specify regulations under section 76, as it may deem fit.

**71. Delegation of powers and functions by the Government.** - The Government may, by notification, and subject to such conditions as may be specified in such notification, delegate any of its powers or functions, other than the power to prescribe rules under section 75, and direct that any power or duty exercisable by it under this Act or the rules made under it, shall in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government or to the Board or to the Department, as may be specified in such notification.

**72. Grievance Redressal Officer to have powers vested in a civil court.** – For the purposes of this Act, the Grievance Redressal Officer may exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act 05 of 1908) subject to such conditions as the Government may deem fit, in respect of the following matters, namely, -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence from any person;
- (d) issuing summons for the examination of witnesses or documents;
- (e) any other matter which may be prescribed.

**73. Power to levy tourism development and sustainability fee.** – (1) There shall be levied a fee on the tourism enterprises in the State called the Tourism Development and Sustainability Fee (hereinafter referred to as Fee) at such rate as prescribed.

Provided that no such rate shall, in any case, exceed two per cent of the value of the invoice raised by a tourism enterprise.

(2) Every tourism enterprise operating in the State shall be liable to pay the Fee specified in sub-section (1).

(3) The Fee shall be collected in such manner as prescribed.

(4) The Fee levied under this section shall be in addition to any other cess, taxes, charges, duties payable under any other law for the time being in force.

(5) The Director shall be the competent authority for the purposes of this section and shall perform such functions and discharge such duties as prescribed.

(6) The proceeds of the Fee shall be credited to the Goa Tourism Development Fund.

(7) Any tourism enterprise that fails to pay the Fee levied under the provisions of this section shall be liable to pay a fine specified in Schedule I payable along with such penal interest as prescribed.

Provided that pending the payment of such Fee and fine, such tourism enterprise shall be prevented to operate by the competent authority until the payment of such Fee and fine is made.

**74. Incentives for tourism enterprises.** – (1) The Board shall provide incentives for encouraging the adoption of sustainable tourism and improving compliance with the applicable operational standards or codes of practice.

(2) Notwithstanding the generality of sub-section (1), such incentives may include, -

(a) grant of waiver of registration or renewal fee for complying with the applicable operational standards or codes of practice for a specified period;

(b) scheme for grant or capital subsidy for adoption of sustainable technology and practices;

(c) scheme for preferential booking for government programmes on the adoption of sustainable solutions; and

(d) any other incentives that the Board may deem fit.

**75. Power to make rules.** – (1) The Government may, after previous publication, 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 all or any of the following matters, namely, -

- (a) sitting fees and other allowances of members of the Board under section 7(a);
- (b) other powers and functions of the Chief Executive Officer under section 8(1);
- (c) salary and terms and conditions of service of the officers and other employees of the Board under section 9(2);
- (d) manner of control and administration of the Goa Tourism Development Fund under section 11(1);
- (e) form and manner of maintaining books of accounts and other records of the Board under section 12(1);
- (f) form and manner of preparing annual statement of accounts under section 12(2);
- (g) form and manner of declaration of a tourism cluster under section 18(1);
- (h) form and manner of application for registration under section 26(1);
- (i) form and manner of application for temporary registration under section 26(3);
- (j) form and manner of allocation of public place for operation of tourism enterprises under section 26(4);
- (k) time for completion of application under 26(5);
- (l) form and manner of application for event permit under section 27(1);
- (m) any other ground for rejection of application for registration under section 28(1);
- (n) form and manner of opportunity of being heard before rejection of application for registration under section 28(2);
- (o) form and manner of issuance of registration certificate and providing UIN under section 29;
- (p) form and manner of submission of information about changes in activity of tourism enterprise under section 30(3);
- (q) any other ground for cancelling registration under section 32(1);
- (r) form and manner of application for renewal of registration under section 33(1);
- (s) form and manner of cease-and-desist notice under section 35;
- (t) form and manner of furnishing data or information to the Department under section 37;
- (u) manner of operation of grievance redressal cell under section 40(2);
- (v) any other feature of the grievance redressal cell under section 40(3);

- (w) form and manner of registration of complaint and issuance of notice under section 42(1);
- (x) form and manner of submitting response under section 42(2);
- (y) form and manner of submission of response by the complainant under section 42(3);
- (z) manner of forwarding of the complaint to the Grievance Redressal Officer under Section 42(4);
- (aa) manner of appointment of Grievance Redressal Officer under section 43(1);
- (bb) qualification and experience of Grievance Redressal Officer under section 43(3);
- (cc) manner of appointment of institution under section 43(4);
- (dd) salaries and terms and conditions of service of Grievance Redressal Officer under section 44(1);
- (ee) procedure of resignation and removal of Grievance Redressal Officer under section 44(2);
- (ff) time period and manner of passing an order by Grievance Redressal Officer under section 45(5);
- (gg) any other function of Grievance Redressal Officer under section 46(d);
- (hh) manner of proceedings before Grievance Redressal Officer under section 47(2);
- (ii) preparation of annual report by Grievance Redressal Officer under section 48(1);
- (jj) form and manner of review application under section 49(3);
- (kk) any other activity that may constitute an offence of nuisance under section 59(1);
- (ll) form and manner of an application for compounding under section 63(2);
- (mm) revision of fines under section 64;
- (nn) mode and manner of intervention and delegation of such intervention by the Board under 67(2);
- (oo) any other matter in which Grievance Redressal Officer shall have powers of the civil court under section 72(e);
- (pp) rate of tourism development and sustainability fee under section 73(1);
- (qq) manner of collection of fee under section 73(3);
- (rr) functions and duties of the Director under section 73(5);
- (ss) penal interest under section 73(7).



**76. Power to make regulations.** – (1) The Board may with the approval of the Government, after previous publication, frame regulations consistent with this Act and the rules made under it to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely, -

- (a) time, place, and manner of transaction of business of the Board under section 13(1);
- (b) manner of voting by members of the Board under section 13(4);
- (c) factors of assessing a place before recommending it as a tourism cluster under section 17(2);

**77. Rules and regulations to be laid before Legislative Assembly.** - Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State.

**78. Power of Government to amend Schedule.** – (1) Subject to the provisions of this section, if the Government is satisfied that it is necessary or expedient so to do, it may, by notification in the Official Gazette, alter the Schedules annexed to this Act.

(2) Any alteration notified under sub-section (1) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.

(3) Every alteration made by the Government under sub-section (1) shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State.

**79. Power to remove difficulties.** – (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty.

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

**80. Application of certain laws.** - The provisions of this Act shall be in addition to and not in derogation of The Consumer Protection Act, 2019 (Act 35 of 2019), The Information Technology Act, 2000 (Act 21 of 2000), The Food Safety and Standards Act, 2006 (Act 34 of 2006), The Environment (Protection) Act, 1986 (Act 29 of 1986), The Wildlife (Protection) Act, 1972 (Act 53 of 1972), The Forest (Conservation) Act, 1980 (Act 69 of 1980), and any Central

laws, rules or regulations governing the State and any other State law for the time being in force.

**81. Inconsistency in laws.** - Subject to section 80, the provisions of this Act shall have effect notwithstanding anything inconsistent with or contained in any other law for the time being in force.

**82. Repeal and savings.** – (1) The Goa [\*] Registration of Tourist Trade Act, 1982 (Act 10 of 1982) and The Goa Tourist Places (Protection and Maintenance) Act, 2001 (Act 06 of 2001) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the enactments so repealed, including any rule, notification issued by the Government, appointment, order, notice or direction issued or exemption granted under such enactments shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall be in force until it is repealed under the corresponding provisions of this Act or until any notification to that effect is issued by the Government or superseded by anything done or by any action taken under this Act.

(SCHEDULE I)

SCHEDULE OF PENALTIES

SERIAL NO. (COLUMN I)	OFFENCES (COLUMN II)	SECTION OF THIS ACT TO WHICH OFFENCE HAS REFERRED (COLUMN III)	REPEAT OFFENCE (COLUMN IV)	AMOUNT OF FINE (INR) (COLUMN V)
1.	Contravention of directions issued by the Board under sub-clause (a) of sub-section (2) of section 10	10(2)	(If repeat offence mention Yes)	(Penalty for first offence) Rs.10,00,000/-
			No	(Penalty for repeat offence, if any)
2.	Contravention of directions issued by the Board under sub-clause (a) of sub-section (2) of section 10	10(2)	No	Rs.10,00,000/-
3.	Failure to provide information to the Board under sub-clause (c) of sub-section (2) of section 10	10(2)	No	Rs. 1,00,000/-
4.	Contravention of directions issued by the Board under sub-clause (e) of sub-section (2) of section 10	10(2)	No	Rs.10,00,000/-
5.	Failure to comply with applicable mandatory operational standards or codes of practice under sub-section (1) of section 24	24(1)	Yes	Rs.10,000/- or the registration fee, whichever is higher.
				Rs.20,000/- or the registration fee, whichever is higher.
6.	Failure to comply with improvement notice under sub-section (2) of section 31	31(2)	No	Rs.20,000/- or 2 times of the registration fee, whichever is higher
7.	Failure to comply with improvement notice after	31(3)	No	Rs. 40,000/- or 4 times of the registration fee,

	suspension under sub-section (3) of section 31			whichever is higher.
<b>8.</b>	Tourism enterprise operating without valid registration under this Act under section 35	35	No	Rs.25,000/- or 10 times of the registration fee, whichever is higher.
<b>9.</b>	Failure to furnish such data or information to the Board under section 37	37	No	Rs.1,00,000/-
<b>10.</b>	Contravention of directions issued by the Department under section 39	39	No	Rs.50,000/-
<b>11.</b>	Failure to respond to tourist complaint upon expiry of the period under sub-section (6) of section 42	42(6)	No	Rs.10,000/-
<b>12.</b>	Failure to provide assistance to duly authorized officer under sub-section (5) of section 50	50(5)	No	Rs.50,000/-
<b>13.</b>	Failure to comply with written notice under clause (b) of section 52	52(b)	Yes	Rs.25,000/- Rs. 1,00,000/-
<b>14.</b>	Officers making any seizure on vexatious or unreasonable grounds under sub-clause (a) or committing an act causing injury to a person without any reasonable grounds under sub-clause (b) of sub-section (1) of section 53	53(1)	No	Rs. 1,00,000/-
<b>15.</b>	False complaint against an officer by the complainant under sub-section (2) of section 53	53(2)	No	Rs.2,00,000/-
<b>16.</b>	Contravention of orders issued under sub-clause (b) of sub-section (3) of section 56	56(3)	No	Min.Rs.1,00,000- Max.Rs.10,00,000/-
<b>17.</b>	Contravention of directions issued under sub-clause (c) of sub-section (3) of section 56	56(3)	No	Min.Rs.1,00,000- Max.Rs.5,00,000/-

<b>18.</b>	Offence of nuisance under sub-section (1) of section 59	59(1)	No	Rs.10,000/-
<b>19.</b>	Offence of touting under sub-section (1) of section 60	60(1)	Yes	Rs.10,000/-
				Rs.25,000/-
<b>20.</b>	Any tourism enterprise found engaging any person to commit the offence of touting under sub-section (3) of section 60	60(3)	Yes	Rs.50,000/-
				Rs.1,00,000
<b>21.</b>	Failure to furnish information or furnishing false information under clauses (a), (b) or (c) of section 61	61	No	Rs.25,000/-
<b>22.</b>	Willful failure to comply with directions or orders of the Board or the Department under section 62	62		Rs.10,00,000/-
<b>23.</b>	Failure to comply with the order for securing compliance issued by the Government under section 66	66		Rs.1,00,000/-
<b>24.</b>	Failure to pay fee levied under the provisions of sub-section (7) of section 73	73(7)		Fine not exceeding 2 times the amount of Fee payable along with such penal interest as prescribed.

(SCHEDULE II)

SCHEDULE OF CLASSIFICATION OF ENTERPRISES

SERIAL NO. (COLUMN I)	ESTABLISHMENT (COLUMN II)	ENTITY (COLUMN III)	ACTIVITY (COLUMN IV)
1.	Hotels	Online Service Providers	Water Sports (Surfing, Water Skiing, Rafting, Parasailing, Barefoot skiing, Boating, Cable Skiing, Canoeing, Flow boarding, Jet Skiing, Jet Surfing, Kayaking, Kite boating, Rowing, Hydro foiling, Skim boarding, Skurfing, Wakeboarding, White water rafting, Yatch racing, Dolphin trips, Crocodile Dundee, Scuba Diving, Underwater Scooter, Submersible Watercraft, Seaplane, Hovercrafts, Sea breacher, Standup Paddleboard Yoga)
2.	Villas	Photographers	Adventure Sports (Paragliding, Bungee jumping, Hot Air Balloon rides, Para Motoring, Hikes, Trikes, Horse Trails, , Skydiving)
3.	Home Stays	Travel Dealers	Spice Plantation without accommodation
4.	Farm Stays	Travel Guides	Camping
5.	Bed & Breakfast	Travel Agents	Yoga and Wellness Tours
6.	Hostels	Tourist Taxi Operator	Amphibious Tours
7.	Resorts	Tour Operators	Caravan Tours
8.	Spas, Health and wellness facilities in Tourism Clusters	Porters	Heli Tours
9.	Beach Shacks		Nautical Tours
10.	Restaurants in Tourism Clusters		Hop on Hop off Tours
11.	Bars in Tourism Clusters		

12.	Amusement Parks (including inflatable land-based adventure activity park)		
13.	Convention Centres (including high-end music venue)		
14.	Spice Plantations with accommodation		
15.	Temporary Huts		

## Statement of Objects and Reasons

The Bill seeks to consolidate and amend the laws applicable to tourism in the State, and aims to protect, preserve and retain the natural and cultural heritage of the State in order to ensure that it remains a destination of choice for tourists. It gives statutory backing to the planning body established through the Goa Tourism Policy in 2020 which was further updated in November 2021. The Bill intends to promote structured growth and development of tourism, regulation of trade and services related and incidental to tourism, facilitation and promotion of sustainable tourism, adoption of data-driven decision-making, expeditious grievance redressal for tourists and formulation of standards that deliver quality tourism services.

The Bill seeks to repeal the Goa Registration of Tourist Trade Act, 1982 (Goa Act 10 of 1982) and The Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001).

The Bill seeks to achieve the above objects.

## Financial Memorandum

Certain provisions in this Bill relating to powers, duties and functions of the Board, declaration of tourism clusters, provisions related to the service conditions of the employees of the Board, providing grants by the Government to the Board for its functioning, appointment of subject matter experts, empowered committees, ad-hoc committees and Grievance Redressal Officers as well as the implementation of the schemes, policies and plans involve financial implications which cannot be quantified at this stage.

## Memorandum Regarding Delegated Legislation

**Clause 1(3)** of the Bill empowers the Government to notify in the Official Gazette the date on which the Act comes into effect and different dates may be appointed for different provisions of this Act.

**Clause 3(1)** of the Bill empowers the Government to establish an authority which may be referred to as the Goa Tourism Board or notify in the Official Gazette any other name for the Goa Tourism Board.

**Clause 3(3)** of the Bill empowers the Government to notify in the Official Gazette establishment of the principal office of the Board at Panaji or any other place.

**Clause 3(4)** of the Bill empowers the Board to establish additional offices at other places within or outside the State or the country.

**Clause 5(1)** of the Bill empowers the Government to appoint a person as the Chief Executive Officer (CEO) of the Board.

**Clause 6(a)** of the Bill empowers the Government to constitute a search and selection committee for recommending panel of persons for appointment as members of the Board.

**Clause 7(a)** of the Bill empowers the Government to frame rules regarding the sitting fees and allowances of members, other than the ex-officio members of the Board.



**Clause 8(1)** of the Bill empowers the Government to frame rules regarding other powers and functions of the CEO.

**Clause 9(1)** of the Bill empowers the Board to appoint officers and other employees as necessary for the efficient discharge of its functions.

**Clause 9(2)** of the Bill empowers the Government to frame rules regarding the salary and terms and conditions of service of the officers and such other employees of the Board.

**Clause 10(1)(b)** of the Bill empowers the Board to notify in the Official Gazette any plan in accordance with Chapter III of this Act.

**Clause 10(1)(o)** of the Bill empowers the Government to entrust the Board to perform such other functions.

**Clause 11(1)** of the Bill empowers the Government to frame rules for administration and control of the of the Goa Tourism Development Fund.

**Clause 12(1)** of the Bill empowers the Government to frame rules regarding the form and manner of maintaining books of accounts and other records in relation to the functioning of the Board.

**Clause 12(2)** of the Bill empowers the Government to frame rules regarding the form and manner preparation of an annual statement of accounts.

**Clause 13(1)** of the Bill empowers the Board to frame regulations regarding the time, place, and transaction of business at its meetings.

**Clause 13(4)** of the Bill empowers the Board to frame regulations regarding the manner of voting for decision on questions which come up at any of its meetings.

**Clause 15(1)** of the Bill empowers the Board to establish one or more empowered committees to provide technical inputs by way of recommendations.

**Clause 15(2)** of the Bill empowers the Government to nominate members to chair the empowered committee.

**Clause 15(3)** of the Bill empowers the Board to establish ad-hoc empowered committees.

**Clause 16(1)** of the Bill empowers the Board to notify in the Official Gazette the tourism plans.

**Clause 17(1)** of the Bill empowers the Government to notify in the Official Gazette one or more places, buildings, points of interest or areas in the State as a tourism cluster on the recommendation of the Board.

**Clause 17(2)** of the Bill empowers the Board to frame regulations regarding factors for assessment of a place before recommending it as a tourism cluster.

**Clause 18(1)** of the Bill empowers the Government to notify in the Official Gazette and frame rules for the form and manner of declaration of a new tourism cluster; or alteration of the limits of a tourism cluster; or denotification of a place previously notified as a tourism cluster.

**Clause 19(e)** of the Bill empowers the Government to direct the Department to perform other powers and other functions in tourism cluster.

**Clause 20(1)** of the Bill empowers the Government to constitute a Tourism Safety Force.

**Clause 22(1)** of the Bill empowers the Government to appoint persons as tourist guards for discharging functions specified under this Act.

**Clause 22(2)** of the Bill empowers the Government to entrust the tourist guards to perform other functions.

**Clause 26(1)** of the Bill empowers the Government to frame rules regarding the form and manner of application for registration by any tourism enterprise operating in the State.

**Clause 26(3)** of the Bill empowers the Government to frame rules regarding the application for temporary registration by any tourism enterprise.

**Clause 26(4)** of the Bill empowers the Government to frame rules for allocation of any public place for operation of a tourism enterprise.

**Clause 26(5)** of the Bill empowers the Government to frame rules regarding the time for completion of incomplete application or furnish information by the tourism enterprise.

**Clause 27(1)** of the Bill empowers the Government to frame rules regarding the form and manner of application of permit for event.

**Clause 28(1)** of the Bill empowers the Government to frame rules for any other grounds for rejecting the application for registration.

**Clause 28(2)** of the Bill empowers the Government to frame rules regarding the form and manner to give the applicant an opportunity of being heard before rejecting an application.

**Clause 29** of the Bill empowers the Government to frame rules regarding the form and manner of issuing a certificate of registration and providing a Unique Identification Number (UIN).

**Clause 30(3)** of the Bill empowers the Government to frame rules regarding the form and manner for application of information for any changes made which alter the applicable operational standards of a tourism enterprise.

**Clause 32(1)** of the Bill empowers the Government to frame rules regarding any other grounds for cancelling the registration of a tourism enterprise.

**Clause 33(1)** of the Bill empowers the Government to frame rules regarding the form and manner of application for renewal of any registration of a tourism enterprise.

**Clause 34** of the Bill empowers the Government to notify in the Official Gazette waiver or modification of any requirement for registration by a tourism enterprise.

**Clause 35** of the Bill empowers the Government to frame rules regarding the form and manner of the notice for ceasing and desisting operations of any tourism enterprise.

**Clause 36(1)** of the Bill empowers the Government to establish a tourism integrated information infrastructure, in order to collect, record, monitor, manage, analyze, and disseminate data and information.

**Clause 37** of the Bill empowers the Government to frame rules regarding the form and manner of furnishing data and information by tourism enterprises.

**Clause 40(1)** of the Bill empowers the Government to establish a grievance redressal cell for redressal of any grievances of tourists.

**Clause 40(2)** of the Bill empowers the Government to frame rules regarding the manner of operation of the grievance redressal cell.

**Clause 40(3)(e)** of the Bill empowers the Government to frame rules to incorporate other features in the grievance redressal cell.

**Clause 41(1)** of the Bill empowers the Government to notify in the Official Gazette the value of goods or services paid or payable as consideration by the tourist for jurisdiction of the grievance redressal cell and registration of complaints with the grievance redressal cell.

**Clause 42(1)** of the Bill empowers the Government to frame rules regarding the form and manner of registration of complaints of tourists and issuing notice to the tourism enterprise or event organizer by the grievance redressal cell.

**Clause 42(2)** of the Bill empowers the Government to frame rules regarding the form and manner of submission of response by the tourism enterprise or event organizer to the grievance redressal cell.

**Clause 42(3)** of the Bill empowers the Government to frame rules regarding the form and manner of submission of information by the complainant to the grievance redressal cell stating whether the response from the tourism enterprise or event organizer is satisfactory or not.

**Clause 42(4)** of the Bill empowers the Government to frame rules regarding the manner of forwarding the complaint by the grievance redressal cell to the Grievance Redressal Officer.

**Clause 43(1)** of the Bill empowers the Government to frame rules for the manner of appointment of Grievance Redressal Officer on a permanent basis.

**Clause 43(2)** of the Bill empowers the Government to notify in the Official Gazette the period of appointment of additional Grievance Redressal Officer on a need basis.

**Clause 43(3)** of the Bill empowers the Government to frame rules regarding the qualifications and experience of persons to be appointed as Grievance Redressal Officer.

**Clause 43(4)** of the Bill empowers the Government to frame rules regarding the manner of appointment of an institution dealing with alternate dispute resolution to manage and operate the grievance redressal mechanism.

**Clause 44(1)** of the Bill empowers the Government to frame rules regarding the salary and terms and conditions of service of the Grievance Redressal Officer.

**Clause 44(2)** of the Bill empowers the Government to frame rules regarding the procedure of resignation and removal of the Grievance Redressal Officer.

**Clause 45(5)** of the Bill empowers the Government to frame rules regarding the time and manner of passing a reasoned order on the complaint by the Grievance Redressal Officer.

**Clause 46(d)** of the Bill empowers the Government to frame rules regarding any other function of the Grievance Redressal Officer.

**Clause 47(2)** of the Bill empowers the Government to frame rules regarding manner of proceedings before the Grievance Redressal Officer.

**Clause 48(1)** of the Bill empowers the Government to frame rules regarding the manner of submission of an annual report to the Board.

**Clause 49(3)** of the Bill empowers the Government to frame rules regarding the form and manner of submission of application for review.

**Clause 56(1)** of the Bill empowers the Board to notify in the Official Gazette one or more areas of the State for carrying capacity assessment.

**Clause 59(1)** of the Bill empowers the Government to frame rules regarding any other activity the commission of which is an offence of nuisance.

**Clause 63(2)** of the Bill empowers the Government to frame rules regarding the form and manner of the application for compounding of offences.

**Clause 64** of the Bill empowers the Government to frame rules regarding the evaluation and increase of fines by the Government in consultation with the Department.

**Clause 67(2)** of the Bill empowers the Government to frame rules regarding the mode and manner of intervention by the Board, along with any delegation of such intervention, on any matter that impacts tourism competitiveness of the State or is a subject matter of interest as to tourism as may be determined by the Board.

**Clause 68(1)** of the Bill empowers the Government to notify in the Official Gazette every rule, regulation, notification, declaration, operational standards or codes of practice, order, or directions made in pursuance of this Act.

**Clause 71** of the Bill empowers the Government to notify and specify conditions in the Official Gazette for delegation of any power or duty exercisable by the Government under this Act or rules to such officer or authority subordinate to the Government or to the Board or to the Department.

**Clause 72** of the Bill empowers the Government to frame rules regarding any other matter in which the Grievance Redressal Officer exercises the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

**Clause 73(1)** of the Bill empowers the Government to frame rules regarding the rate of the Tourism Development and Sustainability Fee.

**Clause 73(3)** of the Bill empowers the Government to frame rules regarding the manner of collection of the Tourism Development and Sustainability Fee.

**Clause 73(5)** of the Bill empowers the Government to frame rules regarding the functions and duties of the Director for the purposes of Tourism Development and Sustainability Fee.

**Clause 73(7)** of the Bill empowers the Government to frame rules regarding the penal interest on the amount of Tourism Development and Sustainability Fee payable.

**Clause 78(1)** of the Bill empowers the notification in the Official Gazette the alteration of Schedules under this Act.

**Clause 79(1)** of the Bill empowers the Government to notify in the Official Gazette the order by which the Government makes such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty in giving effect to the provisions of this Act.

**Clause 82(2)** of the Bill empowers the Government to notify in the Official Gazette the repeal of any corresponding provision of the Goa Registration of Tourist Trade Act, 1982 and The Goa Tourist Places (Protection and Maintenance) Act, 2001.

These delegations are of normal character.

Porvorim – Goa,  
\_\_\_, 2023

**(Rohan Khaunte)**  
Minister for Tourism

Assembly Hall  
Porvorim – Goa  
\_\_\_, 2023

**(Namrata Ulman)**  
Secretary to the Legislative Assembly of Goa