

**THE HIMACHAL PRADESH TOURISM DEVELOPMENT AND
REGISTRATION ACT, 2002 .
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**THE HIMACHAL PRADESH TOURISM DEVELOPMENT AND
REGISTRATION ACT, 2002**

(ACT NO. 15 OF 2002)¹

(Received the assent of Governor on the 24th June, 2002 and was published in Hindi and English in R.H.P. Extra. dated 28th June at pages 773-823).

AN ACT to re-enact a law relating to registration of persons engaged in tourist trade, constitution of the Tourism Development Board and other matters connected therewith.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-third Year of the Republic of India, as follows :-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Tourism Development and Registration Act, 2002.

(2) It extends to the whole of the State of Himachal Pradesh .

(3) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.

2. Exemptions.-(1) The Government may direct that all or any of the provisions of this Act shall not, subject to such terms and conditions as it may specify, apply generally,-

- (i) to a premises used for a public purpose of a charitable nature or to any class of premises used for such purpose;
- (ii) to a premises held by a public trust for a religious or charitable purpose and let out at a nominal rent;
- (iii) to a premises held by a public trust for a religious or charitable purpose and administered by a local authority; and
- (iv) to a rest house, dak bungalow, circuit house, inspection hut, sera or any institution or premises managed or run by the Government or a local authority.

(2) The Government may also by order, direct that all or any of the provisions of Chapter-IV shall not apply to such hotels or institutions, or such class of hotels or institutions, subject to such terms and conditions, if any, as may be specified in the order.

1 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.Extra., dated 25.3.2002, P. 4577 &4603..

2.. Act came into force w.e.f. 15th day of July, 2002 vide Not. No. 5-3/86-Tourism, dated 12th July, 2002 published in R.H.P. Extra., dated 12.7.2002, p. 960.

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

- (a) "adventure sports" means an outdoor activity undertaken for sports or recreation on land or in water or in the air, as the case may be, which shall include water sports, aero-sports, trekking, rafting, skiing, heli-skiing, bunji-jumping and ballooning with an inherent risk to the life or limb of the participant or any other sports as may notified by the Government from time to time;
- (b) "adventure sports operator" means any person or organization or enterprise, as the case may be, engaged in or offering to engage for adventure sports on commercial basis i.e. for the purpose of training, recreation or sports;
- (c) "Board" means Tourism Development Board established under section 4 of this Act;
- (d) "Certificate of registration" means a certificate issued under this Act;
- (e) "Council" means Tourism Development Council established under section 17 of this Act;
- (f) "Government" means the Government of Himachal Pradesh;
- (g) "guide" means a person who engages himself as a paid guide for the tourists;
- (h) "local authority" means the Municipal Corporation or Municipal Council or Cantonment Board or Nagar Panchayat or Gram Panchayat or Special Area Development Authority;
- (i) "malpractice" includes cheating, touting, impersonation, obstruction in allowing free choice for stay or travel arrangement, charging rent or remuneration higher than that fixed under this Act, failure to display the rent list, failure to give cash memos, wilful failure to execute an order within the stipulated period and according to the terms agreed upon, failure to provide accommodation to the tourists when available, failure to provide promised facilities and providing substandard equipment and untrained personnel by the adventure sports operator;

Explanation.- The expression "touting" means coercing for accommodation, transportation, sight seeing or pestering for any particular premises, establishment or any other services connected with tourism with the consideration of personal benefit;

- (j) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "prescribed authority" means the authority notified as such by the Government; provided that different authorities may be

notified for different areas and for different provisions of this Act;

- (m) "season" means the period from 15th April to 15th July and from 15th September to 15th January; and rest of the period shall constitute "off-season";
- (n) "tourism unit" means any establishment providing facilities and services to the tourists and includes hotel, resorts, motels, time share units, apartments, houseboats, motor caravans, guest houses, yatri niwases, restaurants and bars, amusement parks, theme parks, water sports centres, aero-sports centres, golf courses, handicraft village complexes, camps, river cruises, lake cruise projects, light and sound shows, adventure sports complexes, training institutes for adventure sports or tourism industry doing business for a monetary consideration and any other type of establishment as may be notified by the Government from time to time;
- (o) "tourism unit operator" means any person who owns, runs or operates a tourism unit and includes a person managing or operating the affairs on behalf of the proprietor;
- (p) "tourist" means a person or group of persons, including pilgrims visiting the State of Himachal Pradesh; and
- (q) "travel agent" means a person engaged in the business of making travel arrangements for tourists for monetary consideration.

Explanation.- the expression "travel arrangements" includes,-

- (a) arrangement for transportation by any mode ;
- (b) arrangement for lodging with or without board; and
- (c) rendering other services such as arranging for games and sports or receipt or despatch of personal belongings of a tourist or taking photograph(s) of a tourist, hiring of guides, photographers, arranging equipment for travel or adventure sports.

CHAPTER-II

TOURISM DEVELOPMENT BOARD

4. Establishment and constitution of the Board.- (1) The Government may, by notification in the Official Gazette, establish a Board to be known as the "Tourism Development Board" for carrying out the purposes of this Act.

(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 and to contract and may, by the said name sue and be sued.

(3) The Board shall consist of the following members:-

(i) OFFICIAL MEMBERS :

	(a) Chief Minister of Himachal Pradesh	Chairman.
Vice-Chairman	(b) Tourism Minister of Himachal Pradesh	
	(c) Chief Secretary to the Government of Himachal Pradesh	Member
	(d) Secretary (Tourism) to the Government of Himachal Pradesh.	Member
	(e) Secretary (Finance) to the Government of Himachal Pradesh.	Member
	(f) Secretary (Forest) to the Government of Himachal Pradesh.	Member
	(g) Secretary (PWD) to the Government of Himachal Pradesh.	Member
	(h) Secretary (Urban Development) to the Member Government of Himachal Pradesh.	
	(i) Secretary (Town and Country Planning) to the Government of Himachal Pradesh.	Member
	(j) Secretary (Youth Services and Sports) to the Government of Himachal Pradesh.	Member
	(k) Secretary (Health/Ayurveda) to the Government of Himachal Pradesh.	Member
	(l) Secretary (Horticulture) to the Government of Himachal Pradesh.	Member
	(m) Secretary (Excise)to the Government of Himachal Pradesh.	Member
	(n) Secretary (Industries) to the Government of Himachal Pradesh.	Member
	(o) Secretary (Planning) to the Government of Himachal Pradesh.	Member
	(p) Secretary (Law) to the Government of Member Himachal Pradesh.	
	(q) Secretary (Language, Arts and Culture) to the Government of Himachal Pradesh.	Member

(ii) NON-OFFICIAL MEMBERS :

(a) Representatives of Hotel Associations Four Members

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|-------|--|------------|-------------------|
| (b) | Representatives of Travel Agent's Associations. | Two | Members |
| (c) | Representatives of Adventure Sports Operator's Associations. | Two | Members |
| (d) | Representatives of other interested groups of tourism industry. | Two | Members |
| (e) | Three non-official members, to be nominated by the Government, by notification, from amongst the persons, having outstanding contribution or expertise in the field of development and promotion of tourism industry and having experience of working in the tourism trade for atleast 10 years. | | |
| (f) | Representatives of the registered Non-Government Organizations. | Two | Members |
| (iii) | Director (Tourism), Himachal Pradesh. | Ex-Officio | Member-Secretary. |

(4) The non-official members shall be paid such allowances, as may be prescribed.

5. Term of office.- (1) The term of office of the non-official members shall be two years and they shall be eligible for re-appointment.

(2) If the Government considers that the continuance in office of any non-official members is not in the interest of the Board, the Government may make an order terminating his term and thereupon, he shall cease to be a member of the Board notwithstanding the fact that the term to which he was nominated has not expired.

(3) Any non-official member of the Board may resign from his office by a letter addressed to the Chairman and the resignation shall take effect from the date of acceptance of his resignation by the Chairman.

6. Disqualifications.- A person shall be disqualified for being a non-official member, if he-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- (b) is an un-discharged insolvent ; or
- (c) is of unsound mind ; or
- (d) has been dismissed or removed from the service of the Government or a Corporation owned or controlled by the Government ; or

- (e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of the Board.

7. Meetings of the Board.- (1) The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the conditions that-

- (a) an ordinary meeting shall be held twice in a year;
- (b) the Chairman may, whenever he thinks fit, call a special meeting;
- (c) every meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both by any other member chosen by the members present ;
- (d) the Member-Secretary of the Board shall make available the notice alongwith the agenda of the meeting to all the members of the Board atleast twenty four hours before the meeting takes place; and
- (e) the presence of 50% members of the total number of the members of the Board shall form the quorum of a meeting.

(2) The decisions of the Board shall be attested and maintained by the Member-Secretary of the Board.

8. Powers and functions of the Board.- (1) The Board may,-

- (a) advise the Government to lay down policy guidelines for the development and promotion of tourism industry in the State ;
- (b) publicise Himachal as an attractive tourist destination within and outside the country and establish image of Himachal Pradesh as a safe reliable tourist destination;
- (c) undertake improvement in the tourist areas to the extent possible within the resources of the Board;
- (d) undertake income generating projects for the benefit of tourism industry/tourists in general;
- (e) provide assistance to the Department of Tourism, Tourism Development Councils, Tourism Development Corporation, other departments of the Government, Semi Government Organizations, Non-Government Organizations to promote tourism industry and to enter into joint ventures with such departments and agencies;
- (f) undertake human resource development effort for the development of sustainable tourism industry in the State ;

- (g) work in collaboration with counterpart bodies in other States for the overall development of tourism industry and to undertake joint projects with other Government and Semi- Government Organisations elsewhere in the country ;
- (h) create employment opportunities and to earn foreign exchange through development, expansion and promotion of tourism and civil aviation;
- (i) carry out action research or get it done as per necessity to find out ways to eliminate problems encountered in tourism sector so as to provide quality services to the tourists ;
- (j) take steps to motivate the private sector to encourage the tourists to visit the places of religious and cultural importance, high mountains and the areas of alluring natural beauty of the State by making use of the existing physical infrastructure related with tourism in an organised and effective manner;
- (k) take steps to organize constructive and tourism promotional activities including international seminars and conferences, trade fairs, cultural youth festivals and sports competitions and to encourage private sector to organize and participate in such activities ;
- (l) give priority to rural tourist destinations while developing new tourist destinations and consolidating tourism infrastructure and facilities and to motivate local rural community to undertake various activities for rural tourism development ;
- (m) mobilize or get mobilized investment for infrastructure building and development of new tourist destinations ;
- (n) protect and promote religious places of tourist interest, to extend facilities and services in such places of religious and cultural importance for attracting more tourists and for developing religious tourism;
- (o) develop and promote wildlife and eco-tourism;
- (p) implement or get implemented publicity programmes on various levels for raising tourism consciousness ;
- (q) make special arrangements for the security of the tourists by standardizing services and facilities provided to the tourists by tourism entrepreneurs ;
- (r) provide and make provisions for necessary services and consultation in subjects related to tourism ;

- (s) negotiate with foreign or international organizations with the approval of Government for the fulfilment of the Board's objectives;
- (t) approve necessary budget for conducting Board's annual programmes;
- (u) perform other necessary activities related with the development, extension and promotion of tourism;
- (v) issue guidelines to the Tourism Development Councils ;
- (w) to assist in the formation and functioning of society related to adventure tourism ; and
- (x) perform such other functions as may be entrusted to it by the Government from time to time.

(2) The Board may, with the approval of the Government, charge fee or rent,-

- (a) for the registration and renewal of registration of tourism units, travel agents, guides, adventure sports operators or other persons requiring registration and licence under this Act ; and
- (b) for promotion of destination or location by way of common publicity.

(3) The Board may, on its own, charge fee of rent,-

- (a) for the parking of vehicles provided by the Board to the tourists ; and
- (b) for the facilities provided by the Board to the tourists in tourism units.

(4) The Board may, receive donations and grants from any Government, Semi-Government or Non-Government Organizations.

9. Grants to the Board by the Government.- The Government may, after due appropriation made by Legislature by law, in this behalf pay to the Board, on such terms and conditions as the Government may determine by way of loans or grants such sums of money as the Government may consider necessary for the efficient discharge by the Board of its functions under this Act.

10. Funds of the Board.- (1) The Board shall have its own funds and all receipts of the Board shall be credited thereto and all payments of the Board shall be made therefrom.

(2) The Board shall have power, subject to the provisions of this Act, to spend such sums as it thinks fit to cover all administrative expenses of the Board and on objects or for purposes authorised by this Act and such sums shall be treated as expenditure out of the funds of the Board.

(3) All moneys standing at the credit of the Board which can not immediately be applied as provided in sub-section (2) shall be deposited in the State Bank of India or in such Scheduled Bank or Co-operative Bank in the State or Post Office and subject to such conditions as may from time to time be specified by the Government.

Explanation.- In this sub-section, the expression "Scheduled Bank" has the same meaning as assigned to it in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) .

11. Investment of funds.- The Board may invest its funds in the securities of the Government or in such other manner as may be prescribed.

12. Borrowing power of the Board (1)- The Board may, with the approval of the Government or in accordance with the terms of any general or special authority given to it by the Government, borrow money from any source by issuing the bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.

(2) The Government may guarantee, in such guarantee, in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by the Board under sub-section (1).

(3) Subject to such limits as the Government may, from time to time, lay down, the Board may borrow temporarily by way of overdraft or otherwise such amount as it may require for discharging its functions under this Act.

13. Employees of Board.- (1) The Government may depute to the service of the Board such of its employees from the Tourism Department or from any other Department as it consider necessary.

(2) The service conditions of deputed employees shall be such as may be prescribed by the Government from time to time.

(3) The Board may employ any person on contract basis as it may consider necessary on such terms and conditions as may be determined by it.

14. Accounts and Audit.- (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed by the Government.

(2) The Accounts of the Board shall be audited annually by the Local Audit Department, Himachal Pradesh and any expenditure incurred by it in connection with such audit shall be payable by the Board to the Local Audit Department, Himachal Pradesh.

(3) The Local Audit Department, Himachal Pradesh shall have the same rights and privileges and authority in connection with such audit as Accountant General of Himachal Pradesh has in connection with the audit of Government accounts and in particular, shall have the right to demand the

production of books, accounts, connected vouchers, documents and papers of the Board.

(4) The accounts of the Board as certified by the Local Audit Department, Himachal Pradesh together with the audit report thereon shall be forwarded annually to the Government and the Government shall cause the same to be laid before the Legislative Assembly.

15. Special audit of accounts. (1) Notwithstanding anything contained in section 14, the Government may order a special audit of the accounts of the Board to be conducted by such person or agency as it may think fit, relating to any particular transaction or a class or series of transactions for a particular period.

(2) Where an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person or agency appointed under sub-section (1), such information as the said person or agency may require for the purpose of audit.

16. Annual report.- The Member-Secretary of the Board shall prepare the annual report of the activities of the Board within three months from the date of the expiry of the financial year and a copy thereof shall be forwarded to the Government.

CHAPTER-III

TOURISM DEVELOPMENT COUNCIL

17. Establishment and constitution of the Council.- (1) The Government may, by notification in the Official Gazette, establish a Council to be known as the "Tourism Development Council" for carrying out the purposes of this Act for a specific tourist place, as may be notified by the State Government.

(2) The Council 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 and to contract and may, by the said name sue and be sued.

(3) The Council shall consist of the following members namely :-

(i) **Official Members:**

- | | |
|---|---------------|
| (a) Deputy Commissioner | Chairman. |
| (b) Additional Deputy Commissioner and in his absence, the . concerned Sub-Divisional Officer (Civil). | Vice-Chairman |
| (c) Divisional Forest Officer | Member. |
| (d) Executive Engineer (P.W.D.) | Member. |
| (e) Executive Engineer (I.P.H.) | Member. |
| (f) Executive Officer or Secretary of the Municipal Council or Nagar Panchayat or Gram Panchayat, as the case may be. | Member(s) |

- | | |
|--|-----------------------------|
| (g) Town Planner. | Member. |
| (ii) Non-Official Member : | |
| (a) Representatives of Hotel Associations | Two Members. |
| (b) Representative of Travel Agent Associations, | One Member |
| (c) Representatives from other interested groups of tourism industry. | Two Members. |
| (d) Four non-official members, to be nominated by the Government, by notification, from amongst the persons, who have outstanding contribution or expertise in the field of development and promotion of tourism industry and having experience of working in the tourism and travel trade for atleast 10 years. | |
| (iii) District Tourism Development Officer or Assistant Tourism Development Officer to be nominated by the Government. | Ex-Officio Member-Secretary |

(4) The non-official members shall be paid such allowances as may be notified by the Government from time to time.

18. Term of office .- (1) The non-official members shall hold office of the Council for a period of two years from the date of their appointment and they shall be eligible for re-appointment.

(2) If the Government considers that the continuance in office of any non-official member is not in the interest of the Council, the Government may make an order terminating his term and thereupon, he shall cease to be a member of the Council notwithstanding the fact that the term to which he was nominated has not expired.

(3) Any non-official member of the Council may resign his office by a letter addressed to the Chairman and the resignation shall take effect from the date of acceptance of his resignation by the Chairman.

19. Disqualifications.- A person shall be disqualified for being a member if he-

- (a) has been convicted and sentenced to imprisonment for an offence, which in the opinion of the Government involves moral turpitude; or
- (b) is an un-discharged insolvent ; or
- (c) is of unsound mind; or
- (d) has been dismissed or removed from the service of the Government or a Corporation owned or controlled by the Government ; or

- (e) has directly or indirectly by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of the Council.

20. meetings of the Council.- (1) An ordinary meeting of the Council shall be held once in a quarter, on the date, time and place fixed by the Chairman.

- (2) The Chairman may, whenever he thinks fit, call a special meeting.

(3) Every meeting of the Council shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both, by any other member chosen by the members present.

(4) The Member-Secretary of the Council shall make available the notice alongwith the agenda of the meeting to all the members of the Council atleast twenty four hours before the meeting.

(5) The presence of 50% members of the total number of the members of the Council shall form the quorum of a meeting.

(6) The proceedings of the meeting of the Council shall be attested by the Chairman and maintained by the Member-Secretary of the Council.

(7) The Council may form sub-committees as may be considered necessary to perform its functions and activities.

(8) The duties, functions and the terms of office of the sub-committees formed under sub-section (7) shall be determined by the Council.

21. Powers and functions of the Council.- (1) The Council shall systematically execute and get executed necessary programmes and manage all the activities of the Board for achieving the objectives of this Act.

- (2) The Council may,-

- (a) provide and maintain the tourism related services such as information, reservations, guidance, parking, toilets, cleanliness of tourist spots, environmental up gradation, publicity etc;
- (b) assist the local body in maintaining the sanitation and infrastructural facilities at the tourist sports;
- (c) build and maintain parks, lakes and recreation centres, fountains or any other such facility, which may enhance the tourism value of the area;
- (d) take up developmental measures for various sections of tourism industry and those engaged in allied activities;
- (e) regulate the construction, expansion, maintenance and operation of all tourism units and allied activities, subject to the general superintendence and control of the Board,

in such a manner so that the tourism activities become environmentally and culturally sustainable;

- (f) prepare a tourism master plan for its area and all tourism units and establishments performing tourism related activities shall conform to the said master plan and the Council may order to modify or close down the tourism units or establishments not conforming to the master plan; and
- (g) perform such other duties and functions as may be entrusted to it from time to time by the Board or the Government.

(3) The Council may,-

- (i) charge fee on any of the direct services provided by it; and
- (ii) receive donations or grants from the Board, the Central Government, the State Government, semi-Government and Non-Government Organizations and any other source.

22. Accounts and audit.- (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed by the Government.

(2) The accounts of the Council shall be audited annually by the Local Audit Department, Himachal Pradesh and any expenditure incurred by it in connection with such audit shall be payable by the Council to the Local Audit Department, Himachal Pradesh and the Council shall forward the same to the Board.

(3) The Local Audit Department, Himachal Pradesh shall have the same rights, privileges and authority in connection with such audit as Accountant General of Himachal Pradesh has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers, documents and papers of the Council.

(4) The accounts of the Council as certified by the Local Audit Department, Himachal Pradesh together with audit report thereon shall be forwarded annually by the Council to the Board.

23. Special audit of accounts.- (1) Notwithstanding anything contained in section 22, the Government may order a special audit of the accounts of the Council to be conducted by such person or agency as it may think fit relating to any particular transaction or a class or series of transactions for a particular period.

(2) Where an order is made under sub-section (1), the Council shall present or cause to be presented for audit such accounts and shall furnish to

the person or agency appointed under sub-section (1), such information as the said person or agency may require for the purpose of audit.

24. Annual report.- The Member-Secretary of the Council shall prepare the annual report of the activities of the Council within three months from the date of the expiry of the financial year and a copy thereof shall be forwarded to the Board as well as to the Government.

CHAPTER-IV

REGISTRATION OF TOURISM UNITS, TRAVEL AGENTS, GUIDES AND ADVENTURE SPORTS OPERATORS

25. Registration of the tourism unit.- (1) Every person intending to operate a tourism unit shall, before operating the tourism unit, apply for registration to the prescribed authority in the prescribed manner :

Provided that any person already operating a tourism unit on the date of commencement of this Act, shall apply for registration within ninety days from the date of commencement of this Act :

Provided further that any person, operating a tourism unit, makes any addition or alteration in the tourism unit, shall apply for fresh registration within ninety days from the date of such addition or alteration.

(2) Every application made under sub-section (1) shall be disposed of within a period of sixty days from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.

(3) No person shall operate a tourism unit unless it is registered in accordance with the provisions of this Act.

26. Registration of the travel agent or guide.- (1) No person shall carry on the business of a travel agent or a guide unless he is registered in accordance with the provisions of this Act:

Provided that no person shall be eligible to be registered as a guide, unless he possesses such qualifications as may be prescribed:

Provided further that notwithstanding any prescribed qualification, the persons who are working as guides, on the date of commencement of this Act, shall ipso-facto be registered as guides.

(2) Every person intending to act as a travel agent or a guide shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner :

Provided that any person acting as travel agent or a guide on the date of commencement of this Act, shall apply for registration within ninety days from the date of commencement of this Act.

(3) Every application made under this section shall be disposed of within a period of sixty days from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.

27. Registration of the adventure sports operator.- (1) No person shall carry on the business of adventure sports unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to operate an adventure sports institute or to act as an adventure sports operator shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.

(3) Notwithstanding anything contained in sub-section (2), any person already acting as an adventure sports operator shall apply for registration within ninety days from the date of commencement of this Act.

(4) Every application made under this section shall be disposed of within a period of sixty days from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.

28. Certificate of registration of the tourism unit, travel agent, guide and adventure sports operator.- The prescribed authority shall, unless registration is refused under sections 25 or 26 or 27, direct the name and particulars of the tourism unit or travel agent or guide or adventure sports operator, as the case may be, cause to be entered in the register maintained for the purpose and shall issue a certificate of registration to the tourism unit or the travel agent or the guide or the adventure sports operator, as the case may be, in the prescribed form.

29. Refusal to register the tourism unit, travel agent, guide and adventure sports operator.- The prescribed authority may refuse registration of the tourism unit or travel agent or guide or adventure sports operator, as the case may be, under this Act on any of the following grounds :-

- (a) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, is convicted of any offence under Chapters-XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act or any offence punishable under any law providing for prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;
- (b) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, has been declared an insolvent by a court of competent jurisdiction and has not been discharged ;
- (c) if the name of tourism unit operator or a travel agent or a guide or an adventure sports operator, as the case may be, has been removed from the register on the grounds mentioned in clauses (c), (d), (e) or (g) of section 30 and three months have not elapsed since the date of such removal;

- (d) if the premises of the tourism unit do not conform to the prescribed standard;
- (e) if the travel agent or a guide or an adventure sports operator does not possess any of the prescribed qualifications;
- (f) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, does not hold a certificate of registration required to be held by him under this Act;
- (g) if the tourism unit operator fails to produce the proof that the structure of the tourism unit has been built in accordance with the building bye-laws made under the provisions of the Himachal Pradesh Town and Country Planning Act, 1977 (12 of 1977) or under any other local laws in force ; and
- (h) if in the opinion of the prescribed authority, there is any sufficient ground to be recorded in writing, for refusing registration :

Provided that no application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

30. Removal of name of tourism unit, travel agent, guide and adventure sports operator from the register.- The prescribed authority may, by order, in writing, remove the name of tourism unit or travel agent or guide or adventure sports operator, as the case may be, from the register and cancel the certificate of registration issued under section 28, on any of the following grounds, namely :-

- (a) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, ceases to operate the tourism unit or ceases to act as a travel agent or a guide or an adventure sports operator for which he is registered;
- (b) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;
- (c) if the tourism unit operator or the travel agent or the guide or an adventure sports operator, as the case may be, is

declared insolvent by a court of competent jurisdiction and has not been discharged ;

- (d) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, fails to comply with any of the provisions of this Act or rules framed thereunder;
- (e) if the tourism unit operator fails to remove a lodger or wilfully keeps the lodger in a tourism unit, who becomes a nuisance for the inmates in his tourism unit as well as adjoining building(s);
- (f) if any complaint of malpractice is received and proved against the tourism unit operator or the travel agent or the guide or adventure sports operator, as the case may be;
- (g) if the tourism unit operator makes structural changes in the tourism unit without the approval of the Development Authority constituted under the Himachal Pradesh Town and Country Planning Act, 1977(12 of 1977); or any other local authority constituted under the local laws
- (h) if the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, has obtained the certificate of registration by misrepresentation or fraud ;
- (i) if the adventure sports operator does not maintain equipments, manpower and other facilities according to prescribed standards for safety ; and
- (j) if the adventure sports operator does not take the precautions regarding safety measures, as may be prescribed :

Provided that before removing the name of any tourism unit or the travel agent or the guide or the adventure sports operator, as the case may be, from the register under this section, the prescribed authority shall give a notice to the tourism unit or the travel agent or the guide or the adventure sports operator, as the case may be, indicating the grounds on which it is proposed to take action after giving him an opportunity of being heard.

31. Classification of tourism unit.- The prescribed authority may in consultation with the committee to be constituted in the prescribed manner,-

- (a) classify the tourism units into various classes, as may be prescribed; and
- (b) fix the number of lodgers to be accommodated in each room in case of accommodation.

32. Notifying the fair rates.- (1) The prescribed authority shall, notify the fair rates or service charges, if any, commensurate to the standard/class of the tourism units and quality of food, accommodation and

service, as specified by the tourism unit, which may be charged during "season" and "off-season" periods for boarding or lodging or for both from the tourists :

Provided that in case of dispute with regard to the rates to be charged, the decision of the committee constituted under section 31, shall be final:

Provided further that the rates for lodging shall be notified with reference to each room or specified accommodation and the number of the lodgers to be accommodated.

(2) The prescribed authority shall notify the fair rates, as may be specified by the travel agent or by the guide, which may be charged for the services rendered to a person engaging him as such.

(3) The prescribed authority shall, notify the fair rates, as may be specified by the adventure sports operator commensurate to the standard of the adventures sports and other facilities, which may be charged by him from the tourists or from the customers.

33. Revision of fair rates.- The prescribed authority shall, from time to time, revise the fair rates notified under section 32.

34. Notifying the fair rates until notified by the prescribed authority.- Till such time, the prescribed authority does not notify the fair rates and the number of lodgers to be accommodated in each room, as required under sections 31 and 32, the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, shall notify the fair rates and intimate the same to the prescribed authority by 31st day of July each year and separate rates may be fixed for "season" and "off-season" periods and such rates shall be effective from 1st October of that year till 30th September of the following year.

35. Display of information.- Where under sections 32 and 33 the prescribed authority has notified or revised the fair rates, the number of lodgers to be accommodated in each room, or even in case where the prescribed authority has not notified the fair rates, the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, shall display a notice of the fair rates, the number of lodgers to be accommodated in each room at a conspicuous place in a tourism unit, business premises of the travel agent, the guide or the adventure sports operator and an agent of the tourism unit operator shall also keep a copy certified by the prescribed authority, of such information on his person.

36. Charges recoverable in excess of fair rates.- (1) Notwithstanding any agreement to the contrary, no tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, shall charge any amount in excess of the fair rates notified.

(2) Any sum paid by the lodger or by a customer in excess of the fair rates fixed shall be refundable to the lodger or to a customer by the tourism unit operator or the travel agent or the guide or the adventure sports operator, as the case may be, through the prescribed authority.

37. No ejection to be made if fair rates paid.- No tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, shall evict or refuse any service to a lodger or to a customer so long he pays or is ready and willing to pay the fair rates notified and observes and implements the other conditions of his agreement in so far as they are consistent with the provisions of this Act.

38. When tourism unit operator may recover possession.- Notwithstanding anything contained in this Act a tourism unit operator shall be entitled to recover possession of the accommodation provided by him on obtaining an order from the prescribed authority to the effect that :-

- (a) the lodger has been guilty of a conduct which constitutes a nuisance or annoyance to any other lodger ; or
- (b) the lodger has failed to pay the accommodation charges ; or
- (c) the lodger has failed to vacate the accommodation on termination of the period of the agreement in respect thereof :

Provided that before issuing an order under this section, the prescribed authority may conduct a summary enquiry and shall pass an appropriate order in a summary manner:

Provided further that any party aggrieved by an order of the prescribed authority may prefer an appeal before the District Magistrate of the concerned district who shall dispose it of in a summary manner.

(2) If the lodger against whom the order has been passed under sub-section (1) does not comply with the said order, the prescribed authority may take assistance from the police for the implementation of the order and every police officer shall render the assistance for the implementation of the said order.

39. Tourism unit operator, travel agent, guide and adventure sports operator to present detailed bills.- Every tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, shall present detailed bills to the lodgers and other customers and shall give receipt in acknowledgement of all payments.

40. When the tourism unit operator may honour confirmation of bookings at a particular rate.- If a tourism unit operator confirms a bookings, at a particular rate, he shall, even if accommodation at higher rates alone is available at the time of arrival of the person for whom accommodation stands booked, be honoured at the booked rate.

41. Power of entry, inspection, seizer and supply of statistical data by tourism unit operator etc.- (1) The prescribed authority or any officer authorised by the Government may, in order to ensure that any of the provisions of this Act is not being implemented by the tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, enter the tourism unit or business premises of the travel agent or guide or adventure sports operator and inspect all accounts, registers, documents and other books with or without prior notice.

(2) If the prescribed authority or any officer authorized by the Government has reasons to suspect that any tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, is attempting to evade or has evaded any of the provisions of this Act, such authority or office may, for reasons to be recorded, seize such accounts, registers, documents or other books of such operator or travel agent or guide or adventure sports operator, as the case may be, as may be necessary, and shall grant a receipt of the same and retain the same so long as may be necessary for examination thereof or for the purpose of any proceedings under this Act.

(3) Every tourism unit operator or travel agent or guide or adventure sports operator shall supply statistical data regarding inflow of tourists and the employees employed by the unit concerned by the tenth of each following month to the prescribed authority.

42. Travel agent, guide and adventure sports operator not to demand tips etc.- The travel agent or guide or adventure sports operator, as the case may be, shall not demand tips, gratuity, presents or commission other than the rates as fixed under section 32 from any person engaging him or from any tourism unit operator in whose tourism unit such person resides or intends to reside.

43. Insurance.- The adventure sports operator shall provide insurance cover as may be prescribed to persons availing of his services.

CHAPTER-V

APPEAL AND REVISION

44. Appeal.- (1) Subject to the provisions of sub-section (2), an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority to be appointed by the Government.

(2) Every such appeal shall be preferred within ninety days from the date of communication of the order :

Provided that the appellate authority may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) The appellant shall have a right to be represented by a counsel or by a duly authorised agent and the prescribed authority may be represented by such officer or person as the prescribed authority may appoint.

(4) On receipt of any appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, pass such order as it may deem fit, after recording the reasons thereof.

45. Revision.- The revisional authority, to be appointed by the Government, may, either on its own motion or on an application made by an aggrieved party, call for the records of any case disposed of by an appellate authority, for the purpose of satisfying itself as to the correctness, legality or

propriety of any order passed by appellate authority and may pass such order thereon as it may deem fit and such order shall be final :

Provided that no such application for revision shall be entertained after the expiry of three months from the date of communication of the order passed by the appellate authority:

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

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

CHAPTER-VI

OFFENCES AND PENALTIES

46. Penalty for default in registration.- Any person carrying on the business of a tourism unit or travel agent or guide or adventure sport or any other business connected with tourist trade, as the case may be, without a proper registration under this Act or in contravention of any of the provisions of this Act, shall be punishable with imprisonment for a term not exceeding six months or with fine not exceeding ten thousand rupees or with both, and if the breach is a continuing one with a minimum fine of rupees two hundred per day and maximum of two thousand rupees per day till the default continues.

47. Penalty for false statement.- If any person who is required to make a statement under this Act, wilfully makes a false statement or suppresses a material fact with the intention to mislead the prescribed authority, he shall be punishable with imprisonment for a term which may extend to three months or with fine not exceeding two thousand rupees or with both.

48. Certificate not to be assigned without permission.- Any person who lends, transfers or assigns the certificate of registration issued under this Act, without the permission in writing of the prescribed authority, shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.

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

- (a) the prescribed authority or any other officer duly authorised by it in this behalf ;
- (b) any authority authorized by the Government or any officer authorized by the Director Tourism, Himachal Pradesh ; and
- (c) any bonafide customer.

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

50. Penalty for malpractice.- Any person who commits a malpractice or contravenes any other provision of this Act for which no specific penalty has been provided, shall be punishable with imprisonment for a term which may extend to three months or with fine not exceeding ten thousand rupees or with both.

51. Obstructing lawful authorities.- If any person wilfully obstructs or offers any resistance to, or otherwise interferes with the discharge of the functions of the prescribed authority or any other officer authorized by it, exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made thereunder, he shall be liable to punishment with imprisonment which may extend to three months or with fine not exceeding one thousand rupees or with both.

52. Power of court to try cases summarily.- All offences under this Act shall be tried in a summary way by a Chief Judicial Magistrate or by any other Judicial Magistrate of the First Class specially authorized by the High Court and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973(2 of 1974) shall, as far as may be, apply to such a trial;

Provided that when at the commencement of or in the course of a summary trial under this section, it appears to the Magistrate that the nature of the case is such that it is for any reason, undesirable to try summarily, the Magistrate shall after hearing the parties record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

53. Institution of proceedings.- No prosecution shall be instituted against any person for any offence under this Act, except on a complaint made by the prescribed authority or the officer authorized by it or the Government in this behalf.

54. Powers of Prescribed authority to summon and enforce attendance of witness and other persons.- The prescribed authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while hearing an application under this Act in respect of the following matters, namely :-

- (a) summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witness required in connection therewith;
- (b) compelling the production of any document; and
- (c) examining witnesses on oath, and may summon and examine suo motu any person whose evidence appears to be material.

55. Composition of offences.- (1) The prescribed authority may accept from any person who is reasonably suspected of having committed an

offence under this Act, a sum of money by way of composition of such offence and may out of the money so received, compensate the person against whom the offence has been committed to the extent the prescribed authority deems reasonable.

(2) On the composition of offence, no further proceedings in respect thereof shall be taken against the accused and if any proceeding has already been instituted against him in a court, the composition shall have the effect of acquittal.

CHAPTER-VII MISCELLANEOUS

56. Notification of changes.- (1) Whenever a tourism unit for which a certificate of registration is held by a person devolves by inheritance or otherwise upon any other person or undergoes a change in respect of any particular entered in the register under this Act, such person shall, within thirty days of the date of such devolution or change, notify in writing the fact to the prescribed authority.

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

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

57. Return of the certificate of registration.- When a certificate of registration is cancelled under this Act, the person holding the certificate shall, within seven days from the date of service in the manner prescribed of the order of cancellation, return it to the prescribed authority.

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

59. Renewal of certificate.- The tourism unit operator or travel agent or guide or adventure sports operator, as the case may be, registered under this Act shall get renewed the registration certificate after a period of three years from the date of issuance of registration certificate by the prescribed authority and shall also pay renewal licence fee as may be prescribed.

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

61. Proceedings before the prescribed authority to be judicial proceedings.- All proceedings before the prescribed authority under this Act

shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code, 1860 (45 of 1860).

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

63. Power of Government to apply Act to other persons.- The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or of the rules made thereunder shall, with such exceptions, adaptations or modifications as may be considered necessary, apply to persons doing the business in the State of Himachal Pradesh of outdoor photography or of letting or plying for hire house-boats, dongas, bathing boats, shikaras, dandis, pithus, ponies as may be specified in the notification and the prescribed authority may fix the rates to be charged for the services to be rendered.

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

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

- (a) the maintenance of registers, books, and forms by tourism unit operators, travel agents, guides and adventure sports operators for the conduct of the business;
- (b) the form of application for registration and certificate of registration;
- (c) the fee for the registration, renewal and issuance of duplicate certificate;
- (d) the manner of giving notices under this Act;
- (e) classification of tourism units;
- (f) qualifications for registration as tourism unit operator, travel agent, guide and adventure sports operator;
- (g) safety measures and standards to be adopted in the conduct of adventure sports and facilities to be provided;
- (h) standards for maintenance of hygiene and cleanliness, waste disposal and minimum facilities in various types of tourism units;
- (i) manner of publication of the names and addresses of the tourism unit, travel agent, guide and adventure sports operator removed from the register ;
- (j) manner in which the fair rates shall be displayed, type of tickets and receipts to be issued, submission and maintenance of accounts and statement thereof to the prescribed authorities and collection and deposit of licence fee, renewal fee and other dues;

- (k) procedure for admission to training institutes, standard of syllabus, staff, equipment and buildings; and
- (l) the place where prescribed authority shall hold enquiry under this Act and all matters expressly required to be prescribed under this Act.

(3) All rules made under this section shall be subject to the condition of previous publication.

65. Repeal and savings. - The Himachal Pradesh Registration of Tourist Trade Act, 1988 (9 of 1988) is hereby repealed :

Provided that anything done or any action taken (including any notification issued, certificate or permission granted or proceedings commenced or continued) under the provisions of the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

NOTIFICATIONS AND RULES

UNDER

THE HIMACHAL PRADESH TOURISM DEVELOPMENT AND REGISTRATION ACT, 2002

(Issued and published in Hindi in R.H.P. dated 20.9.2003, p 1179)

PRESCRIBED AUTHORITY

TOURISM AND CIVIL AVIATION DEPARTMENT

NOTIFICATION

Shimla-2, the 15th January, 2003.

No. TSM-A (3) -1/2002. - In supersession of all previous notifications issued in this behalf and in exercise of the powers vested in him under Chapter-I, section 3 (i) of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002), the Governor of Himachal Pradesh is pleased to notify all the Divisional Tourism Development Officers/Assistant Tourism Development Officer, Chamba, Himachal Pradesh within their respective jurisdiction as Prescribed Authority for the purpose of this Act, with immediate effect.

(R.H.P. dated 20.9.2003, p 1179)

**APPOINTMENT OF APPELLATE AUTHORITY
TOURISM AND CIVIL AVIATION DEPARTMENT
NOTIFICATIONS**

Shimla-2, the 15th January, 2003.

No. TSM-A(3)-1/2002.-In supersession of all previous notifications issued in this behalf and in exercise of the powers vested in him under Chapter-V sub-section (1) of section 44 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002), the Governor of Himachal Pradesh is pleased to appoint the Director, Tourism & Civil Aviation, Himachal Pradesh as “ Appellate Authority” for the purpose of this Act, with immediate effect .

(R.H.P. dated, 24-1-2004,p 1923)

.....
Shimla-171002, the 14th October, 2004

No. TSM-A (3)1/2002-I-5601.-In exercise of the powers vested in him under sub-section (1) of section 41 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor, Himachal Pradesh is pleased to authorize t he Inspector Hotels and the Senior Assistants posted in the offices of Distt. Tourism Development Officers/Assit. Tourism Development Officers to enter the tourism unit or business premises of the travel agent or guide or adventure sports operator and inspect all accounts, registers, documents and other books with or without prior notice.

(R.H.P.dated, 6-11-2004.p 1311).

.....
(Issued and published in Hindi in R.H.P. 24.6.2006, p. 484)

Shimla-2, the 7th February, 2006.

No. Tsm-A(3)-1/2002-I.- In continuation of this department notification of even number dated 14.10.2004, and in exercise of the powers vested in him under sub-section(1) of section 41 of the Himachal Pradesh Tourism Development and Registration Ac t, 2002,the Governor Himachal Pradesh is further pleased to authorize the Additional Director, Joint Director, Deputy Director and Tourist Information Assistants to enter Tourism units or business premises of the Travel Agent or Guide or Adventure Sports Operators and inspect all account, registers, documents and other books with or without prior notice.

(R.H.P. dated 24.6.2006, P. 484)

(Issued and published in Hindi in R.H.P. 24.6.2006, p. 484)

Shimla-2, the 7th February, 2006.

No. Tsm-A(3)-1/2002-I.- In exercise of the powers vested in him under sub-section(1) of section 41 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor Himachal Pradesh is further pleased to authorize the Additional Director/ Joint Director/ Deputy Director and Inspector Hotel and Senior Assistants and Tourist Information Assistants working under the control of DTDO/ADTDOs offices to seize any accounts, registers, documents or other books from the Tourist Units, or business premises of the operators, travel agents or guide or adventure sports operator for examination and for the purpose of any proceedings under the Act *ibid*.

(R.H.P. dated 24.6.2006, P. 484)

THE HIMACHAL PRADESH AERO SPORTS RULES, 2004

ARRANGEMENT OF RULES

Rules:

1. Short title, extent and commencement.
2. Definitions.

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REGISTRATION

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4. Registration and qualifications of operator for Aero Sports.
5. Registration and Qualifications of the Pilot /Guide /Instructor/ tandem Pilot.
6. Constitution of Technical Committee.
7. Functions of the Technical Committee.
8. Establishment of the Regulatory Committee and its function.

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SAFETY MEASURES

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10. Medical facilities and other facilities to be available during operation.
11. Safety measures for operators.
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13. Claim on account of any mishap.
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19. Functions of the association.
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THE HIMACHAL PRADESH AERO SPORTS RULES, 2004

TOURISM AND CIVIL AVIATION

DEPARTMENT

NOTIFICATION

Shimla-2, the 21st July , 2004.

No. Tsm -F (6) 3/ 2001.-Whereas the draft Himachal Pradesh Aero Sports Rules, 2002 were published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 28-09-2002 vide this Deptt. Notification of Even No. dated the 24th August, 2002 for inviting objections/ suggestions from the general public, as required under the provisions of clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002) :

And whereas, no objection(s)/suggestion(s) has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred under clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the aforesaid Act, namely :-

1. Short title, extent and commencement.- (1) These rules may be called the Himachal Pradesh Aero Sports rules, 2004.

(2) These rules shall extend to the whole State of Himachal Pradesh.

(3) They shall come in to force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Definitions.- (1) In these Rules, unless there is any thing repugnant to the subject or context,-

(a) “Act” means the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002);

(b) “association” means a society registered under the Himachal Pradesh Co-operative Societies Act, 1968 ;

(c) “ crew members” means the persons who conduct the aero sports operation including the guides accompany the operation ;

(d) “guide” means a person who for the purposes of these rules is registered as such and accompany the operation for guiding its smooth and safe completion ;

- (e) “operator” means a travel agent(s) whether individual, company or an association or a society who is registered as such under the Act for carrying out the Aero Sports ;
- (f) “operation” means an aero sport trip to be undertaken of undertaken under these rules ;
- (g) “participant” means the person(s) who participates in an operation;
- (h) “air raft” means any equipment / contraption (para glider, hang glider, hot air balloon, etc.) used for being air borne;
- (i) “season”for the purposes of these rules means whole of the year excluding the period from 15th July to 15th September during which no Aero Sports operation shall be permitted :

Provided that the aero sport operation may be permitted in District Lahaul and Spiti during the 15th July to 15th September if the weather conditions permit to do so ;

- (j) “travel agent” for the purposes of these rules means a person who is registered and engaged in the business of aero sports for the monitory consideration.
- (k) “technical committee” means committee constituted by the State Government under rule 6 ;
- (l) “site” means location approved by the Technical Committee for conducting Aero Sport activities.

(2) Words and expression used in these rules but not defined shall have the same meaning as assigned to them in the Act.

CHAPTER-II

REGISTRATION

3. Procedure for application for Aero Sport operations.- (1) Application for aero sports operation during the ensuing season shall be received in the office of District Tourism Development Officers or Assistant Tourism Development Officer, as the case may be, from the operator from 1st of November to 1st of March each year. The concerned District Tourism Development Officer, as the case may be, shall scrutinize these applications initially and put up the same before the Technical Committee, which shall hold the meeting before 15th of April each year and fix date time and venue for the scrutiny/inspection of the documents, equipments conducting practical/physical tests and guides and final approval by giving at least 15 days clear notice to all the qualified operators.

(2) No operator, shall be permitted to operate aero sports activities in the middle of the season. All operators shall follow the procedure as laid down in sub-rule (1).

(3) The operator(s) or associations, as the case may be, shall be registered with the Tourism Department, Himachal Pradesh and have a local office for at least one year prior to such registration.

4. Registration and qualifications of operator for Aero Sports.-

An operator intending to operate aero sports shall apply for registration to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, along with a bank demand draft of Rs. 100/- drawable in favour of concerned District Tourism Development Officer or Assistant Tourism development Officer, as the case may be. The Tourist Development Officer/ Assistant Tourism development Officer, as the case may be, shall issue a certificate of registration to the concerned operator after the approval of the Technical Committee.

(2) The license so issued shall be valid for a period of one year from the date of issue.

(3) No person other than an operator registered for carrying out the aero sport operation shall be permitted to carry on any operation either directly himself or through his employees unless the Technical Committee is satisfied that the operator has all the equipments and he fulfils other requirements under these rules and his proposal has been duly approved/cleared by the said Committee.

(4) No operator shall be permitted to undertake aero sport activities unless he has trained and qualified guide with at least experience of 5 years in aero sports of the required standard with good track record.

5. Registration and Qualifications of the Pilot /Guide /Instructor/ tandem Pilot.- A person intending to participate in an aero sports operation as a pilot/guide/instructor/tandem pilot shall apply to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, in an application along with a Bank demand draft of Rs. 100/- drawable in favour of District Tourism Development Officer/Assistant Tourism Development Officer, as the case may be, who on being satisfied that the person applying for registration fulfills the requisite qualifications and standard for registration with the approval of Technical Committee shall issue a certificate to the person applying for registration. The certificate so issued shall be valid for a period of one year.

6. Constitution of Technical Committee.- The Government shall, by notification constitute a Technical Committee having jurisdiction over the entire State of Himachal Pradesh consisting of the following members, namely :-

- | | |
|---|----------|
| 1. The Director Tourism | Chairman |
| 2. Director Mountain Institute Manali | Member |
| 3. Four experts to be nominated by the Govt. of H.P. (from outside H.P.) from Free Flight Association of India, Department of Tourism, Director General of Civil Aviation and Aero | Members |

Club of India.

4. One member each from the registered Associations in H.P. to be nominated by the Government. Members
5. Secretary Aero Sports Club of H.P. Member-Secretary.

7. Functions of the Technical Committee.-The Technical Committee shall meet at least twice a year, once before the start of season in the first week of April every year and the second in the last week of October every year. The Committee shall be responsible for the following namely :-

- (a) to inspect and certify the equipments 9 manufactured by the manufacturer and homologated by an Internationally recognized certification Authority or Federation Aeronotique International) with the operator from safety point of view as per rule 3 ;
- (b) to scrutinize the bio data of the operator(s) and guide(s) and to conduct their physical text in order to ascertain their expertise and by doing so to approve the issue of license (licensing as per Civil Aviation Requirements (C.A.R.) to him of the Director Central Civil Aviation and respective Sporting Code of the Federation Aeronotique International and as adopted by the Free Flight Association of India) both to the operators as well as their guides; (Suiting Federation Aeronotique International's ranking system and as adopted by Aero Club of India and Free Flight Association of India);
- (c) to ensure that operator(s) and the guide(s) shall follow all safety procedures specified in these rules and give in writing, the list of such safety equipment;
- (d) to identify new sites and areas for Aero Sports in the State apart from those already mentioned in rule 11;
- (e) to notify the exact boundaries including take off and landing sites where operation can be safely conducted; and
- (f) to determine the carrying capacity for each site before operations can be started.

8. Establishment of the Regulatory Committee and its function.-

The Government shall by notification constitute a Regulatory Committee for each Aero Sport Site consisting of the following :-

- (a) The Deputy Commissioner of the concerned District ..
Chairman
- (b) Superintendent of Police .. Member
- (c) Sub-Divisional Officer (Civil) concerned or
his nominee ..Member
- (d) Medical Officer of the concerned area .. Member
- (e) District Tourism Development Officer .. Member

- (f) President of the District Aero Sports Club ..Member Secretary.

(2) The Regulatory Committee shall have the overall control for regulating the operations taking place in the area with the assistance of the Association.

(3) The regulatory Committee may conduct surprise inspections during the operation to ascertain that these rules are being implemented properly.

(4) The Regulatory Committee may be entrusted with any other function in relation to Aero Sports operation by the Government.

CHAPTER –III

SAFETY MEASURES

9. Equipments required for carrying out operation.- Each operator shall have to arrange for the following equipments before he is permitted to carry out the operation and at the time of inspection the technical Committee shall check each equipment and shall get the same stamped through the Tourism Department, Himachal Pradesh, namely :-

(1) Flying equipment of Internationally Homologated design.

(2) Safety Parachute and Helmet.

(3) Two way radio communication equipment, instrument panel (Altimeter variometer/compass/Air Speed Indicator) and General Positioning system.

(4) Ground support and retrieval vehicle.

(5) Insurance for self (comprehensive) and Insurance for use of helicopter for casually evacuation.

10. Medical facilities and other facilities to be available during operation.- (1) The operator during each operation shall carry with him on site two well-equipped first aid kits consisting of triangular bandages, sterile pads, gauze roller bandages, pressure bandages, first aid adhesive tape, splints, scissors, as a bare minimum.

(2) (any other safety equipment to carry)

11. Safety measures for operators.- No operator shall be permitted to operate operation unless,-

(a) he has to Aero sports qualified guides for the guidance of participants and the persons operating the air raft having the requisite qualifications and experience prescribed under these rules in these rules and have equipment individually for safety measures on the same lines as are required for participants;

(b) he has guides not less than 18 years of age and all guides are well-trained in aero sports and rescue techniques and a guide shall

- deemed to be qualified with a minimum training/experience period of five years and has attained a level of flying for carrying passenger;
- (c) he has the guides who have through knowledge of the Micro metrology affecting the site are also qualified in first aid/cardio pulmonary resuscitation and have successfully completed the basic course in first aid from Government Hospital or any Recognized Institution;
 - (d) the guides engaged by the operator are graded by the Technical Committee;
 - (e) he has instructors and guides who are to pilot the trip equipped with safety gear including helmet at all times during the demonstration as well as the flight;
 - (f) he display list of the equipments and accessories recommended and makes it available at all times at the site and with the guide/instructor respectively;
 - (g) he has insured that the guides shall cover all safety details for the trip as given to the participants before start to every trip;
 - (h) he insures that all the participants are in a suitable attire and bulky clothes, sarees, turbans, neck, ties, long skirts and three piece suites are not used;
 - (i) he maintain a log book of each aircraft, which shall be a record of usage, inspection, repairs and safety measures to be undertaken by them and the log book shall be countersigned by the member of the association on duty for the fortnight and the inspecting authorities shall also countersigned the log book on the date of the visit and record his remarks;
 - (j) he has displayed the capacity of the aircraft at the flying site and made visible to the users along-with a warning that to carry more persons than the capacity shall be dangerous;
 - (k) the Government develops and allots the operation sites in Himachal Pradesh on charging fees for the same, income of which shall accrue to the Association; and
 - (l) the Regulatory Committee in consultation with the Association shall notify a roaster indicating the operator on duty on fortnightly basis and the operator on duty ensures the strict adherence to safety standards for the fortnight on the site.

12. Duties of the operator.-(1) The operator shall report all incident/accident immediately to the Association/ District Administration/ Chairman Technical Committee.

(2) The operator shall ensure that the aero sports operations shall finish one hour before sunset or 6 PM, whichever is earlier.

(3) Operator shall, before commencing operations for the season inform the respective SDO (Civil)/Police Station concerned/District Tourism Development Officer Assistant Tourism development Officer regarding the duration, timings and nature of operations for the season.

(4) The operator shall keep the environment clean. In case, if any operator or participants or guides is found not adhering to the environment guidelines, his permission will be suspended and a minimum fine of Rs. 5,000/shall be charged.

(5) The operator shall display the laminated license and safety guidelines on the site and also on the air raft for the knowledge of the visitors and participants. He shall have to produce the same when asked by any authority to do so.

13. Claim on account of any mishap.- The State Government/ Tourism Department, shall not be responsible for any claims on account of any mishap.

14. Other safety measures for operator.- The operator shall ensure that :-

- (a) children below 12 years or less than 40 kg. Shall not be permitted to participate in aero sports;
- (b) all participants and crew members shall be provided with full safety gear;
- (c) complete safety briefing to all the participants at the start of each operation shall be mandatorily made;
- (d) persons suffering from heart ailments conditions, epilepsy , lung disorder, asthma and pregnant women shall not be allowed to participate in the operation;
- (e) the right to alter or cancel the operations in any site depending on the prevailing conditions vests with the Technical Committee, regulatory Committee or Tourism department, as the case may be;
- (f) each participant shall give an undertaking as at annexure "A" before the start of the operation;
- (g) it shall be the responsibility of the operator that the participants shall adhere strictly to the norms laid down in these rules;
- (h) any person consuming alcohol in any form or quantity or illicit drugs at least 8 hours prior to the operation shall not be permitted to participate in the operation shall not be permitted to participate in the operation; and
- (i) no foreign guide shall be permitted to participate as such in an operation unless he/she has adequate experience and equipments and cleared to do so by the State Aero Sports Association along with a State Government registered Operator/Club/Travel Agent.

CHAPTER-IV
MISCELLANEOUS

15. Areas for Aero sports.- Aero sport activities shall be confined to the following sites to begin with, however new sites may be identified by the Technical committee and notified by Director Tourism :-

I	Solang Nallah	.. Distt Kullu.
II	Marhi	.. District Kullu.
III	Bilaspur	..Bilaspur.
IV	Bir	.. District Kangra.
V	Triund and Dharamkot	.. District Kangra.
VI	Kala Top in Dalhousie	..District Chamba
VII	Kasauli (monkey point over looking Pinjore) District Solan	

16. Classification of rapid grading.- The Technical Committee shall grade all the sites or launches, as the case may be, identified for aero sports purposes in following manner, namely :-

- (1) Class 1 : Basic level;
- (2) Class 2 : Intermediate level; and
- (3) Class 3 : Advance and Cross Country level launches.

17.Collection of registration fees and user fee.-The operator shall, pay to the Government in cash or demand draft draw able in favour of District Tourism Dev. Officer or Assistant Tourism Development Officer, as the case may be, the following fees before commencing the operations :-

- (a) User Fee-Rs. 1500/ per aircraft, per year and Rs. 500/- per guide, per year;
- (b) Facility fee shall be charged at such rate as may be determined by District Tourism development Officer in consultation with the Association in case facilities have been created out of the Government funds at the boarding and landing sites;
- (c) The funds collected from the above sources shall be deposited in the bank account of the district Aero association which shall be operated jointly by the association and the District Tourism Development Officer; and
- (d) The funds shall be used only for the promotion of aero sports, repair and maintenance of common facilities connected with the aero sports.

18. Association to be framed.-The Government shall form Associations to be known as the District Aero Club (DAC) for each of the Districts in the State for the purpose of Aero sports in which there shall be at least two nominees of the Government and other members of the club shall be taken from amongst the local qualified pilots who are interested in the Aero sports.

19. Functions of the association.- (1) The District Aero Club shall ensure in the safe and convenient conduct of the Aero sports.

(2) The District Aero Club may extend assistance to the operator when asked for.

(3) The District Aero Club may manage the camping, lodging and boarding of the participants of the operation and the crew members .

(4) The District Aero Club may conduct the operation on it's own.

(5) The District Aero Club shall conduct any other functions that may be assigned to it by the Government.

20. Disciplinary Committee of Association.-(1) The District Aero Club shall form a Disciplinary Committee comprising of three to five members to regulate the safety and cleanliness aspects of the sport of Aero sports on site and as per the guidelines adopted by the State Level Association in Himachal Pradesh.

(2) Visiting pilots to the State from within the country or from a foreign country shall get themselves registered with the District Aero Club for the duration of the flying in the District by paying a prescribed fee and declaring the equipment and flying plan during his day.

21. Apex Association and its functions.- The Government shall constitute an Apex Association (Himachal Pradesh Aero Sports Club) of District Aero Club which shall perform the following functions :-

(1) to coordinate the activities of the various DACs in the State;

(2) to organize State, National and International meets, competitions and festivals on aero sports;

(3) to seek funding from Government of India and other funding agencies for the purpose;

(4) to train and update the knowledge and skills of the guides and operators in the trade; and

(5) to ensure the implementation of these rules.

UNDERTAKING

[See rule 14 (f)]

I have been informed and I am aware that paragliding can be dangerous and includes many risks, and dangers, including but not limited to, the hazards of traveling by paraglider accident or illness in remote places, without medical facilities, forces of nature, acts of God, extreme weather conditions, physical exertion for which I may not be prepared and evacuation difficulties, should I be injured or disabled I have been informed and am aware of these and other inherent risks, and of the proposed trip and acknowledge that the enjoyment of adventuring beyond normal safety of home and work is in part the reason for

my participation on this trip.

In full recognition of the forgoing and in consideration of being granted a reservation and acceptance for my participation in an adventure vacation under the auspices of (name of operator who is registered travel agent under the Himachal Pradesh Tourism Development and Registration Act, 2002), operator his agent associates, assigns, employees and guides and successors in interest hereinafter referred as "the operator" I here by agree as follows :-

I hereby release, waive, indemnify and agree not to sue the operator Government of Himachal Pradesh for all or any liability to me, my personal representatives, heirs, assigns, a next of kin, for any and all losses, damages, or injuries or any claim or demand on account of any injury to my person or property, or on account of my death resulting from any cause, including negligence of operator, or others, while I am participating in adventure, I further agree that I will assume the risk and will release operator of any liability for any injury or damage to my body or property or my death due to any negative failure to obtain or administer appropriate rescue operations in the event of injury or mishap, including failure to obtain adequate medical services, to evacuate or to supply treatment, medicine or trained rescue personal.

I further agree that if I am injured or become ill, operator may at my cost, arrange, or supply medical treatment, evacuation, or any other emergency services on my behalf as operator deems necessary or appropriate for my safety and well being.

I expressly acknowledge and agree that Adventure travel, including the operators adventure trip in which I am participating can be dangerous and involves serious and unprecedented of bodily injury, property, damage and death I intend the forgoing waiver and release of operator to be as broad and inclusive as permitted by law, that I am not relying on oral or written representations or operator regarding safety, that I am entering this agreement at my own free will.

I have read and agreed to the policy on cancellation and refunds as stated in the general information else where in the operator brochure. I am aware that should I choose not to purchase insurance cover as put forth under the insurance sub head of general information, I will be liable for all costs in the case of cancellations, trip delays, damage or loss of baggage and medical emergency howsoever caused.

I further agreed that any controversy or claim arising out of or relating to my participation in the paragliding and or this agreement or making preference, or interpretation thereof shall be settled by binding arbitration in Shimla Himachal Pradesh, in accordance with the Arbitration and Conciliation Act, 1996.

I further agree that I will have no liquor or illegal drugs in my possession when participating in the paragliding trip.

I have read and understand all of the terms of this liability and

assumption of risk and agree to it of my own free will and without reservation.

(R.H.P. Extra., dated, 24.7.2004, p. 1293-1306)

THE HIMACHAL PRADESH RIVER RAFTING RULES, 2005.
ARRANGMENT OF RULES

Rules:

CHAPTER-I

Preliminary

1. Short title, extent and commencement.
2. Definitions.

CHAPTER-II

REGISTRATION

3. Procedure for application for River Rafting.
4. Registration and qualifications of operator for river rafting.
5. Registration and qualifications of the guide.
6. Constitution of the Technical Committee.
7. Functions of the Technical Committee.
8. Establishment of the Regulatory committee and it's function.
9. Equipments required for carrying out operation.
10. Medical facilities and other facilities to be available during operation.
11. Safety measures for operators.
12. Duties of the "operator on duty" and other operators.
13. Claim on account of any mishap.
14. Other safety measures for operator.
15. Areas for river rafting.
16. Classification of rapid grading.
17. Collection of Registration Fees and User fee.
18. Association to be formed.
19. Functions of the Association.
20. Disciplinary Committee of Association.

THE HIMACHAL PRADESH RIVER RAFTING RULES, 2005.

TOURISM & CIVIL AVIATION DEPARTMENT

NOTIFICATION

Shimla-2, the 10th June, 2005

No. Tsm-F(5)-9/2000.- Whereas the draft Himachal Pradesh River Rafting Rules, 2002 were published in the Rajpatra, Himachal Pradesh (Extra Ordinary), dated 28-9-2002 vide this Department Notification of even number dated the 24th August, 2002 for inviting objections/suggestions from the general public, as required under the provision of clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002).

And whereas, no objection(s)/suggestion(s) has been received in this behalf during the stipulated period;

Now therefore, in exercise of the powers conferred under clause (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purpose of the aforesaid Act, namely:-

CHAPTER-I

Preliminary

1. Short title, extent and commencement.- (1) These rules may be called the Himachal Pradesh River Rafting Rules, 2005.

(2) These rules shall extent to the whole of the State of Himachal Pradesh.

(3) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Definitions.- (1) In these Rules unless there is any thing repugnant in the subject or context:-

- (a) “Act means the Himachal Pradesh Tourism Development and Registration Act, 2002;
- (b) “association” means a society registered under the Himachal Pradesh Cooperative Society Act, 1968;
- (c) “New member” means the persons who conduct the river rafting operation including the guides accompanying the operation.
- (d) “guide” means a person who for the purposes of these rules, are registered as such and accompany the operation for guiding it’s smooth and safe completion.
- (e) “operator” means as travel agent(s) whether individual company or an association or a society who is registered as such under the Act for carrying out the river rafting;

- (f) “operation” means a river rafting trip to be undertaken or undertaken under these rules.
- (g) “participant” means the person(s) who participate in an operation.
- (h) “raft” means a floated structure as a substitute for a boat to be floated down on a river;
- (i) “season” for the purposes of these rules means whole of the year excluding the period from 15th July to 15th September during which no river rafting operation shall be permitted:

Provided that rafting operation may be permitted in District Lahaul-Spiti during the 15th July to 15 September, if the weather conditions permit to do so;

- (j) “section” means a section of the Act;
- (k) “travel agent” for the purposes of these rules means a person who is registered and engaged in the business of river rafting operation arrangements for monitoring considerations; and
- (l) “Technical Committee” means committee constituted by the State Government under rule 6.

(2) Words and expressions used in these rules but not defined in these rules shall have the same meaning as assigned to them in the Act.

CHAPTER-II

REGISTRATION

3. Procedure for application for River Rafting.- (1) Application for river rafting operation during the ensuing season shall be received in the office of District Tourism Development Officers or Assistant Tourism Development Officers, as the case may be, from the operator from 1st of January to 1st of April, each year. The concerned District Tourism Development Officer or Assistant District Tourism Development officer, as the case may be, shall scrutinize these applications initially and put up the same before the Technical Committee, which shall hold the meeting before 15th of April each year and fix date time and venue for the scrutiny/inspection of the documents, equipments, conducting practical physical tests of guides and final approval by giving at least 15 days clear notice to all the qualified operators.

(2) No operator shall be permitted to operate river rafting in the middle of the season. All operator shall, follow the procedure as laid down in sub rule (1).

(3) The operator(s) or Associations, as the case may be, shall be registered with the Tourism Department, Himachal Pradesh and have a local office for atleast one year.

4. Registration and qualifications of operator for river rafting.- (1) An operator intending to operate river rafting shall apply for registration to the concerned, District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, alongwith a demand draft of Rs. 100/- in favour of concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be. The District Tourism Development Officer or Assistant District Tourism Development Officer, as the case may be, shall issue a certificate of registration to the concerned operator after the approval of the Technical Committee. The licence so issued shall be valid for a period of one year from the date of issue.

(2) No person other than a operator registered for carrying out the river rafting operations shall be permitted to carry on any operation either directly himself for through his employees unless the Technical Committee is satisfied that the operator has all the equipments and he/she fulfills other requirements under these rules and his/her proposal has been duly approved/cleared by the technical committee.

(3) No operator shall be permitted to operate the river rafting unless he/she has trained and qualified guides with atleast experience of 5 years in river rafting of the required standard with good track records.

5. Registration and qualifications of the guide.- A person intending to participate in an operation as a guide shall apply to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, in an application alongwith a Bank demand draft of Rs. 100/- in favour of District Tourism Development Officer, Assistant District Tourism Development Officer, as the case may be, who on being satisfied that the person applying for registration fulfills the requisite qualifications and standard for registration with the approval of Technical Committee shall issue a certificate to the person applying for registration. The certificate so issued shall be valid for a period of one year.

6. Constitution of the Technical Committee.- The Government shall, by notification constitute a Technical Committee for each of river rafting, which shall be consisted of the following members, namely:-

- | | |
|---|----------------------|
| 1. The Director, Mountaineering Institute Manali | ..Chairman |
| 2. The Sub Divisional Officer (Civil) concerned | .Member |
| 3. The Superintendent of Police of the concerned area or his representative. | .Member |
| 4. The Chief Medical Officer of the concerned area on his representative. | .. Member |
| 5. The Senior Water Sports Instructor |Member |
| 6. Two members of the Local Rafting Associations | Member |
| 7. The District Tourism Development Officer/ Assistant Tourism Development Officer. | .. Member Secretary. |

7. Functions of the Technical Committee.- The Technical Committee shall meet at least twice a year, once before the start of season in the first week of April every year and the second in the last week of October every year. The Committee shall be responsible for the following:-

- (a) to inspect and certify the equipment with the operator from safety point of view as per rule 3;
- (b) to scrutinize the bio data of the operator(s) and guide(s) and to conduct their physical test in order to ascertain their expertise and by doing so to approve the issue of licence both to the operators as well as their guides;
- (c) to ensure that the operation(s) and the guide(s) shall follow all safety procedures indicated in these rules;
- (d) to notify new river and areas for river rafting in the State apart from those already mentioned in rule 11.
- (e) to identify the exact stretches on the identified rivers where operation can be safely conducted; and
- (f) to determine the river capacity of each river every year before the start of any operation.
- (g) to determine the medical fitness of the guides.

8. Establishment of the Regulatory Committee and its functions.- (1) The Government shall by notification constitute a Regulatory Committee for each river rafting area consisting of the following:-

- (a) The Deputy Commissioner of the concerned District, ..Chairman

(b) Sub-Divisional Officer concerned (Civil) ..Member or his nominee,

(c) Medical Officer of the concerned area, .. Member and

.. (d) Senior Water Sports Instructor. ..Member

(2) The Regulatory Committee shall have the overall control for regulating the operations taking place in the area with the assistance of the Association.

(3) The Regulatory Committee may conduct surprise inspections during the operation to ascertain that these rules are being implemented properly.

(4) The Regulatory Committee may be entrusted with any other function in relation to river rafting operation by the Government.

CHAPTER-III

SAFETY MEASURES

9. Equipments required for carrying out operation.- Each operator shall have to arrange for the following equipments before he is permitted to carry out the operation and at the time of inspection the Technical Committee shall check each equipment and shall get the same stamped through the Tourism Department, Himachal Pradesh, namely:-

1. two rafts with no leaks;
2. eighteen lifejackets – US Coastguard Type 4/5;
3. twelve Paddles;
4. two frames;
5. six oars, preferably wooden oars;
6. eighteen Helmets;
7. three throw bags;
8. Two Pumps;
9. Six Flip Lines;
10. two Repair Kits;
11. Two First Aid Kits;
12. wetsuits for winter operation i.e. during – November to February;
13. garbage bags to be carried at all times;
14. Insurance Cover of Each of the participants and crew members of minimum Rs. two lacs each;
15. straps;
16. bowline;
17. guides must have current first and licence;

18. dry Bags;
19. communication set up for rescue;
20. any other thing decided by the technical committee; and
21. special inflatable raft; minimum 14 ft – maximum 22 ft. which are compartmentalized and unsinkable. They should be maneuvered by an oar/paddle combination.

10. Medical facilities and other facilities to be available during operation.- (1) The operator during each operation shall carry two well-equipped first aid kits consisting of triangular, bandages, sterile pads, gauze roller bandages, pressure bandages, first aid adhesive tape, splints, scissors, as a bare minimum.

(2) The operator during an operation shall carry two repair kits, which shall contain half a meter of repair material sufficient amount of glue and accelerator, sand paper or roughing tool and water proof tape/duck tape. A raft shall also carry an oar, an oar lock, safety line around all the rafts a bow line and preferably astern line as well. All rafts shall have a throw bag, two flip lines and a bailing bucket not needed for self bailing.

11. Safety measures for operators.- No operator shall be permitted to operate an operation unless:-

- (a) he has two guides for the guidance of participants and the persons operating the raft having the requisite qualifications and experience prescribed under these rules and have equipment individually for safety for measures on the same lines as are required for participants:
- (b). he has two rescue rafts or one raft and a kayak for the safety of the participants. This may be relaxed for a float trip i.e. upto class two rapid Rescue rafts shall always be inside or in a ratio contact with the person or group engaged in water sports. The rescue rafts should also carry emergency equipments and first aid kit;
- (c) he has guides not less than 18 years of age and all guides are swimmers and are well-trained in water rescue technique. A guide shall be deemed to be qualified with a minimum training experience period of five years and has completed river rafting of 1000 km. A trainee guide shall have guided independently at least for 15 trips on the section in which he is to operate commercially. This shall be done under a qualified guide/instructor. The guide shall have the basic knowledge of the current on the river grades of rapids, should be well versed with use of trip drills rescue proper,

use of the throw bag raft repair etc. Every guide must be qualified in first aid/CPR and he/she should have successfully completed the basic course in first aid from Govt. hospital or any recognised institution. The technical committee shall introduce in a year or two a system or grading of guides depending upon their experience and expertise;

- (d) he has rafters/instructors and guides who are to accompany the trip equipped with personal life jacket and a helmet at all times on the water. The life jackets must give a minimum buoyancy of 22.5 lbs a sq. inch, and must be type three or type have US Coast guard approved, with a provision of ensuring a snug fit by straps. The life jacket must be worn correctly. Inflated life jackets and Keyhole type lifejacket shall not be permitted. All river guides shall ensure that all the lifejackets and helmets are snugly on the participants before start of the trip. The list of the equipments and accessories recommended must be displayed and available at all times at the rafting site and with the guide/instructor respectively.
- (e) he has ensured that the guides shall cover all safety details for the trip as given to the participants before start of every trip. The operator shall ensure that all the participants are in a suitable attire (bulky clothes, sarees, turbans, neck ties, long skirts and three piece suites shall be avoided). Non-swimmers shall not be allowed to body surf. Wet suits shall be worn during winters and in glacier melt rivers with cold air temperatures;
- (f) he maintains a log book of each raft, which shall be a record of usage, inspection, repairs and safety measures to be undertaken by them. This shall be countersigned by the member of the Association on duty or the fortnight. The inspecting authorities shall also countersign the log book on the date of the visit and record his remarks;
- (g) he has displayed the capacity of the rafts at the rafting site and made visible to the user along with a warning that to carry more persons than the capacity shall be dangerous.
- (h) the Government develops and allots the operation sites for staging camps on the banks of the rivers in Himachal Pradesh on charging fees for the same, income of which shall accrue to the Association; and

- (i) The Technical Committee in consultant with the Association shall notify a roaster indicating on fortnight basis the “Operation” for the season. The operator shall be responsible for ensuring the strict adherence to safety standards for the fortnight on the river course.

12. Duties of the “operator on duty” and other operators.-

(1) The operator shall report all incident/accident immediately to the Association/District Administration/Chairman Technical Committee.

(2) The operator shall ensure that the river rafting shall finish one hour before sunset or 6 PM whichever is earlier. Operators shall, before commencing operations for the season inform the respective SDO (Civil)/Police Station concerned/District Tourism Development Officer/ Assistant Tourism Development Officer regarding the duration, timings and nature of operators for the season.

(3) The operator shall keep the environment clean. In case, if any operator or participants or guides is found not adhering to the environment guidelines, his license will be suspended and a minimum fine of Rs. 5,000/- shall be charged.

(4) The operator shall display the laminated license and safety guidelines on the raft for the knowledge of the visitors and participants and he shall have to produce the same when asked by any authority to do so.

13. Claim on account of any mishap.- The State Government Tourism Department, shall, in no way be responsible for any claims on account of any mishap.

14. Other safety measures for operator.- (1) The operator shall ensure that:-

- (a) children below 12 years or less than 40 kg. shall not be permitted beyond two rapid of the river;
- (b) all participants and crew members shall be provided with full safety gear, US coast guard approved lifejackets, helmets, water proof dry bags, and camping gear;
- (c) complete safety briefing to all the participants at the start of each trip shall be mandatory made;
- (d) persons suffering from weak heart conditions, epilepsy, lung disorder, asthma and pregnant women shall not be allowed to participate in the operation;
- (e) the right to alter or cancel any trip depending on the prevailing conditions vests with the Technical Committee

Tourism Development;

- (f) each participant shall give an undertaking as at annexure “A” before the start of the operation;
- (g) it shall be the responsibility of the operator that the participants shall adhere strictly to the norms laid down in these rules;
- (h) non-Swimmers shall not be allowed to go beyond rapid class 2;
- (i) any person consuming alcohol in any form or quantity or illicit drugs at least 8 hours prior to the operation shall not be permitted to participate in the operation; and
- (j) no foreign guide shall be permitted to participate as such in an operation unless he/she has adequate experience and equipments.

CHAPTER-IV

Miscellaneous

15. Areas for river rafting.- River Rafting to begin with shall be confined only on the following stretches of the following rivers:-

- (i) Beas Shamshi to Jheri;
- (ii) Beas - Bebli to Pirdi;
- (iii) Sutlej - Luhri to Tattapani;
- (iv) Bhaga - Darcha to Jispa; and
- (v) Spiti River -Kaza bridge to Tabbo.

16. Classification of rapid grading.- (1) The Technical Committee shall grade all the rivers identified for rafting purposes in following manner as per international standards, namely:-

Class 1: Easy moving water, small waves, no obstacles.

Class 2: Moderate Difficulty, with clear passage.

Class 3:Difficult High irregular waves, narrow clear passage, require precise maneuvering.

Class 4: Very Difficult long rapid, powerful irregular waves and hydraulics, require precise maneuvering.

lass 5: Extremely difficult, long violent and highly congested rapid, for team of experts only;

Class 6: Unburnable.

(2) Tourism shall not be allowed beyond Class 2 rapid.

17. Collection of Registration Fees and User fee.- The operator shall, pay the following fees before commencing the operations:-

- (a) User Fee Rs. 1500/- per raft, per year and Rs. 500/- per guide, per year.
- (b) Facility Fee shall be charged at such rate as may be determined by Distt. Tourism Development Officer in consultation with the Association in case facilities have been created out of govt. funds at the boarding and landing sites.
- (c) The funds collected from the above sources shall be deposited in the bank account of the Association, which shall be operated jointly by the Association and the Distt. Tourism Development Officer.
- (d) Funds shall be used only for the promotion of river rafting repair and maintenance of common facilities connected with the spot.

18. Association to be formed.- The Government shall form association for each of the major rivers for the purpose of river rafting in which there shall be atleast two nominees of the Government and other members of the association shall be taken from amongst the local people who have interest in the river rafting.

19. Functions of the Association.- (1) The Association shall collaborate in the safe and convenient conduct of rafting.

- (2) The Association may extend assistance to the operator when asked for.
- (3) The Association may manage the camping lodging and boarding of the participants of the operation and the crew members.
- (4) The Association may conduct the operation on its own.
- (5) The Association shall conduct any other functions that may be assigned to the Association by the Government.

20. Disciplinary Committee of Association.- The Association shall form a Disciplinary Committee comprising of three to five members to regulate the safety and cleanliness aspect of the sport of river rafting.

Undertaking

[See rule 14(f)]

I have been informed and I am aware that river rafting can be dangerous and includes many risks, and dangers, including but not limited to the hazards of travelling by raft accident or illness in remote places, without medical facilities, force of nature, acts of God, extreme weather conditions, physical exertion for which I may not be prepared and evacuation difficulties, should I be injured or disabled I have been informed and am aware of these and other inherent risk, and of the proposed trip and acknowledge that the enjoyment of adventuring beyond normal safety of home and work is in part the reason for my participation on this trip.

In full recognition of the foregoing and in consideration of being granted a reservation and acceptance for my participation in an adventure vacation under the auspices of (name of operator who is registered travel agent under the Himachal Pradesh Tourism Development and Registration Act, 2002), operator his agents associates, assigns, employees and guides and successors in interest hereinafter referred as “the operator”, I hereby agree as follows;

I hereby release, waive, indemnify and agree not to sue the operator or Government of Himachal Pradesh for all or any liability to me, my personal representatives, heirs, assigns and next of kin, for any and all losses, damages, or injuries or any claim or demand on account of any injury to my person or property, or on account of my death resulting from any cause, including negligence of operator, or others, while I am participating in adventure, I further agree that I will assume the risk and will release operator of any liability for any injury or damage of my body or property or my death due to any negative failure to obtain or administer appropriate rescue operations in the event of injury or mishap, including failure to obtain adequate medical services, to evacuate or to supply treatment, medicine, or trained rescue personnel.

I further agree that if I am injured or fall ill, operator may at my cost, arrange, or supply medical treatment, evacuation, or any other emergency services on my behalf as operator deems necessary or appropriate for my safety and well being.

I expressly acknowledge and agree that adventure travel, including the operators adventure trip in which I am participating can be dangerous and involves serious and unprecedented of bodily injury, property damage and death and I intend the foregoing waiver and release of operator to be as broad and inclusive as permitted by law, that I am

not relying on oral or written representations of operator regarding safety, that I am entering this agreement at my own free will.

I have read and agree to the policy on cancellation and refunds as stated in the general information elsewhere in the operator brochure. I am aware that should I choose not to purchase insurance cover as put forth under the insurance sub head of general information, I will be liable for all costs in the case of cancellations, trip delays, damage or loss of baggage and medical emergency howsoever caused.

I further agree that any controversy or claim arising out of or relating to my participation in the river rafting and or this agreement or making preference, or interpretation thereof shall be settled by binding arbitration in Shimla, Himachal Pradesh in accordance with the Arbitration and conciliation Act, 1996.

I further agree that I will have no liquor or illegal drugs in my possession when participating in the river rafting trip.

I have read and understood all of the terms of this liability and assumption of risk and agree to it of my own free will and without reservation.

Participant's Name

Address

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Date

(R.H.P. Extra, dated 8.7.2005, p. 1703-1713)
