

THE SIKKIM REGISTRATION OF TOURIST TRADE BILL, 2024

(BILL No. 23.....OF 2024)

A

BILL

to provide for registration of persons, entities and organisation engaged in tourist trade and matters connected therewith

Be it enacted by the Legislature of Sikkim in the Seventy-Fifth Year of the Republic of India, as follows:

CHAPTER -I

PRELIMINARY

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Sikkim Registration of Tourist Trade Act, 2024.
- (2) It extends to the whole of Sikkim.
- (3) They shall come into force at once.

Definitions.

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

- (a) "Adventure Sports" means an activity undertaken through the medium of land, water and air either for recreation or for sports and also perceived as high risk of life. It includes sports such as paragliding, bungee jumping, parasailing, para jumping, para motor, hand gliding, hot air ballooning, ultra craft, micro light flying, kayaking, river rafting, paddling boat, water scooter, mountain biking, mountain expedition, camping, glamping, trekking, skiing, zipline, high rope course, hiking, go kart, all-terrain vehicle(ATV), rock climbing or any other related sports, as notified by the State Government from time to time;
- (b) "Adventure Sports Insurance Coverage" means a coverage designed to provide financial protection for individuals participating in high-risk adventure sports activities;
- (c) "Adventure Tour Operator" means a person or company or firm operating an adventure sport for sports, entertainment business or for commercial purpose linked to tourism leisure or entertainment;
- (d) "assets" means an infrastructure in the form of wayside amenities, tourist lodges or yatri-niwas, eco-lodges or huts, tourist information centres, cafeterias, amusement parks, pilgrimage centres, tourist complexes, tourist facilitation or reception centres, nature interpretation centres, adventure sports related infrastructure, rural tourism facilitation centres, recreation and rejuvenation centres, MICE (Meetings Incentives Conferences and Exhibition) centres and ropeways which are constructed and leased out by Tourism and Civil Aviation Department;

- (e) "Appellate Authority" means a person designated by the State Government to perform the duty of Appellate Authority against the orders of the Prescribed Authority;
- (f) "Bed and Breakfast" means a small lodging establishment that offers overnight accommodation and breakfast (hereinafter referred to as "B&B"). Bed and Breakfast establishments are often private family homes having one or more additional rooms for lodging. This kind of establishment has a host offering services to the tourist or travellers;
- (g) "Certification" means the process of certifying a tourism entity operator and endorsing the attainment of certain proficiency or capability, commensurate with prescribed standards of service delivery and mandated requirements and modalities to be complied with;
- (h) "dealer" means a person or his agent operating a permanent stall for selling any article or tourist merchandise as may be notified in a tourist area;
- (i) 'defaulter' means a list of tourism entity operators and individuals i.e. person or agency, firm or an organisation operating the business, performing or engaged in activities in tourism sector which is considered unacceptable by the Government for any of the following reasons;
 - (i) Contravention of policies;
 - (ii) non-compliance with Standard Operating Procedures (hereinafter referred to as the "SOP");
 - (iii) for act(s) of commission or omission as barred under the laws in force;
 - (iv) any other reasons as may be communicated in writing by the enforcement and compliance monitoring division of the Department of Tourism and Civil Aviation.
- (j) "Enforcement officer" means a person designated as Enforcement Officer under the Act;
- (k) "Government" means the Government of Sikkim;
- (l) "Health Spa "means therapeutic services which includes various types of body massages, sauna and steam baths etc;
- (m) "health and wellness facilities" means an establishment or an institution, which offers health services for rejuvenation of mental and physical state of a person;
- (n) "hotel" means commercial premises where a person stays for short period of time while travelling or on a holiday or on business;
- (o) "holiday home" means an apartment, cottage or a bungalow of a person which he lets out for commercial purpose for a certain period;
- (p) "home stay" means a form of tourist accommodation that allows visitors, tourists or travellers to stay at the houses of local families and gives the opportunity to the tourist or traveller to experience the local lifestyle, culture and cuisine, undertake village walks, field visits, participate in agro-farm based activities, witness making of handicrafts etc;
- (q) "hostel" means an establishment which provides inexpensive food and lodging for a specific group of people, such as students, workers, or travellers;
- (r) "home stay operator" means a person or an entity who operates the homestay;

- (s) "insured person" for the purpose of section 60 means tourist, traveller, pilots, guides, cooks and porters.
- (t) "lessor" means the State Government through the Department of Tourism and Civil Aviation;
- (u) "lessee" means a person or tourism entity who is given lease possession of the tourism infrastructure after participating in tender or in such other appropriate selection process and is awarded such lease. Such lessee is thereafter entitled to run and manage the infrastructures leased in accordance with the provisions of the lease agreement upon paying the appropriate lease amount;
- (v) "lease agreement" means a document guiding modalities of operation, maintenance, lease term and lease amount as agreed upon between the Lessee and the Department;
- (w) "MICE Tourism" means a sector of tourism which deals with providing services for business events, activities, meetings, conventions, conferences, exhibitions etc. MICE is an acronym for Meeting Incentives Conferences and Exhibitions(herein referred to as the "MICE");
- (x) "notified article for tourist trade" means any article notified as a tourist merchandise by the Government for the purpose of sale, retail, trade or operation of business;
- (y) "offence" means deviant or unacceptable practices, activities and operations contrary to public interest, fair business or act(s) of commission or omission specifically stated as constituting an offence under the provisions of this Act. It includes dishonesty, cheating, touting, impersonation, obstruction in allowing free choice of merchandize trade, stay or travel arrangements; charging a price higher than permissible; false declaration; failure to execute an order of the prescribed authority within stipulated time or for violation of the terms and conditions applicable in an agreement for providing services or managing a facility or an asset leased out;
- (z) "outdoor photographer" means a professional photographer specializing in capturing images of natural landscape, wildlife and other outdoor activities under tourism businesses.
- (aa) "Prescribed Authority" means, an authority designated by the State Government under the Act;
- (bb) "pilgrims" means a person or a group of persons who travels to places for religious purpose;
- (cc) "resort" means a commercial establishment with large spread out land which offers variety of recreations such as sports, entertainment, spa and other activities apart from food, beverages and lodging;
- (dd) "registration" means the authorisation of the State for constitution, establishment and formation of tourism entity whether it is proprietorship, partnership, company, society, trust or co-operative;
- (ee) "Certificate of Commencement" means a certificate issued by Tourism & Civil Aviation Department for commencement of operation of a tourism entity operator after registration and issuance of trade licence.
- (ff) "State" means the State of Sikkim;
- (gg) "tourism entity" means an establishment or organization registered for offering tourism related services which

provides infrastructure, products and services for tourist and travellers for leisure, pilgrimage, education, entertainment, meetings, conferences or business purpose. Tourism entity includes hotels, resorts, spa, health and wellness facilities, homestays, holiday homes, MICE tourism facilities, agencies offering business facilitation, event facilitations, travel agents, tour operators, tour guides, logistic service providers, dealers in tourist merchandize, adventure sports operator, farm based tourism service providers, service offerings with training and recreational components, services for high value tourism corridor or any other service facilitator or any other such entity engaged in tourism sector including a private operator providing services under Private Public Partnership model;

- (hh) "tourism entity operator" means an individual or organization who operates a tourism entity;
- (ii) "travel agent or tour operator" means any individual or partnership firms or a company who makes travel arrangements for a tourist;
- (j) "tourist or traveller "means a person or a group of persons visiting the State for tourism purpose;
- (kk)"tour guide" means a person who takes tourist or travellers on sightseeing and provides assistance and information regarding the places of visits and tourist destinations.

CHAPTER - II

REGISTRATION AND RENEWAL THEREOF FOR TOURISM ENTITY

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| Registration for tourism operations. | 3. | The State Government shall grant a certificate which authorises a person or an entity to conduct business or operations in tourism sector in designated locations or area, complying with the prescribed policies, Standard Operating Procedures (SOPs), guidelines and directions as are notified from time to time in the Rules made under this Act or by Notification by the Prescribed Authority. |
| Prescribed Authority. | 4. | For the purpose of overseeing, managing, monitoring and enforcing the provisions of this Act, the Government may by order, appoint Prescribed Authority for enforcing the provisions of this Act for specific operations such as registration or renewal thereof subject to approval of the State Government, enforcement and monitoring of compliance with policies which includes imposition of penalties and taking cognizance of an offence and prescribing penal measures in the form of fines and in case of repeat of offences, initiate de- registration for a time period or in perpetuity.
The Government may designate one or more Prescribed Authority or Authorities in respect of tourism operations. |
| Registration process. | 5. (1) | Registration is the recognition and regulation of the identity of the entity operating in the tourism industry in order to authorize such entity to carry out tourist related activities, |

offer tourist related services, conduct business or operation in the tourism sector. By virtue of such registration, the entity can sue or be sued under such identity.

- (2) The object of registration is to bring all forms of tourism related business or trade under the ambit of the Department of Tourism and Civil Aviation in order to regulate and enforce accountability and ensure compliance with policies, Standard Operating Procedures (SOPS) and guidelines of the State Government in the course of conduct of various operations and activities.

Mandatory registration and obtaining Certificate of commencement of tourism business.

6. (1) Any person intending to run a tourism entity shall, before applying for trade license apply for registration with the Department of Tourism and Civil Aviation in the prescribed manner as detailed in the rules under the Act or by Notification:
Provided that any person already operating a tourism entity without registration with the Tourism and Civil Aviation Department on the date of commencement of the Act shall apply for registration and certificate of commencement within 30 (thirty) days from the date of commencement of this Act subject to submission of trade licence from the concerned authorities.
- (2) The Department of Tourism and Civil Aviation after inspection of tourism entity and being satisfied with the provisions of this Act, rules, notifications, guidelines and SOPs may issue certificate of commencement of business to the tourism entity subject to submission of trade licence from the concerned authorities.
- (3) Every application made under sub-section (1) shall be disposed off within a period of 30 (thirty) days from the date of receipt of application.
- (4) No person shall run a tourism entity unless it is registered in accordance with the provisions of this Act.
Any person operating business or trade without such registration or certificate of commencement as above shall be declared defaulter keeping with the provisions of this Act.

Process of application for registration and enlistment thereof.

7. (1) Any person applying for registration of his tourism entity shall submit an application along with the requisite documents before the Prescribed Authority, namely: -
- (a) Certificate of Identification or Sikkim Subject Certificate or Residential Certificate (wherever applicable);
 - (b) Address proof and ID Proof;
 - (c) Proof of property ownership along with the approved Blue Print;
- (2) Any society or trust or firm or company or partnership firm or partnership company or any such tourism entity who intends to run or operate a tourism business in the State shall enlist with Tourism & Civil Aviation Department in the manner as may be prescribed by the rules.
- (3) A registration certificate shall be issued after the verification of documents and premises by Tourism & Civil Aviation Department.

**Renewal of
Certificate of
Registration**

8. (1) The Prescribed Authority shall enlist the name and the particulars of the tourism entity operator in the register maintained for the purpose in physical and electronic form and shall issue a certificate of registration and renewal thereof to the tourism entity operator in the form prescribed in the rules in physical format upon satisfying the requirements for registration or renewal thereof.
- (2) The renewal period and the other requisite formalities shall be prescribed by the rules.

**Provisional
Registration
Certificate**

9. Any person or entity who applies for registration of hotels and resorts which are under construction shall be given a provisional registration certificate for a maximum period of 03(three) years or till the completion of the project whichever is earlier.

**Refusal or
cancellation in
respect of
registration or
renewal
thereof.**

10. (1) The Prescribed Authority may refuse and may by order, in writing, cancel the registration of the tourism entity operator as the case may be and remove the relevant entries from the register for registration of tourism entity, travel agents, guides and adventure sports operator, under any of the following grounds if,-
- (a) tourism entity operator is engaged in unlawful possession of any explosive substance of a nature likely to endanger life or to cause serious injury to property;
 - (b) a tourism entity operator is convicted of any offence punishable under the Sikkim Anti-Drugs Act ,2006 and 03(three) years have not elapsed since the completion of the sentence imposed upon him;
 - (c) a tourism entity operator is convicted of any offence under The Arms Act, 1959 and 03(three) years have not elapsed since the completion of the sentence imposed upon him;
 - (d) a tourism entity operator is convicted of any offence under Immoral Traffic Prevention Act (1956) and 03(three)years have not elapsed since the completion of the sentence imposed upon him;
 - (e) the tourism entity employs child labour contravening the provisions of the relevant law in force;
 - (f) the premises of the tourism entity do not conform to the standards as may be prescribed by the rules;
 - (g) the tourism entity operator breaches any of the provisions of this Act or commits any offence punishable under any law which provides for prevention of hoarding, smuggling, profiteering or adulteration of food or drugs or corruption and 03(three) years have not been elapsed since the completion of the sentence imposed upon him;
 - (h) the tourism entity operator does not follow the safety precautions or possess technical qualifications in case of adventure sports operations as may be prescribed by the rules;
 - (i) the tourism entity operator contravenes the standard operating procedure and his business or operation is

not compliant with the rules, guidelines, orders, notifications and other legislative instruments made under this Act;

(j) the tourism entity operator fails to renew the registration as prescribed by the rules;

(k) the tourism entity operator, as the case may be is declared insolvent by the appropriate forum and has not been discharged;

(l) any complaint of simple or serious offence or repeated non-compliance of the provisions of the Act is received and proved against the tourism entity operator;

(m) the tourism entity operator is declared defaulter by the Prescribed Authority:

Provided that the tourism entity operator concerned shall be given a reasonable opportunity of being heard.

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| Tourism Sustainable Development Fund | 11. | The State Government under this Act may create a new Head of Accounts as Tourism Sustainable Development Fund by levying a nominal fee on tourists and other tourism entity operators as prescribed by the rules framed from time to time or by issuing notifications under this Act. |
| Fixation of fees. | 12. | The Prescribed Authority shall fix a reasonable fee which may be charged by Adventure tour operators for services rendered by them. |
| Appellate Authority. | 13. | The State Government shall, by order, appoint an Appellate Authority who shall be of the rank of Secretary or above. |
| Powers and functions of Appellate Authority | 14. | The powers and functions of Appellate Authority shall be as prescribed by the rules. |
| Appeal. | 15. | <p>(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.</p> <p>(2) Every such appeal shall be preferred within 30(thirty) 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 30 (thirty) days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal on time.</p> <p>(3) The appellant shall have a right to be represented by a counsel or by a duly authorised agent and the Prescribed Authority only in case of exigencies may be represented by such officer or person as the Prescribed Authority may designate.</p> <p>(4) On receipt of any such appeal, the Appellate Authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry, pass such order as it may deem fit, after recording the reasons thereof. The order so passed shall be final and binding.</p> |

- Declaration of a Defaulter.** 16. (1) The Prescribed Authority may, on proof of complaint of malpractice or for any other offence committed under this Act including acts of commission or omission as mandated or detailed in the notified policies, rules and regulations and terms and conditions of operations, record such reasons to declare a tourism entity operator as defaulter for such period as the Prescribed Authority may deem fit after taking into consideration the nature of malpractice or the gravity of offence.
- (2) The defaulting tourism entity operator shall not be permitted to continue to function and operate as a tourism entity operator.
- (3) The particulars of tourism entity operator declared as defaulter shall be exhibited at conspicuous places in all tourist areas or spots and notified to all travel, trade and other concerned organisations.

CHAPTER-III

OFFENCES AND PENALTIES

- Penalty for non-registration.** 17. Any person carrying on the business of a tourism entity without registration under this Act or in violation of any of the provisions of this Act shall be liable with fine as may be prescribed by the rules:
Provided that a person, who has made an application within the prescribed period and is pending disposal, shall be exempted from fine under this section.
- Seizure and suspension of operations of a tourism entity** 18. If any tourism entity operator contravenes any of the provisions and conditions of registration issued under the Act and rules made there under, the officers so designated and authorised in this behalf by the Prescribed Authority, without prejudice to any other action that may be taken against him under the Act or rules made there under, may seize the goods and suspend the operation of the unregistered or unauthorised tourist entity by written order in such form or procedure as may be prescribed by the rules.
- Closure of operation of a tourism entity** 19. The tourism entity operator failing to comply with any of the provisions of the Act and rules made there under shall be permanently barred to operate.
- Cost, interest, charges and assets recoverable** 20. There shall be recoverable in the proceedings in execution of every cost, interest, charges and assets as per the provision of the Sikkim Public Demand Recovery Act, 2006.
- Penalty for making false statement.** 21. Any person required to make a statement or declaration or submit information as required to fulfil formalities under the provisions of the Act, wilfully makes a false statement misrepresentation or suppresses a material fact with an

intention to mislead the Prescribed Authority or fraudulently submits details which are incorrect, shall be liable to fine and in case of repeat offences de- registration for a time being or in perpetuity.

- Certificate and documents shown to Prescribed Authority or to his agents on demand.** 22. (1) Any person registered under this Act, shall at times, on demand by the Prescribed Authority, produce his documents required under this Act and more specifically documents evidencing compliance with tourism policies, rules and regulations and terms and conditions.
- (2) Any person who refuses on demand to show his documents to the Prescribed Authority shall be imposed with fine, as may be prescribed by the rules.
- Obstructing lawful authorities.** 23. If any person wilfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the Prescribed Authority or any officer authorised to exercise power or performance of duties conferred or entrusted to him or in pursuance of the objects and provisions of this Act or the rules made there under, a fine shall be imposed and in case of repeat of offences de- registration for a time being or in perpetuity shall be initiated as may be prescribed by the rules.
- Penalty for carrying out unauthorized operations, activities and tourism trade.** 24. If any person performs, offers any tourism trade or delivery of services not authorised under the provisions of this Act or contrary to notified rules and regulations, he shall be liable to fine and in case of repeated offences de- registration for a time period or in perpetuity shall be initiated, as may be prescribed by the rules.
- Penalty for non-compliance with policies, Standard Operating Procedures and Protocols notified.** 25. Any person or tourism entity who does not comply with policies, Standard Operating Procedures(SOPs)and directives made applicable in respect of any tourism operation, activity or act of commission or omission as notified or enforced or communicated shall be liable with fine as may be prescribed by the rules.
- Penalty for misuse of Tourism Brand or Logo.** 26. If any tourism entity operator misuses the brand of Tourism & Civil Aviation Department without the permission or authorisation under this Act, he shall be liable to punishment by fine and in case of repeated offences de- registration for a time period or in perpetuity shall be initiated as may be prescribed by the rules.
- Penalty for charging excess fees by the tourism entity operator** 27. Every tourism entity operator shall submit the tariff levied on any tourism activity to the Prescribed Authority on the first day of every Financial Year. If a tourism entity operator is found to charge fees or fares in excess of the ceiling prescribed, he shall be imposed fine and in case of repeated offences de-registration for a time period or in perpetuity shall be initiated and fine shall be imposed as prescribed by the rules.
- Proxy Operations.** 28. (1) (a) Certificate of Registration is non-transferable;
(b) any person who sublets, transfers or assigns during his

life time, the certificate of registration issued under this Act, he shall be liable for fine and also de- registration shall be initiated as may be prescribed by the rules.

CHAPTER -IV

POWER OF THE GOVERNMENT TO MAKE RULES

Power to make rules.

29. (1) The Government shall, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:-
- (a) prescribing fines in respect of various offences detailed in the provision under Chapter III or the manner in which cognizance shall be taken of any offence with due process of law thereof;
 - (b) maintenance of registers, books and forms by tourism entity;
 - (c) application form for registration and renewal of registration;
 - (d) certificate of registration and renewal;
 - (e) registration and renewal fees;
 - (f) application form for obtaining the certificate of registration and its renewal;
 - (g) fixing of ceiling rates or fee, charges in respect of various tourism services;
 - (h) categorization of the description of offences, severity of offences and corresponding fines;
 - (i) filing of First Information Report in respect of offences; the severity of non-compliance;
 - (j) notices served under this Act;
 - (k) safety precautions to be ensured or Standard Operating Procedures for compliance by the tourism entity operator in respect of various operations and activities;
 - (l) maintenance of hygiene and cleanliness and health related aspects;
 - (m) quality of services provided by the tourism entity operator;
 - (n) enforcement and inspection;
 - (o) any other matter which may be prescribed or in respect of which rules are required to be made by the State Government.

Role of Enforcement Officer or Police Officer

30. (1) The Government may, by order, appoint or designate enforcement officers for assisting the following purposes, namely: -
- (a) implementing the provisions of this Act;
 - (b) to monitor compliances; and
 - (c) to deal with any offence committed under this Act.
- (2) The Enforcement Officer or a Police Officer not below the rank of Sub-Inspector notified or designated who comes across any offence committed under this Act or under any rules made under this Act shall give immediate information

to the Prescribed Authority regarding the same and shall assist the Prescribed Authority for taking appropriate action for enforcement of the provisions of this Act.

Power of the Government to enter and inspect the premises of tourism entity.

31. The Government may authorise the Prescribed Authority or on his behalf any authorised officer to enter the premises of any tourism entity to confirm whether the provisions of this Act are being implemented by such tourism entity operators conducting the tourism trade or delivering tourism services in the manner envisaged. Such officer may require the production of any document kept by the tourism entity operator for verification of compliance, commensurate with the provisions of this Act or rules made thereof.

Process of Enforcement and Inspection.

32. (1) The Government shall have the power to issue directions in compliance with policies of the Government, as it may deem fit.
- (2) The Government may authorise the Prescribed Authority or enforcement officer or police officer or any other authorised officer to inspect or examine whether the tourism entity operator has complied with the policies laid down by the Government and has adhered to the Standard Operating Procedures (SOPs).
- (3) If the tourism entity operator is found contravening provisions of the Act, policies or Standard Operating Procedures (SOPs), the Government shall have the power to issue notices to the tourism entity operator and to show cause as to why penal action may not be instituted for contravening Standard Operating Procedures (SOPs) and mandated requirements.
- (4) Upon failure to respond satisfactorily, the tourism entity operator may be subject to such penalty in keeping with the provisions of this Act and rules made thereof; on the basis of a summary proceeding in respect of fine by the Prescribed Authority.

Indemnity.

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

Tourism Development Consultative Committee.

34. The Government may, by notification constitute a Consultative Committee for the purpose of engaging stakeholders and receiving feedback, suggestions or improvements concerning any tourist operation, activity or trade.

CHAPTER-V

TOURISM DIRECTORATE

Establishment and Constitution of

35. The State Government may by notification constitute a Directorate of Tourism in the Department of Tourism and Civil Aviation to look after day-to-day management of

the Directorate.

operations and activities related to tourism facilitated through e-Governance initiatives and online transactions for delivery of services, through the Department's portal, supported by a Digital Operations Task Force.

Directorate.

36. (1) The Directorate shall be the body executing and implementing the policies, programmes and schemes of the Department of Tourism and Civil Aviation in keeping with the delegation of powers as notified by the State Government.
- (2) The Directorate shall be headed by the Director who shall be an Officer of the rank of Special Secretary or Additional Secretary or equivalent to the Government.

Operations and Management.

37. The Directorate shall organise its operations and manage its affairs under various divisions with manpower commensurate with the nature, scope and extent of operations and activities.

Functions of Directorate.

38. (1) The functions of the Directorate so constituted under section 35 of the Act shall include the following, namely: -
- (a) promotion of Sikkim Tourism, organising fairs and festivals, participating in travel trade fairs and events in national and international level, formulation of attractive packages and corridors for high-end value-added tourism;
 - (b) facilitating the operations for Meetings Incentives Conferences and Exhibitions(MICE) tourism, adventure tour operations, health and wellness centres, rural tourism, home stays, farm-based attractions for tourists, trekking, camping, mountaineering and community-based cluster approaches for managing and maintaining tourist attractions;
 - (c) issue of tourism registration and renewal thereof;
 - (d) registration of tourism entities, operators, partners, facilitators;
 - (e) development of portal, updation and validation of contents on the portal, convergent multi-mode delivery of information to tourists and stakeholders;
 - (f) management of digital operations in the portal for delivering information and services to tourists aided by the back-end team and digital operations task force entrusted with the task of overseeing digital operations;
 - (g) engaging, managing and enabling transactions facilitating the operations of lessees of assets of the Department;
 - (h) tourist facilitation, issuance of online permits, redressal of tourist grievances, resolution of issues or complaints and single window facilities for tourists with the network of tourism information centres, coordination with the concerned line departments;
 - (i) capacity building training of tourism stakeholders;
 - (j) regulatory matters, issuance of notices, action to be taken in respect of non-compliance with the

- provisions of this Act;
- (k) formulation of rules, notifications, orders, guidelines and Standard Operating Procedures(SOPs);
- (l) management of records, information systems and research and analysis;
- (m) operation, management and monitoring of tourism assets and infrastructures, carrying out feasibility studies and development of facilities with the services of the Engineering Division of the Department.

Fund for operation, management and maintenance. 39. A Fund for operation, management and upkeep of tourism related activities undertaken in pursuance of the objects of this Act and to implement various provisions under this Act shall be provided by the State Government subject to collection and deposition of revenue with the Government exchequer.

CHAPTER VI

ASSETS AND INFRASTRUCTURE

- Maintenance and management of tourism infrastructure and assets.** 40. The Government shall monitor and regulate the tourism infrastructure developed at various tourism destinations, entrusting the responsibility of minor maintenance, repairs and management to individuals, agencies or community groups, as per the terms and conditions agreeable between the parties.
- Management of operations relating to assets and leasing of assets.** 41. Processes associated with valuation of assets, their categorization and associated modalities for lease, choice and selection of lease models, partnership arrangements, performance indicators for operations and management shall be formulated by the Department.
- Selection of individual or agency or entity for maintenance of assets.** 42. To the extent possible, the local Panchayats and Municipal bodies are to be involved in tendering or selection of the individual or agency or the entity that would maintain and manage the assets of the Department.
- Procedure to be followed in leasing larger assets.** 43. Larger assets may be considered for being leased out under appropriate Public Private Partnership arrangement under an appropriate model or agreement articulating the manners in which revenue accruals and expenditure in respect of operations, repairs and maintenance are to be shared, terms and conditions and modalities for investments to be made to provide augmented value added services, upkeep and maintenance of infrastructure, standard of services that are to be provided, exit conditions and processes to be followed upon exit, employment of persons from the local community and such other terms and conditions as agreeable between the parties.
- Developing Tourist** 44. (1) A cluster approach shall be adopted for developing tourist infrastructure giving due importance to recreation,

Infrastructure and attractions through cluster approach.

entertainment, "nature connect" experiences and for taking up initiatives that would promote local domestic tourism as well as catering to the needs of tourists and travellers from outside the State.

- (2) Required initiatives to develop infrastructures to address tourism gap to enhance ambience, attractions, aesthetic structures, decor, experiences for tourists are to be given due importance. These initiatives may be pursued leveraging local talent, capacities and involvement of local communities.

Measures to be taken by the Government.

45. The Government shall take measures to augment community-based tourist experiences, rural homestay, and farm-based activities and involve the local community in the development of public attractions, utilities, outdoor infrastructure and public parks.

Facilitation from Government Institutions and agencies.

46. The Government institutions and agencies may make efforts to enhance ambience, attractions, utility and upkeep of public assets making them more attractive, revenue generating and making them capable of offering exemplary tourist experiences.

Notification of areas for tourist activities for development of assets

47. The State Government to notify designated areas for tourism activities for the development of assets.

CHAPTER-VII

TOURISM SERVICES DELIVERY AND ENTERPRISE OPERATIONS.

Online Tourism Services Delivery.

48. The Directorate of Tourism shall make efforts to provide information and services online through the Department's Portal and progressively offer multiple channels for information dissemination and service delivery through a network comprising of tourism information centres, tourist guides, mobile apps, kiosks, maps, instructions on sign boards in printed or digital forms, guide books, brochures and booklets.

Digital Platform and online transactions.

49. Digital platform and online transactions for delivery of information and services shall be implemented through a portal operated and managed in the back end with a dedicated team of back-office staff trained in operations related to monitoring and managing transactions and resolution of issues.

Progressive Development of online services.

50. (1) The following online services shall be offered to facilitate tourists and travellers, namely: -
- (a) to book tourist packages;
 - (b) make bookings for accommodation;
 - (c) avail travel related services;
 - (d) view, select and book B&B (Bed and Breakfast) establishments like service apartments, home stays

- and hostels;
 - (e) rural tourism and adventure packages;
 - (f) treks;
 - (g) mountaineering expeditions;
 - (h) MICE (Meetings, Incentives, Conferences and Exhibitions) packages;
 - (i) health and wellness offers and other forms of tourism related services.
- (2) Software applications and web portal services shall be developed to offer online services, namely: -
- (a) issuance of permits and travel cards;
 - (b) registration or renewal of registration and licensing of hotels, restaurants, tour operators, adventure tour operators, homestays, B&B establishments, service apartments and hostels;
 - (c) leasing out tourism infrastructure and assets;
 - (d) operation and management of assets by lessee;
- (3) A facility for lodging online complaints and seeking emergency relief and rescue shall be provided.

Notifying Standard Operating System.

51. The State Government may, by notification, issue Standard Operating Procedures (SOPs) to be complied by the tourism entity operators and stakeholders as also by tourist and travellers visiting Sikkim which would comprehensively detail safety, health related aspects to be complied, behaviours compliant with environmental conservation and observance of civic sense.

Ownership of digital records and data.

52. The data relating to tourists, tour operators, service providers, partners, logistic service providers and other stakeholders shall be owned by the Government under secure infrastructure with appropriate security of data to ensure that information and data are authorised for use in the manner prescribed and envisaged with due attention to privacy of data, confidentiality relating to health and personal data.

Developing Information and Communication Technology Infrastructure for online tourism services.

53. Adequate measures shall be employed and Information and Communication Technology (ICT) infrastructure shall be developed for availability of online services with required authenticity, reliability and effective management of online services.

Publicity for Tourism Services.

54. The Directorate of Tourism shall make an effort to publicise online services that are offered, build skill capacity of the stakeholders encouraging their participation to update and augment the quality of tourism services.

CHAPTER-VIII

RESPONSIBILITIES AND DUTIES OF TOURIST, ROLE OF STAKE HOLDERS

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| Regulating conduct of tourists and stakeholders. | 55. | The State Government through the Directorate of Tourism shall formulate Standard Operating Procedures (SOPs), code of conduct, guidelines detailing the manner in which tourist or traveller may avail various tourist facilities, conduct themselves with regard to respecting, protecting and safe guarding the culture, heritage, ethnic tradition and environment while visiting various tourist destinations. Such directions and notices communicating code of conduct and regulation of tourist behaviours shall be widely disseminated for compliance by tourists and travellers. |
| Power to remove difficulties. | 56. | If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, remove such difficulty:
Provided that no such order shall be made after expiration of a period of 2 (two) years from the date of commencement of the Act. |
| Final Order and Notification. | 57. | Every order and notification issued by the State Government under this Act shall be final. |

CHAPTER-IX

MISCELLANEOUS

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| Display of certificate of registration. | 58. | The certificate of registration of the tourism entity operator shall be displayed in a conspicuous place of business of tourism entities or establishments. |
| Obtaining duplicate copies of certificate of registration. | 59. | If the certificate of registration or renewal of registration is destroyed, damaged or lost, the tourism entity operator shall lodge First Information Report (FIR) for the same and submit the First Information Report copy along with the application to the Prescribed Authority for obtaining a duplicate copy. The Prescribed Authority after verifying the same, shall issue a duplicate certificate on payment of fee as may be prescribed in the rules. |
| Adventure sports insurance coverage | 60. | (1) Any tourist or traveller who intends to undertake high risk adventure sports activities shall mandatorily produce adventure sports insurance coverage from a recognised insurance company for obtaining adventure permits.
(2) In case of any accidents and deaths, the insured person shall claim the entire cost accruing from such accidents and deaths from the recognised insurance company |

CHAPTER-X

REPEAL AND SAVINGS

Repeal and savings.

61. (1) The Sikkim Registration of Tourist Trade Act 1998, is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken in a bonafide manner under the said Act shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Sikkim Registration of Tourist Trade Bill 2024 is proposed to establish a legal framework for regulation of tourism related activities in Sikkim ensuring that all stakeholders adhere to standards that promote safety, quality and ethical practices augmenting the quality of service delivery by the tourism entity operators in making Sikkim the choicest tourist destinations in the country.

2. The Bill articulates key policies relating to responsible tourism and mandated behaviours of stakeholders, tourists, travellers as well and proposes fines for non-compliance with provisions articulated in the bill and the rules that would be framed under the Act following its promulgation. The Bill describes offences for acts of commission and omission involving violation and non-compliance with policies and rules while ensuring that the stakeholders play by the dictums of sustainable tourism, act responsibly towards environment and demonstrate commitment towards community development while pursuing tourism related operations and activities.

3. It is also envisaged to empower the Tourism and Civil Aviation Department with provisions that shall ensure (i) professional management of operations and activities related to leasing of tourism assets and infrastructures (ii) boost to the local economy by fostering tourism as a significant economic driver, creating job opportunities and encouraging local entrepreneurship (iii) safeguarding the interests and rights of the tourists by ensuring the provision of high quality services and preventing exploitation and fraud (iv) ease of processes for issuance of permits (v) monitoring the operations and activities of Hotels, Restaurants and Tour operators in compliance to the policies and guidelines. (vi) enable real time factual online information to proactively assist the tourists and travellers to make informed decisions.

4. The Bill has provisions for restructuring the Department with the formation of a Directorate for effective planning, monitoring and enhancing the tourism industry in Sikkim. Further the Bill also has a provision to constitute a Consultative Committee to seek feedback and inputs from stakeholders for improvements to be made in the operations and activities related to tourism.

With these objects in view, this Bill has been framed.



(TSHERING THENDUP BHUTIA)

MINISTER-IN-CHARGE

TOURISM AND CIVIL AVIATION DEPARTMENT

GOVERNMENT OF SIKKIM

MINISTER

Tourism & Civil Aviation and
Commerce & Industries Deptt.

Govt. of Sikkim

FINANCIAL MEMORANDUM.

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION.

- (1) Clause 4 empowers the State Government to designate Prescribed Authority.
- (2) Clause 13 empowers the State Government to appoint an Appellate Authority.
- (3) Clause 29 of the Bill empowers the State Government to make rules.
- (4) Clause 30 empowers the State Government to appoint Enforcement Officers.
- (5) Clause 34 empowers the State Government to constitute a Consultative Committee.



**C.S Rao (IFS)
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Tourism & Civil Aviation Deptt.
Government of Sikkim
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