NATIONAL CAPITAL TERRITORY OF DELHI (INCREDIBLE INDIA) BED AND BREAKFAST ESTABLISHMENTS (REGISTRATION AND REGULATION) ACT, 2007 (DELHI ACT 11 OF 2007)

qt(7. REGISTERED No. P.L.—3300Z/09 No. 21 Oetht Gazette EXIIRAORDINARY PUBLISHED BY •AUTHORITY ft?€r, 10,• 19, 1929 246 DELHI. MONDAY, DECEMBER 10, 2007/AGRAHAYANA 19, 1929 INC.T.D. No. •246 PARTH V GOVERNMENT OF THE NATIONAL CAPITAL. TERRj10RY OF .DELHI f«i, 10 2007 3 F.R.aoom*/07/7624. 21 2007 zå ( ) 2007 (2007 11) ft.qqv•-u, Aft) [il 2007] ÜG/2007 *-2FT (ti-$riFpT (2) i} frxcöfiiä T(Ei fiqq (l) DELHI GAZETI'E : EXTRAORDINARY fiqq fi7.m (2007 1) fifi tit OF LAW, JUSTICE AND LF,GiSLATIVEAFFALFc$ NOIIFICATION ll)elhi, (he 10th December, '2007 i following vc.yjsiative Assembly of the National Capitål i)elhi received the assent of the President ot 00 lite 2 ! fit Novelnher, 2007 and is hereby published i!jlormation National C.opi{ai Territory (Incredible India) Bed and Brtakfast Itsi.iibli:shtnent:; (Registration and Regulation) Aeti 2007 (Delhi .11 0f20D7) (As passed by the .Legislative Assembly of Ibe National Capital Territoty of Delhi pn the 17th Septetnber, 2007). [21 st November, 20071 An Act to provide for thefegistfffflion and.vegulation of the Bed and Breakfast Est4blishment.Scheme in the National Capital Territory of Delhiiand matters connectedtherewith or incidental thereto BE it enacted bythe LegislatiVe Assembly of the National Capital'Te1Titory of Delhi in' theFiW-eighth Year of the Republic of India.as follows 1. • Short title, extent, commcnceunent and This Act may be called The National Capital, Territory of Delhi (Incredible India) Bed and Breakfast Establishments (Registration and Regulation) Act; 2007. (2) extends to the whole ofthe National Capital Territory of Delh i. (3) It shall come into force at once. (4) It shall not apply to other types Of transient such as hotels, motels, guest-houses, boarding, lodging hotl>es, etc; 2. Definitions.— In this Act, •unless the context othemise requires,— (a) (b) (d) (e) (f) ' 'appellÄte authority" means the Principal Secretary or Secretary of the. Tourism Department of Government or any othet officer iippointed by the Government. "applicant" means the owner of •the cstablishtnent who applies for registration under section .3. f'auqhorised agency" means an agency notified by the prescribed authority for rendering promotional, facilitation and xnarketing support to it or for rendering assistance to the classification committee in the matter of inspection, ev.aluation and certification of standard of food and other services and •amenities' available. at the establishment. "bed and breakfast" Ineans providing lodging and food services to thc guest in the establishment; S 'certificate registration" means a certificate issued under sub-section (9) of Section• 3 showing the registration Of an establishment; "classification • committee" means a committee .constituted by the prescribed authority for. inspection and evaluation of the services at the •establishment •and classification thereof; "directory" means a directory of registered establishments; d d 01 DELHI GAZETTE : EXTRAORDINARY (h) (j) (k) (m) (n) (o) (p) (q) (s) (u) [PART IV "establishment'? means a residential. premises registered under Section 3 of this Act where guests are. provided beq and breakfast on payment; ' 'family? means the, owner of the establishment and inOludOs his spouse, parents children and other close relations physically residing in the establishment: "Government" méans•the Lieutenant Governor ofthe National Capital TelTitpry of Delhi appointed by thePresident under article 239 and designated as such under article 239 AA of the Constitution; guest" means. a person residing temporarily in the estabIiShment; local authority" means a municipality apd includes any other body that provides services dike water, electricity, etc.; owner" means owner ofthe establishment and includes the person who for the time being is authoriéed by him to be in-charge • the management of the establishment', "prescribed" means •prescribed by rules made under this Act; "prescribed authority" means a person or authority appointed. by the Government by notification in the Official Gazette to perform all or any of the functions ofthe 'prescribed authority' under this Act; 'register" means a registeror computerised record in electronic form mcintained by the owner containing the prescribed particulars of the guests; "revising authority" means the Lieutenent Governor or an officer or authority appointed by hiin as such by notification in the Offciai Gazette• • "room" means a bed-roömMith not more than two bedS and provision for extra béds for children accompanying thé guest; ' 'rule" means a ruie made 'by the Government under this Act by notification' in the Offcial Gazette; (scheme" means the Incredible India Bed and Breakfast Establishment Scheme referred to in sub-section (2) of section 3:, ' 'touting" means enticing, misguiding• or coercing for shopping, accommbdation, transporation, sight-seeing orpestering for any particular

activity which adversely affects the privacy and right3 the neighbours and residents of thc ; make .misrepresentation to. any persor. in respect of the establishment; and indulge in any kind of touting activity 6. Obligations of the owncr.— The owner of an establishlncnt shall-— 8. Obliga tions•ofthc guest.--•- The guest sh,hll. his Othel' -obligati.ons, rcornply with the (ii) (iii) maintain a Tegister or computerised record in electronic fom giving detailed particulars as prescribed, of the guests and keep the same •readily available for inspection at all times. Tlie register shall have to be renewed on year-to-year basis and preserve($ for such period as may be prescribed; synd information of the guests staying in the establishment to the local Cauthority concerned and the police every fortnight on the 15th and last .day of every month; display the list of guests at tlie establish- ment; namely (a) (b) (c) He shall disclose his correct particulat•» making entries in the register maint.altlt•d by the owner; Me-shall be responsible .for his good conduct' and behaviour and sha indulge in any .disorderly activity léading to breach. of peace, civil and social atmosphere of the locality or create •any nuisance to adversely affect the rights of other guests and residents t.)f the establishment', He shall not run a separate kitchen in thc establishment: DELHI GAZVI'TE : EXTRAORDINARY shall be. responsible for the. repair of damage caused by hiltl ot by any person whom he permits on the •establishment through any of (heir Yillfül or negl igeråt acti but not for damage,caused ky nonnal wear and tear, I-ie shall cooperate fully with the owner of' the establishment to maintain the premises neat and clean, to pay charges as due in tinme and to abide by other rules of the establishrnent; and He shall not allow any Other person to stay in the establishment overnight. 9, Reöt•essnl of grievance of Where thc an establiqhtnent makes false representation or *Qvesenlation to the guest in respect of the establishment ur fails to provide the food aild other fa'cilitie.% djnenities promised to him, the guest may make a written to thc prescribed authority aiongwith stich WI' rnaterial as he relies upon. (2) A complaint under sub-section (l) may be filed - cxnait or post alongwith the permanent address of Ote ccqnplainant. 3) The prescribed authority shall make an enquiry into the complaint and •after providing a reasonable [Ijpporltlnity the owner, either reject the complaint or if the aflev.ations are substantiated, remove the name of the from the directory under Section IO of this '1 Removal ofuame from the directory.— (J) prescribed authority may in the manner prescribed and by an order in writing, remove the narne of an establishtnent the and revoke its cenificate of registration Any of the rollmving grounds, namely : prescribed, stating the ground on which it -propo}es to take action, giving hirn a reasonable oppårtunity .ofshowing cause against it. 1 2, Publication Of list-of persons removed from preScribed aütii"Örity Shall from time to time publish. by notificatioti*in the Officiål Gazette the liames and addresses of the 'establishments and, thé owners' lheFeof; whose registration under this Aét has been revoked, 13, Return of the certificate of the registration.—-- When a certificate of registration has been revoked under this ACG the persorNwlding such certificate,shall, within seven days from the dale of issue of the order ofrevocation, return it to the, preseribed authority

14. Restoration ofregistrntion,—Ifthe.prescribed authority is satisfied that they-e are sufficient grounds for the restoration •of the ,registration oflan establishment whose certifiéqte had been revoked, it Inay, after recording the reasons, therefor, order. suchxestoration and issue a fresh certificafe of registration, on Payment Of prescribed fee and completion of other ret-malities and includeits narnc in the directory

CHAPTER 111 PRIVILEGES OF ESTABLISHMENTS 15. Establish inent\not to require licence— NotwitlÉ standing anything contained in the Sarais Act, •1867 (22 of 1867), or the Delhi Municipal Cotporflion Act, 1957 (66 of 1957) orthe New Delhi.Municipal Council Act, 1994 1994) ot the Delhi Police Act, 1978 (34 of 1978) or any other Act relevant to the subject, for the time, being in Port.:e, the Owner of an establishment sha.ll not be required to obtain u licence from any authority under the said Act, för the pur- pose of providing food or lodging services to the gucs;ts at his establishment

16. EStabIishmentuot to be treated as comntet•cial • (l) Notwithstandingthe pi•oyisions of uny other unit.. law for the time being in force, the establishinent shall not be treated asyötnmercial one and shall only •be liable to (ji) (iii) (v') it' there .is change iu the ownership ot- an establishment; if owner is convicted of an offence punishable with imprisonment. exceeding one month; if its owner is an undischarged insolvent', if the owner has contravened any Of' the provisions of this Act or any rule or order rnade there under; and if' an establishment adversely affects the privaqy and rights of neighbouring residents. pay (a) (b) power and water tariff as .applicable to domestic or residential use;-and property tax as applicable to residential tenanted premises with respect to the portion Ilet out to the guests, restricted to the period 01 occupancy thereof, fully or partly as the case may be. (2) The action taken under sub-section

(I) shall not. preclude such owner from being prosecuted under any proviqiun this Act and ail)' other law. L Notice of removal of name of establishment from a iT ecto Before rernoving the name of an establishment the directory under Section 10, the prescribed authority shait ftive notice to the owl'!er in the manner and ('orm (2) Notwithstanding anything in the Delhi Value Added Tax Act, 2004 (Delhi Act 3. of 2005), {he owner of an establishrnent shall liot bé requireq to pay the value added tax levied under the said Act. (3) Notwithstanding the proyisions oflhe• Delhi Tax on Luxuries Act, 1996 (Delhi Act 1'.() of 1996),.the owner or thc establishnwnt shall not be required to pay the tax" leviéd under the said Act. .1 DELHI GAZETTE : EXTRAORDINARY CHAPTER APPEAL AND REVISON i •7. Appeal.— (l) If an owner is aggrieved With an of lhe prescribed authority under this Act, he may njake art appeal to the appellate authority. Every such appeal be pre(érred to the appellate authority within thirty ot' [he date of conununication of t.he order Provided that the appellate authority Inay entertain an appeal after the expiry of said period of thirty days if it is sutl$tied [hat there was sufficient cause for not filing it within that period, (2) The appellant shall have a right to be represented by legal practitioner and the prescribed authority may be re.presented by such Dfficer or person as the Government appoint. (3) rt:ceipt Ut' any appeal, the appellate nut.hority shall after giving the appellant reasonable of being after •making such'enquiry,. it deetns proper, dispose of the appeal for reasons' to be recorded in writing, (4) "I'he proceedings before the appellate authority Shafi be cornpteted within four months. ['he revising authority may, .either 18. Revision its own Inotion or otherwise, within a period of ninety frotn the date ofthe order of the appéllate authori1Y, cail the records of any case decided by the appellate authority, and pass such order theteon as it may deem proper. Such order shall be final and no tUrther appeal shall there . Provided that the revising authority tnay entertain•a revision after the expity orthe said period of ninety days, if It is satisfied that there is •sufficient cause for not filing it tvilhin that period Provided further that no Oder Under this saction shall be Inade to the prejudice ofa person unless he had a asonable opportunity of being heard either personally or 1b rough a counsel or by a duly authorised agent. CHAVrERV OFFENCES AND PENALTIES I q. Penalty' fur not providing facilities to the as promised—- Any owner who does not provide «rvices '1() the guests, as promised; shall be punishable with fine which may extend to fixie thousand rupees, 20. Penalty for false statement—- Any owner who willfully 'provides false information in the application of registration or furnishes false information or makes a•fälse Stu(etncnt or undettaking or suppresses a material fact with lhe -intention to mislead the prescribed authority, shall be pun ishable with 'imprisonment fer a term which may extend three months, or with fine •which may •extend .10 ten rupees, or with both. 21 , Ce.rtifica(e not to be assigned.— Any oqmer who lends. transfers or assigns the certificate of regi$tfation or fails to return it on its •expiry or revocation, shall bc punishable wityv imprisonment which .may extend to six months, or with fine Which may extend to twenty thousand rupees, or with both. .22. Certificate and documents to be shown to thc person on owner registeredsunder this Act shall •at ail tiriles, Off demand, ptodUce and show his certificate ofregistraiion and any other documetit required under ,this Act to the presciibed authority or any officer duly authorised by him in this behalf; and any bonafide. guest. (b) (2) Any owner who refuses on demand to show his certificate of registration or docutnenls; or allow it to be read by any of: the persons authorised. under sub-sectiot; (l shall be punishable with tine which may extend to thousand rupees

23. Penalty for malpractice.— If any owner gr.any other person. to whom tllis Act may Ve made .applicable, commits El malpractice or contravenes any of the provisions of this Act, för which no specific penalty has been provided, he shall be punishable with imprisonmqnt f,ora tenn which may extend to three rnonths, or with fine which may extend to five .thousand rupees, or with both, 24. Obstructing lawful authorities—T An owner who willfully obstructs or offers any resistancc to or otherwise. interferes in the discharge of the fitnctions o!' the prescribed authority or any offiéei• authorised by him in pursuance of this Act or the rules macle lhereuncler. Shail 'be punishable with imprisonment for a (crrn which may extend to six months, or with fine which may extend to twenty thousand rupees, ot,' with both

25. Offences to bc cognizable—- Notwithstanding aoy thing contaihed in the Code of Criminal Etrocedure, 1 973 (2 of 1974), every oflk)nc.e punishable under •this Act shall be a cognizable 26. Court competent to try offences under this- Act.—- No court other than the court of Metropotfian Magistrate shall try an offence under this Act

27. Jurisdiction or civil courts%barred.-— No civil court shall have jurisdiction in respect of any •tnatter in relatiön to which the• Governrnent or any othet person authorized by it or any officer or

authority •appoitlfr?d specified by 01'11nder this Act, is empowered to any power, and no injunction shåll be granted bFny civit in. respect of anything which is donc or intended u.i be done by or underihis Act. CHAVI"ER MISCELLANEOUS 28. Notice of ehanges,— (l) Whenever an establishment for which certificate of registration is held by a •person, devolves by inheritance or othetwise. upon any otherperson or. undergoes a. change in. respect ot' any particular entered 'in the directory under this Act, such person •shall, within sixty days of the date' of such DELHI GAZETTE.: EXTRAORDINARY [PART or change, give notice in writing of the Change the prescribed authority; The prescribed authority on receipt of such under sub-section (l), if satisfied, shall {nake necessary changes in the certificate of registration and the maintained by it; Notwithstanding anything contained iri sub- (12), the prescribed authority may cancel the cet'lificale orteg\stration and remove from the directory, the name cf the establishment in whose favour the Ile issued if the succeeding person is not qual!fic.id be registered under this Act, Po wer to inspecte— The prescribed authority or any other person authorised by it in this behalfmay inspect, at au .reas•onable times, th? premises of the establishments under (his Act, .30. Power to delegate—- The Government may by notification iti the Official Gazette, direct that any power exe!Xisable by' it under this Act, may also be exei•cised by such (iffic,er as may be Inentioned therein; subject to sucli if as Inay be set out therein, .3 , Compounding of offences—— (I) 'Ihe Government ony person authorised by it, by general or special order [h;s bc half', may either before or after the institution of compound such offenceS punishable by this Ace us prescribed. (2) Where an offence has been compounded, the otfe.llder. if' in custody, shall be discharged and no further pti)sædings shall be taken against him in respect of the o [Tence cornpounded

32. Protection of action taken in good faith.-—No suit, procecution other legal proceedings shall lie against the ;osjernnvent ot any person or officer authorised by it or any authority appointed or specified by or under this Act, WI) ich done or intended to be done in good pursuance orthis Act or any rule made thereunder. Power to make rules—-- (t) The Government-may be in the Official Gatßtte-rnake rules for car-wing out the provisions of the Act. (2) In particular and without prejudice to the gene.r.a)ity ot' t.he föregoing powers, such rules may provide ail any of the following matters, namely 0) (k) (i) (m) the form of cerffificate of registration; the format of the directory of establishments; the •form bf-frlåihtenaricé of registers and 'books by thelåwiiér .ofthe establishlüents; {the period for: which'": register' shall be prese'n/ed by lhe. owner; the .m.anner in, which the name of an establishment shall be removed frotn the directory and .its certificate of regist.ration revoked; the •forjn and manner of notice to establishrncnt before removal of its name ft•otn the directory; the offences. which may be compounded ahd the manner of•compounding; and any other matter which is required to be, or _may be, prescribed. (a) (c) (d) (e) (f) the form and Inanner of application for reoistration; the fees for registration; any additional condition. required to be fulfilled for registration; lhe constitution of the. classification committee; the check-list -or services- and 'amenities at the establishment; the categories of classification; (3) Every rule made under this section shall be loid as soon as may be after it is made, before the Legislative Assembly of the National Capital Territ01)' of Delhi, while it. is in session for a total period of thirty days h'hich may Ibe comprised in one session or in two successive sessions, and .if, before the expiry of the session immediately following; the session or.the successive sessions aforesaid, thé Assembly agrees ili, making. any modification in the rule or agrees that the rule should not be made, the •rule shall thereafter have effect only in such modified fonn Or be of ho •effect as the case may be, so, however, that any such modificatiön or annulment shall be without prejudice to the validity of anything previously donc under that rule 34. Repeal and savings.-— (l) National Capital 'rerritory OF. Delhi (Incredible India) Bed Breakfast Establishment (Registration• and Regulation) (L)elhi Ordinance No. I of 2007) is hereby repealed. (2) Noiwiths(anding Such repeal, anything done or any action taken under the said Ordinance shall be deemed to have done or taken under this Agt. — (l) If any difficulty 35. Removal ot difficultles. arises in giving effect to the provisions ofthis Act. the Government tnay, by the order published in the Official Gazette, make such provisions not inconsistent with the provisions of tliis Act, as may appear to be•necessary for removing the difficulty : Provided that •no such order be rnade under .this section after the expiry of one year from ;the date of commencement of#iis Act. (2) Every' order Inade under this section shali be laid, may is made, before the Legislative Assembly ofthe National Capital Territory of Delhi. RAKESH SYAL, Jt, secy Princed by the Manager, Govt. India Press, 'Ring Road, 'Mayapuri, New Delhi-I I (1064 and Published by ('he Controller o? Publications. 'Delhi-1 10054.