The Jammu & Kashmir
Registration of Tourist Trade Act 1978

Part I

Preliminary

1. Short title, extent and commencement

(1) This Act may be called the Jammu and Kashmir Registration of Tourist Trade Act 1978.

(2) It shall extend to the whole of the State of Jammu and Kashmir.

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

2. Definitions
In this Act unless the context otherwise requires

a) “Black-list” means a list maintained and exhibited by Tourism Deptt for dealers, hotel keepers and travel agents who have been blacklisted under the provisions of this Act.

b) “Boat” means houseboat, donga boat, shikara, motor boat, motor launch, paddle boat, sailing boat, canoe and bathing boat.

(b-1) ‘Camp hotel’ means a hotel providing boarding and lodging facilities in a tent at specified patch of land in a tourist area; *

(b-2) ‘Camp site’ means a specified patch of land in a
tourist area where the tentage facilities on prescribed rentals are available or, the tourists and visitors are allowed to pitch their own tents against charges payable to the prescribed authority; *

c) “Certificate of registration” means a certificate under this Act

d) “Dealer” means a person carrying on in a tourist area the business of selling any notified article whether whole sale or retail and includes his agent or employee transacting business on his behalf.

(d-1) ”Excursion agent” means a person engaged in or engaging himself in arranging excursions, tours or picnics for a tourist or tourists.

Explanation: For purpose of this clause excursion agent shall include a house boat owner, whose houseboat is registered under this Act who may continue to engage himself as an excursion agent without a separate registration as such.

(d-2) Guide” means a person who engages himself as a ski, mountain, rafting, trekking or heritage guide, or functions as a paid guide for tourists;*

Provided that no person shall be eligible to be registered as a guide unless he posses such qualifications as may be prescribed.

Provided further that notwithstanding any prescribed qualifications the persons who were working as guides before the commencement of this act shall ipso facto be registered as such guides
e) “hotel” means any premises or part of premises including** houseboat, restaurant, dhaba, “bar, guest house, tourist lodge, camp hotel or a tent” * where lodging with or without board or any kind of eatables or beverages is provided for a monetary consideration.

f) “hotel keeper” means any person who owns or operates a hotel as proprietor and includes a person managing or operating the affairs of a hotel for and on behalf of the proprietor.

g) “malpractice” includes dishonesty, cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel management, charging a price higher than that displayed on the label or remuneration higher than that fixed under this Act, failure to display price label on the article, failure to give cash menu and willful failure to execute an order within the stipulated time or according to the terms agreed.

Explanation 1. For purpose of this clause labeled price shall be the reasonable sale price of the notified article as reflected in the stock book of dealer /manufacturer maintained at their place of business which shall be open for inspection by the prescribed authority or any other authority empowered in this behalf.

Provide that incase of wholesalers dealing in notified article the labeled price may be recorded on only one article of an identical set of notified articles.

Provided further that the prescribed authority may not insist on the requirement of the stock book where it is
satisfied that the dealer/manufacturer is a small dealer/manufacturer.
Provided also that where reasonability of the labeled price is in dispute the opinion of the Director Handicrafts, Jammu & Kashmir shall be final.

Explanation 2: The expression “touting” means enticing, misleading or coercing for shopping, accommodation, transportation, sight seeing or pestering for any particular premises, person, establishment, dealer or manufacture with consideration of personal benefits.

h) “mooring ghat” means embankment of a river or a lake specially earmarked for purposes of mooring the boats;

i) “Mooring site” means a site where a set of boats may be allowed to moor;

j) “notified article” means any article notified by the Government in the Gazette for purposes of this Act;

k) “Part” means a part of this Act;

l) “Prescribed” means prescribed by rules made under this Act;

m) “prescribed authority “means the Commissioner of Tourism and such other authority as may be notified by the Government to be the Prescribed Authority for any tourist area or for any provisions of this Act;

n) “tourist area” means any area notified by the Government in the Government gazette to be tourist area for purposes of this Act;
o) “tourist” means a person or group of persons “visiting the State for pleasure, adventure, sports or pilgrimage” from any part of India or outside India;

p) “travel agent” means a person** engaged in the business of making travel, trekking, camping, tour operating or other arrangements for tourists for a monetary consideration;

Explanation: For purposes of clauses (g) and (p) the expression “travel arrangements” includes -

a. arrangements for transportation, sight-seeing;

b. arrangements for lodging with or without board; and

c. rendering other services such as assistance for game, sports or receipt or dispatch of personal belonging of a tourist.
Part II

Registration of Dealers

3. Registration

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

2) Notwithstanding anything contained in sub section (1) any person already carrying on business of selling any notified article in a tourist area on the date such article is notified under clause (j) of section 2 shall apply for registration under this Act within three months from the aforesaid date.

Provided that where before the commencement of Jammu and Kashmir Registration of Tourist Trade (Amendment) Act 1982, any person as aforesaid could not apply for registration within the time specified above, he shall so apply for registration within six months after such commencement.

Provided further that where any person as aforesaid has applied for registration within the period of three months from the date of issue of the first notification under clause (j) of section 2 and certificate of registration has been issued to him, such certificate of registration shall continue to be valid notwithstanding the rescission of the said notification but subject to other provisions of section 6 of this Act.
3) Every application made under sub section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

4. Certificate of registration

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

5. Refusal to register

1. The Prescribed Authority may refuse registration a dealer under this Act on any of the following grounds namely:

   a) if he is convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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 drug or
corruption and six months have not elapsed since the termination of sentence imposed upon him;

b) if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

c) if his name has been removed from the register under clause (b) or clause (c) of section 6 and six months have not elapsed since the date of removal.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

6. Removal of the name from the register

1. The Prescribed authority may by an order in writing remove the name of a dealer from the register and cancel his certificate of registration on any of the following grounds namely:

a) if he ceases to be a dealer;

b) if he is convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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;
c) if he is declared an insolvent by Court of competent jurisdiction and has not been discharged;

d) if any complaint of malpractice is received and proved against him;

e) if he is blacklisted by the prescribed authority.

7. Blacklisting of dealers

1. The Prescribed authority may, on proof of complaint of malpractice for any other offence committed under this Act, for reasons to be recorded, blacklist a dealer, after taking into consideration the nature of malpractice or the gravity of offence for such period which may extend to three years.*

2. The particulars of a dealer blacklisted shall be exhibited at conspicuous places in all tourist areas and notified to all travel, trade and other concerned organizations, foreign missions in India, Indian missions abroad and other important concerned channels after the order blacklisting him has become final.

3. The action taken under sub section (1) shall not protect such dealer from being prosecuted under the provisions of this Act.

4. If the prescribed authority is satisfied that there are sufficient grounds for removal of a dealer from the blacklist, he may after recording the
reasons, order his removal from such list and issue a fresh certificate of registration on payment of prescribed fee and notify the same for the information of all concerned.


Before removing the name of a dealer from the register under section for blacklisting him under section 6, the prescribed authority shall give notice to the dealer of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the dealer giving him a reasonable opportunity of showing cause against it.

Part III

Registration of Hotels

9. Registration
1. Every person intending to operate a hotel in a tourist area shall before operating it apply for registration to the prescribed authority in the prescribed manner.

2. Notwithstanding anything contained in sub section(1) any person already operating a hotel in a tourist area on the date the notification under clause (n) of section 2 is issued shall apply for registration within three months from the aforesaid date;

Provided that where before the commencement of Jammu and Kashmir Registration of Tourist Trade (Amendment) Act, 1982, any person as aforesaid could not apply for registration within the time specified above he shall so apply for registration within six months after such commencement.

3. Every application made under sub section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

10. Certificate of registration

The Prescribed authority shall, unless registration is refused under section 11, direct that the name and the particulars of the hotel keeper be entered in the register maintained for purpose and shall issue a
certificate of registration to the hotel keeper in the prescribed form.

11. Refusal to register

1. The Prescribed Authority may refuse registration of a hotel under this Act on any of the following grounds, namely:

a. if the hotel keeper is convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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 drug or corruption and six months have not elapsed since the termination of sentence imposed upon him;

b. if the hotel keeper has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

c. if the name of hotel keeper has been removed from the register under clause (b) or clause (c) of section 12 and six months have not elapsed since the date of removal;

d. if the hotel keeper does not hold a license or certificate required to be held by him under any law for the time being in force.

e. if in the opinion of the prescribed authority there is any sufficient ground to be
recorded in writing for refusing registration.

2. No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

12. Removal of the name from the register

1. The Prescribed authority may by an order in writing remove the name of a hotel from the register and cancel its certificate of registration on any of the following grounds namely:

   a. if the hotel keeper ceases to operate the hotel in the tourist area for which it is registered;

   b. if the hotel keeper is convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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;

   c. if the hotel keeper is declared an insolvent by Court of competent jurisdiction and has not been discharged;

   d. if any complaint of malpractice is received and proved against a hotel keeper;

   e. if the hotel is blacklisted under section 13.
13. Blacklisting of Hotels

1. The Prescribed authority may on proof of complaint of malpractice or for any other offence committed under this Act, for reasons to be recorded, blacklist a hotel, after taking into consideration the nature of malpractice or the gravity of offence for such period which may extend to three years.*

2. The particulars of a dealer blacklisted shall be exhibited at conspicuous places in all tourist areas and notified to all travel, trade and other concerned organizations, foreign missions in India, Indian missions abroad.

3. The action taken under sub section (1) shall not protect such hotel keeper from being prosecuted under the provisions of this Act.

4. If the prescribed authority is satisfied that there are sufficient grounds for removal of a hotel from the blacklist, he may after recording the reasons, order his removal from such list and issue a fresh certificate of registration on payment of prescribed fee and notify the same for the information of all concerned.

14. Notice of removal and blacklisting of hotel

Before removing the name of a hotel from the register under section (12) or blacklisting it under section 13, the Prescribed authority shall give a notice to the hotel keeper of the ground or grounds on which
it is proposed to take action and hold an inquiry in the presence of the hotel keeper giving him a reasonable opportunity of showing cause against it.

15. Fixation of rates

The Government shall, by notification in the Government Gazette, fix the rates and service charges in respect of hotels which may be charged by the hotel-keeper for boarding or lodging or both from persons staying therein or from other customers: Provided that such rate and service charges shall be fixed on the recommendations of a committee, the composition whereof shall be such, as may be prescribed: Provided further that while recommending the rate and service charges, such committee shall take into account the standard of the hotel, the accommodation and services provided by and the quality of food served by it to the customers.” *

16. Hotel keeper to display information

Every hotel keeper shall cause to be displayed at some conspicuous place of the hotel such information as may be prescribed

17. Hotel keeper to present detailed bill
Every hotel keeper shall render detailed bills to the persons residing in the hotel and other customers and shall give receipts in acknowledgement of all payments.

**Part IV**

**Travel Agent**

**18. Registration**

1. No person shall carry on the business of travel agent, excursion agent or guide in a tourist area unless he is registered in accordance with the provisions of this Act.

2. Subject to the provisions of clause (d-1) of section 2, every person intending to act as a travel agent, excursion agent or guide in a tourist area 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 acting as a travel agent, excursion agent or a guide in a tourist area on the date a notification under clause (n) of sec 2 is issued shall apply for registration within three months from the aforesaid date

Provided that where before the commencement of Jammu and Kashmir Registration of Tourist Trade (Amendment)Act, 1982, any person as aforesaid could not apply for registration within the time
specified above he shall so apply for registration within six months after such commencement.

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

19. Certificate of registration

The Prescribed authority shall unless registration is refused under section 20, direct that the name and the particulars of the travel agent, excursion agent or guide as the case may be, be entered in the register maintained for purpose and issue a certificate of registration to the travel agent, excursion agent or guide in the prescribed form

Provided that no such certificate may be required in the case of houseboat owner functioning as excursion agent in terms of explanation to clause (d-1) of section 2 of this Act.

20. Refusal to register

1. The Prescribed Authority may refuse the registration of a travel agent, excursion agent or guide under this Act on any of the following grounds namely:
a) if he does not possess any of the prescribed qualifications;

b) If he has been convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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 drug or corruption and two years have not elapsed since the termination of sentence imposed upon him.

c) if he has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

d) if his name has been removed from the register under this Act one year as not elapsed since the date of removal.

2. No application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

21. Removal of the name from the register

1. The Prescribed authority may by an order in writing remove the name of a travel agent, excursion agent or guide from the register
and cancel his certificate of registration on any of the following grounds namely:

a) if he ceases to act as a travel agent, excursion agent or guide in a tourist area;

b) if he is convicted of any offence under chapter XIII and XVII of the Ranbir Penal Code Svt 1989 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;

c) if he is declared an insolvent by Court of competent jurisdiction and has not been discharged;

d) If any complaint of malpractice is received and proved against him;

e) if he is blacklisted by the prescribed authority**

2. Any travel agent, excursion agent or guide whose name is removed from the register under sub section (1) shall forthwith cease to be a travel agent.

22. Blacklisting of travel agents, excursion agent or Guide.
1. The Prescribed authority may on proof of complaint of malpractice for any other offence committed under this Act, for reasons to be recorded, blacklist a travel agent, excursion agent or guide after taking into consideration the nature of malpractice or the gravity of offence for a period which may extend to three months” shall be substituted.*

2. The particulars of a travel agent, excursion agent or guide blacklisted shall be exhibited at conspicuous places and notified to all travel, trade and other concerned organizations, foreign missions in India, Indian missions abroad etc.

3. The action taken under sub section (1) shall not protect such travel agent, excursion agent or guide from being prosecuted under the provisions of this Act.

f) If the prescribed authority is satisfied that there are sufficient grounds for removal of a travel agent, excursion agent or guide from the blacklist, he may after recording the reasons, order his removal from such list and issue a fresh certificate of registration on payment of prescribed fee and notify the same for the information of all concerned.

23. Notice of removal and blacklisting of travel agent, excursion agent or guide

Before removing the name of a travel agent, excursion agent or guide from the register under section 22, the
Prescribed authority shall give notice to the travel agent, excursion agent or guide of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of that person giving him a reasonable opportunity of showing cause against it.

24. Fixation of rates

The Government shall, by notification in the Government Gazette, fix the rates which may be charged by a travel agent or guide for the services rendered by him to person engaging him as such except in case of a travel agent whose rates have been approved by a competent authority of the Central Government:
Provided that such rates shall be fixed on the recommendations of a committee, the composition whereof shall be such, as may be prescribed:
Provided further that while recommending the rate such committee shall take into account the quality of the services provided by the travel agent or the guide.*

25. Omitted

Part V

Appeal and Revision

26. Appeals.

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 an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

3) The appellant shall have a right to appear by a counsel and the Prescribed authority may be represented by such officer or person as the Government may appoint.

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 enquiry as it deems proper, dispose of the appeal for reasons to be recorded.

5) The proceedings before the appellate authority shall be completed within four months of its institution.

27. Revision

The Minister-in-Charge Tourism Department may at an any time call for the record of any case pending before or disposed of by any authority under this Act and if in any such case it shall
appear to the Minister Incharge that any order passed or proceeding taken should be modified, annulled or reversed, he may pass such order as he may deem fit for reasons to be recorded and such order shall be final.

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

Part VI

Offences and Penalties

28. Penalty for default in registration

1. Any person carrying on the business of a dealer, hotel keeper or travel agent without a proper registration under this Act or in violation of any of the provisions of this Act shall be punishable by the prescribed authority with a fine which may extend to Rs.5000/- and if the breach is continuing one, with a fine of Rs.500/- for each day.*

2. The fine imposed under sub section(1) shall be recovered as if it is a fine recoverable under the provisions of the Code of Criminal Procedure Svt 1989
Explanation: A person who has made an application within the prescribed period and is pending disposal shall not be a defaulter for the purpose of this section.

29. **Penalty for false statement**

If any person required to make statement under this act willfully makes a false statement or suppresses a material fact with an intention to mislead the prescribed authority, he shall be liable to punishment with imprisonment for a term which may extend to three months or with fine not exceeding Rs 5000/- or with both.*

30. **Certificate not to be assigned**

Any person who lends, transfers or assigns the certificate of registration issued under this Act shall be liable to punishment with imprisonment which may extend to six months or with fine not exceeding Rs.10,000/- or with both.*

31. **Certificate and documents to be shown to persons on demand**

4. Any person registered under this Act shall at all times on demand, produce and show his certificate or any other document required under this Act to

   a) the prescribed authority or any officer duly
authorized by him in this behalf; and

b) any bonafide customer, who demands for the certificate of registration issued under this Act.

5. Any person who refuses on demand to show his certificate or documents or allow it to be read by any of the persons authorized to demand it, shall be liable to punishment with fine not exceeding Rs.5000/- for every default.*

32. Penalty for malpractice

Any dealer, hotel keeper, travel agent or any other person to whom this Act may be made applicable who commits a malpractice or contravenes any other provision of this Act in the tourist area for which no specific penalty has been provided shall be liable to punishment with imprisonment for a term which may extend to one year or with fine not exceeding Rs.10000/- or with both.*

33. Obstructing lawful authorities

If any person willfully obstructs or offers any resistance to or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorized by him exercising any power or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made there under he shall be liable to punishment with
imprisonment which may extend to One year or with fine not exceeding Rs.10000/- or with both.*

34. Offences to be tried summarily

Notwithstanding anything contained in this Act or in the code of criminal procedure Svt 1989 all offences under this Act shall be tried summarily.

35. Special rule of evidence

Notwithstanding any thing contained in the Evidence Act Svt 1977, when any complaint under this Act is made in writing by any person to the prescribed authority it may be admitted in evidence. The examination of the complainant shall not be obligatory in any trial by a Judicial Magistrate if such person is dead or cannot be found or is in-capable of giving evidence.

36. Institution of proceedings

1. Save as otherwise provided in subsection (2) no prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the Prescribed authority or a Police officer not below the rank of the Sub Inspector.

2. Any offence relating to touting committed under this Act shall be cognizable and non-bailable.

37. Powers of the 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 Svt 1977 while trying a suit, in respect of the following matters namely:

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

2. compelling the production of any document, and

3. examining witnesses on oath.

and may summon and examine suo moto any person whose evidence appears to be material.

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

38. Composition of Offence

1. The prescribed authority may accept from any person accused of any offence under this Act, a sum of money by way of composition for such offence and may out of 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 proceeding in respect thereof shall be taken against the accused and if any proceeding has already instituted against him in any court, the composition shall have the effect of acquittal.

Part VII

Miscellaneous

39. Notification of changes
1. Whenever a business for which 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 particulars entered in the register under this Act, such person shall within sixty days of the date of such devolution or change notify in writing the fact to the prescribed authority.

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

3. Notwithstanding anything contained in subsection (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 qualified to be registered under this Act.

40. Return of the certificate of registration

When a certificate of registration is cancelled under this Act, the person holding such certificate shall within seven days from the date of publication of the order of cancellation in the
Government gazette return it to the prescribed authority

41. 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 that behalf by the person holding such certificate and on payment of the prescribed fee issue a duplicate certificate.

42. Certificate of registration to be kept exhibited

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

43. Publication of list of persons removed from the register

The prescribed authority shall from time to time publish in the Govt. gazette and in such other manner as it deems fit the names and addresses of the persons and of the hotels whose names have been removed from the register and who have been refused registration under this Act.

44. Power to inspect

The prescribed authority or any person authorized by him in this behalf may within the tourist area, inspect at all reasonable times, the premises in which a dealer or a travel agent
carries on his business or any premises where a hotel is operated and require such dealer, travel agent or a hotel keeper to produce any document kept in pursuance of this Act or the rules made there under for Inspection.

45. Fixation of rates for other services

The Government shall, by notification in the Government Gazette, fix the rates which may be charged for hiring of boats, ponies, river rafts, adventure sports equipment, guides, ski patrols, high altitude porters and trekking porters:
Provided that such rates shall be fixed on the recommendation of a committee, the composition whereof shall be such, as may be prescribed:
Provided further that while recommending the rates, such committee shall take into account the standard of the equipment and quality of the service provided by the service provider.”

46. Powers of the Government to apply the Act to other persons

The Government may by notification in the Government gazette direct that all or any of the provisions of this Act or the rules made there under shall with such exceptions, adaptations or modifications as may be considered necessary apply to persons doing the business in a tourist area or letting or plying for hire boats, bathing boats, automobile vehicles, tongas, dandies, ponies **or to such other persons as may be specified in the notification.
47. Powers and duties of the District Magistrate and Police in respect of offence under this Act.

1. Every police officer shall give immediate information to the Deputy Superintendent of police of the area and to the prescribed authority of an offence coming to his knowledge which has been committed against this Act or against any rule made thereunder.

2. The District Magistrate of the area are an officer of the Tourism department not below the rank of Dy. Director shall have power to declare any person indulging in touting, out of bounds from places like Airport, Railway station, bus stand, Tourist Reception Centre and Picnic areas for such period which shall not be less than three months but may extend to six months.

48. 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.

49. Reservation of powers of local authority

Nothing in this Act shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.

50. Powers to make rules
1. The Government may by notification in the Government Gazette make rules for carrying out the purposes of this Act.

2. In particular and without prejudice to the generality of the forgoing powers, such rules may provide for:

   a) the maintenance of registers, books and forms by a hotel keeper, dealer or travel agent for conduct of business.

   b) the form of application for registration and for certificate of registration.

   c) the fee for registration.

   d) the manner of giving notice under this Act.

   e) classification of hotels and travel agents.

   f) qualifications for registration as travel agent.

   g) manner of publication of the names and addresses of the persons and the hotels removed from the register or to whom registration has been refused.

   h) manner in which a dealer, hotel and a travel agent shall be black listed and the publication of names and addresses of such dealer, hotel and travel agent.
i) the place where the prescribed authority shall hold enquiry under the act and

j) all manners expressly required to be prescribed under this Act.

3. The rules made under this Act shall be subject to the condition of previous publication.

51. Repeal and saving:

The Jammu and Kashmir Registration of Tourist Trade Act 1962 is hereby repealed:

Provided that the repeal shall not affect

a) the previous operation of the Act so repealed or anything duly done or suffered thereunder;

b) any right privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any provision of the Act so repealed; or

d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, penalty, liability, forfeiture or punishment as aforesaid.

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced
and any such penalty, forfeiture or punishment may be imposed as if this Act has not been passed.

Provided further that subject to the proceeding proviso, anything done or any action taken including any appointment or delegation made, notification, instruction or direction issued, forms prescribed, certificate obtained, permit or license granted or registration affected under the law so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act ad shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

Note: - * depicts that the changes which have been made in the principal act by virtue of the amendment Act No. V of 2011, dated: 8th April 2011.