

UT Administration of Daman & Diu
Department of Tourism
Notification

No.4/364/DDT/WSA/2017-18/220

Date: 12/10/2018

The following draft rules are proposed to be made with an aim at shifting from the current practice of monopolistic licensing to an open licensing regime for all eligible players so as, to ensure better services at competitive rates to tourists while also ensuring their safety in exercise of the power conferred in the Government under Section 42 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982. In pursuance of Section 42 (3) of the said Act, these draft rules are published for the information of the public and the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette. Any objection or suggestion in this regard may be sent to Secretary (Tourism), Secretariat, Moti Daman, Daman within 15 days of the publication of these draft rules in the official gazette.

Draft Daman and Diu Water Sports Promotions and Regulation Rules, 2018

1. Short title and commencement. –

- (1) These rules may be called the Daman and Diu Water Sports Promotion and Regulation Rules, 2018
- (2) They shall come into force from the date of publication in the gazette.

2. Definition – In these rules, unless there is anything repugnant in the Subject or Context--

- a. “Act” means the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (10 of 1982);
- b. “Fair season” means a season as specified by the Tourism Department or Fisheries Department or Port Department;
- c. “Form” means a form appended to these rules;
- d. “Government” means Administrator, UT of Daman and Diu;

- e. "Operator" means a person desiring to operate boat rides, parasailing, jetski, water skiing and fun rides using powerboats, windsurfing, dinghy, kayaking, canoeing, sailing and other sports activities in sea, river, inland water or lakes; and includes any firm or company operating such activities;
- f. "Section" means a section of the Act;
- g. "Tourism Department" means an officer of the Tourism Department concerned not below the rank of Deputy Director;
- h. "Year" shall be calculated from 1st April to 31st March of the following year;
- i. All words used but not defined herein shall have the same meaning respectively assigned to them in the Act.

3. Eligibility Criteria:-

- a. The minimum criteria required to be fulfilled by any operator desirous of operating water sports activities shall be as per Safety Norms for Water sports (2011) formulated by National Institute of Water sports as amended from time to time. The same are available at <http://niws.nic.in/safety-norms2011.pdf>

4. Provision of Floating Jetty:-

- a. There shall be only one floating jetty on each beach which shall be used by all operators at a beach.
- b. The jetty shall be at the location as identified and earmarked by the Department of Tourism in the concerned district. The location may be directed to be changed at the discretion of the Tourism Department without any notice or prior information.
- c. Tourism Department would make an effort to indentify and place the jetty in such location where the beach is least populated and number of bathers and swimmers is the least.
- d. For each new operator, the jetty shall have to be extended in to the sea/bay by the concerned operator at his own cost.

5. Procedure for Registration:

- a. After fulfilling all the requirements, the operator shall apply by filling Form I and get registered with the Tourism Department of the district concerned. Registration Certificate shall be issued as per Form II of these Rules.

- b. Regulation shall be valid only for the district in which application has been submitted.
- c. Registration will be valid for a period of three years subject to the validity of the mandatory certifications/qualifications/etc of the staff of the operator.
- d. Operating water sports without registration shall lead to confiscation of all equipments by the Tourism Department. Such an operator shall also be liable to pay a penalty of not less than one lakh and upto Rs. 5 lakh.

6. Registration Fees:

- a. Registration fee shall be Rs. 20 lakh per operator each year for a maximum of two locations to be paid in advance irrespective, of the number of months which remain in the year on the date of application.

7. Termination:

- a. Tourism Department shall cancel the registration of any operator that violates the norms as prescribed or endangers any tourist's, swimmer's or bather's life on the beach. A penalty of not less than Rs. one lakh only (Rs. 1, 00,000/-) and up to Rs. Five Lakh only(Rs. 5, 00,000/-) may be imposed on the operator for each violation as may be decided by the Tourism Department.
- b. Collector of the concerned district shall be competent to cancel registration of any operator without assigning any reason or giving any notice thereof.

8. Duration of the Activities:

- a. Water sports shall be permissible only for fair season, which is usually from 1st September of a year to 15th May of following year. The period may be extended or curtailed at the discretion of the Tourism Department depending on the weather and sea conditions.

9. Rate of the Activities:

- a. The operator shall intimate the Tourism Department of the charges it fixes and any changes in the same for various water sport activities.
- b. Tourism Department shall be competent to increase or decrease the rates for various activities after giving an opportunity of being heard to the operator.

10. Safety measures for operators

The operator shall have to operate all water sports activities as per NIWS safety norms and will have to submit a certificate from NIWS certifying compliance to all NIWS norms. This certificate should be submitted to Tourism Department on an annual basis. The operator should procure lifesaving jackets for staff and tourist and Medical kits as per the safety standards specified by NIWS. For the purpose of providing guidance, monitoring such activities and providing timely help when the equipment used for water sports is in distress, it is necessary that life guards are employed as per the NIWS safety norms.

11. Claim on account of any mishap

Any operator who causes harm/injury/ death to a tourist/ general public /third party on account of his actions/ irresponsible behaviour/neglect of safety norms etc shall be liable for civil/criminal action as per the relevant provisions of the law. Further the operator shall be debarred for a period of three years, in case he causes any death or grievous injury to any tourist/ general public/third party, on account of his neglect. The UT Administration/Tourism Department shall in no way be responsible for any claims on account of any mishap.

12. Any or all of these rules are liable to be changed by the Government without any prior notice or assigning any reason thereof.

Form - I

1. Name of operator:
2. Address of operator:
3. Email address of operator:
4. Name of owner/proprietor:
5. Address of owner/proprietor:
6. Aadhar Number of owner/proprietor:
7. Mobile number of owner/proprietor:
8. Email address of owner/proprietor:
9. GST Number of operator:
10. Location(s) Applied for:
(Maximum Two)
11. Details of water sports activities applied for (Attach extra sheet if required):

Sr. No.	Water Sports Activity	Rate per ride per person

12. Details of staff for the water sports activities applied for: (Attach extra sheet if required)

Sr. No.	Water Sports Activity	Details of staff including name, photo, Aadhar number, etc.	Certification/Qualification of staff along with validity date

13. Name, signature and destination of applicant:
14. Date of application:

Acknowledgment

Received application dated _____ from M/s. _____ on
_____.

Name, Signature and Designation
of officer receiving the application

Form - II

M/s. _____ is registered with Tourism Department, Daman/Diu for providing the following water sports activities at rates mentioned against the same:

Sr. No.	Water Sports Activity	Rate per ride per person

The registration certificate is valid from _____ to _____ in _____ location(s).

Date:

Deputy Director (Tourism), Daman/Diu

Undertaking

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

If full recognition of the foregoing and in consideration of being granted a reservation and acceptance for my participation in an adventure vacation under the auspices of name of operator who is registered travel agent under the Goa, Daman and Diu Tourist Trade Act, 1982, operator his agents associates, assigns, employees and guides and successors in interest hereinafter referred as "the operator". I hereby agree as follows;

I hereby release, waive, indemnify and agree not to sue the operator or UT Administration of Daman & Diu for full or any liability to me, my personal representatives, heirs, assigns and next of kin, for any and all losses, damages, or injuries or any claim or demanded on account of any injury to my person or property, or on account of my death resulting from any cause, including negligence of operator, or others, while I am participating in adventure, I further agree that I will assume the risk and will release operator

of any liability for any injury or damage to my body or property or my death due to any negative failure to obtain or administer appropriate rescue operations in the event of injury or mishap, including failure to obtain adequate medical services, or to supply treatment, medicine, or trained rescue personnel;

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

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

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

I further agrees that any controversy or claim arising out of or relating to my participation in the water sports activities and or this agreement or making preference or interpretation thereof shall be settled by binding arbitration in Goa, Daman and Diu Tourists Trade Act, 1982 in accordance with the Arbitration and Conciliation Act, 1996.

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

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

Participant's Name: _____

Address: _____

Date: _____

Signature of the Applicant/Participant

Ph. No.:

Notice is hereby given for information of persons likely to be affected thereby that the above said rules will be taken into consideration after expiry of ten (10) days from issue of this notification. The objections or suggestions, if any are invited before the expiry of the period specified above. The objections or suggestions may be addressed to the Secretary (Tourism).

By order & in the name of Administrator
Of UT of Daman & Diu

Sd/-
Deputy Secretary (Tourism), Daman