

**THE GILGIT-BALTISTAN HOTELS, MOTELS, CAMPING SITES (TENT VILLAGE, PODS, GLAMPS) GUEST HOUSES, REST HOUSES, HUTS AND RESTAURANTS ACT- 2020**

**(Act No. IV of 2020)**

**Preamble:-**

An Act which provide measures for controlling and regulating the standard of services and amenities for tourists in Hotels, Motels, Camping Sites, Guest Houses, Rest Houses, Camping Pods, Camping Glimpse and Restaurants in Gilgit-Baltistan.

Whereas it is expedient to provide measures for controlling and regulating the standard of services and amenities for tourists in Hotels, Motels, Camping Sites, Pods, Glimpse, Rest Houses, Guest Houses and Restaurants, for matters ancillary thereto or connected therewith.

It is hereby enacted as follows:-

**1. Short title, extent, application and commencement:-**

(1).This Act may be called the Gilgit-Baltistan Hotels, Motels, Camping Sites, Guest Houses, Rest Houses and Restaurants Act- 2020.

(2). It extends to whole of Gilgit-Baltistan.

(3). It shall apply to all the Hotels, Motels, Camping Sites, Guest Houses, Rest Houses, and Restaurants in Gilgit-Baltistan.

(4). It shall come into force at once.

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

(a)“**Employees**” means any person who has contracted with a hotel or a restaurant to perform the stipulated apprenticeship in such hotel or restaurant;

(b)“**Committee**” means the committee set up by the Government under section-4

(c)“**Controller**” means the Director of the Directorate of Tourism, GB appointed under section-3 and includes a Deputy Controller (Deputy Directors of GB Tourism Department) and an Assistant Controllers (Assistant Directors of GB Tourism Department) and such other person as may be authorized by the Government by notification in the official Gazette to perform all or any of the functions of the Controller.

(d)“**Customer**” means a person availing facilities offered in a Hotel/restaurant for monetary consideration;

(e)“**Fair rates**” means the rates fixed by the controller includes revised rates

against the categorization.

- (f) "**Guest**" means a person who is in possession or enjoyment of accommodation and/or facilities provided to him in a hotel on monetary consideration;
- (g) "**Government**" means the Government of the Gilgit-Baltistan;
- (h) "**Hotel**" means a lodging, or boarding establishment with a minimum of five suitable bed rooms, provided for tourists and guests on monetary consideration, which conforms to any of the prescribed minimum criteria defined in Rules, but does not include.
- (i) "**Motel**" means lodging or boarding establishment with a minimum of two suitable bed rooms, provided for tourists and guests on monetary consideration. Motels commonly have a one- or two-floor layout and guests access their rooms directly from the parking lot with limited staff and facilities.
- (j) "**Guest House**" means a private home which has been converted for the exclusive use of guest accommodation. The owner usually lives in an entirely separate area within the property and the guest house may serve as a form of lodging business.
- (k) "**Rest House**" means building used for shelter by travelers (especially in areas where there are no hotels) building, controlled by the Government.
- (L) "**Camping Site**" means a place used for overnight stay in an outdoor area where an individual, family, group, can pitch a tent or park a camper; a campground may contain many campsites.
- (m) "**Camping Pods and Glamps**" means a place used for pitching the pods and Glamping to accommodate the tourists with appropriate washroom facilities.  
But does not include:-
  - i. A home or hostel which is exclusively or mainly used for the old aged person.
  - ii. Invalid persons or students and is run by or under the control of charitable or educational institution;
- (n) "**Manager**" means the person in-charge of the management of a Hotel or a Restaurant or Motel, Guest House, Rest House and Camping Site or any other facility.
- (o) "**Caretaker**" means the person in-charge of the management of a Government owned Rest House.
- (p) "**Owner**" means the person who owns a Hotel or Restaurant or Guest House or Camping Site and is entitled to receive the whole or any part of the earnings received from a tourist or a customer on account of accommodation or services provided in the Hotel or Restaurant or Guest House or Camping Site or any other facility. It may include a keeper or assignee or lessee or renter for the

time being discharging the responsibility of the owner in respect of such Hotel or Restaurant or Guest House or Camping Site;

(q) **“Prescribed”** means prescribed in rules made under this Act;

(r) **“Public rooms”** means rooms in a Hotel or Guest House or Rest House or Camping Site which are meant for the common use of all guests;

(s) **“Restaurant”** means a public eating house providing standard and variety of cuisines on monetary consideration to tourists and guests which conforms to the minimum prescribed criteria;

(t) **“Service”** means any service provided in a hotel, motel, guest house, restaurant and any facility mentioned in section one subsection 3.

(u) **“Tourist”** means a person, domestic or foreigners who stays overnight or more as a guest in a hotel at a place other than his normal place of residence or as defined by UNWTO.

(v) **“Courts”** means Civil Court of Gilgit-Baltistan

### **3. Appointment of Controller, Deputy Controller and Assistant Controllers:**

- (1) The Director Tourism, Gilgit-Baltistan shall be the controller by virtue of posting. Deputy Directors and Assistant Directors, Tourism shall be the Deputy Controllers and Assistant Controllers by virtue of their postings notified by the Secretary Tourism, GB in consultation with the Controller, in Divisions and Districts respectively.
- (2) Subject to the provisions of this Act, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Department of Tourism GB.
- (3) Subject to the provisions of this Act and of such orders as may from time to time be made by the Government in this behalf, the Deputy Controller and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

### **4. Setting up of Advisory Committee:**

As soon as possible after commencement of this Act, the Government shall set up a Hotel, Restaurant, Guest House, Rest Houses, Camping Site, Advisory Committee, consisting of Minister in charge Tourism and Secretary Tourism Department Gilgit-Baltistan as Chairman and Secretary to advisory Committee respectively. Composition of the Advisory Committee will be defined in the rules made under this Act.

### **5. Registration of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Sites.**

- (1) The owner/management of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site shall, within a period of three months from the commencement of this Act apply to the Controller for registration of his/her hotel or restaurant and for determination of its fair rates in relation thereto and in the case of a hotel also for its classification, on payment of such fee as may be prescribed.
- (2) No Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site shall be registered, unless,
  - (a) It conforms to prescribed standards of quality, health, hygiene, comfort and other basic facilities, as prescribe in rules;
  - (b) It furnishes at its expense certificates of medical fitness from a Medical Officer of the civil hospital of the area in respect of its staff in such form as may be prescribed as rules;
  - (c) Its building is structurally safe and adequately protected against fire, or accident arising out of electricity or gas and safety of the tourists is ensured as per building code;
  - (d) In the case of construction of a new Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, its approval/NOC against the initial architectural design will be taken at project stage from the Controller and in light of the Building and Environmental Code defined in other rules.
- (3) The Controller, or an officer authorized by him in this behalf, at any time, inspect the premises of a Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, call for any information, plan or data in respect of matter concerning such Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, or, at the cost of the owner, carry out, or require the owner to carry out, test of, any member of the staff, articles or appliances or foodstuff.
- (4) The Controller shall within 30 days of the receipt of an application decide the application for registration including in case of a hotel fair rates thereof and the classification of the hotel.
- (5) No Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, established after the commencement of this Act shall function unless registered and classified in accordance with this Act and Rules made there under.
- (6) Where a Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, was functional prior to the commencement of this Act, it shall be allowed to function till the decision of the controller with regard to the application of registration.

## **6. (A)Classification of Hotels:**

Subject to such general or particular directions as the Government may issue, the Controller shall, according to the prescribed minimum criteria, by notification, classify hotels, according to the star classification system, as, prescribed in Rules:-

- (a) One star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (b) Two star hotels, being hotels which confirm to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (c) Three star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotels;
- (d) Four star hotels, being hotels which confirm to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel; and
- (e) Five star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class.

**6. (B) Classification of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site.**

Subject to such general or particular directions as the Government may issue, the Controller shall, according to the prescribed minimum criteria classify of Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site by notification.

**7. Issuance of license:**

- (1) Every owner shall, after registration of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site under section 5, obtain a license from the Controller on payment of such fee as may be prescribed in rules.
- (2) No owner shall carry on his business or in the case of a hotel use the classification star sign, without first getting of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site registered and obtaining a license under this Act.
- (3) A license granted under this section shall, unless sooner suspended or cancelled, remain in force for a period of three year from the date of issue and may thereafter be renewed for a period of three year at a time on payment of the prescribed fee.

The license shall remain valid for three years subject to the annual surveillance audits and in case of any major noncompliance the approval can be withdrawn, till the closure of nonconformities being identified during the surveillance audit, provided that no renewal shall be granted unless the department

confirms food safety, health, hygiene and comfort standards, as required to be examined at the time of granting of license and during the licensing period. If an application for renewal of a license is made before the expiry of the period of its validity, the license shall continue in force until orders are passed on such application.

#### **8. Refusal and Cancellation of Registration and License:**

- (1) The Controller may refuse to register a Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site if it does not conform to the minimum prescribed criteria set out.
- (2) The registration and license of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site may be cancelled or suspended, or the star classification of a hotel may be lowered, if,
  - (a) Its owner is declared insolvent by a competent Court;
  - (b) Its business is wholly or partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion or, in the case of seasonal business, is for the period of the slack season, and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance;
  - (c) Its owner or any person acting on his behalf contravenes any of the provisions of this Act or the rules or orders made there under;
  - (d) It ceases to conform to the requirements of registration under section 5 or, in the case of a hotel, to the prescribed minimum criteria for the class assigned to it under; or
  - (e) Its owner fails to enter the names and other particulars of guests in the prescribed register.

#### **9. Obligation of the Transferee, etc., Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site:**

Where a Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site. Registered and licensed under this Act is transferred or assigned to, or devolves upon, any person, it shall be incumbent upon that person to report, within one month of its taking effect, to the Controller the fact of such transfer, assignment or devolution and obtain a fresh license under this Act.

#### **10. Controller to Approve Fair Rates:**

- (1) Every Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping

Site, Pods and Glimpse shall submit to the Controller its rates for board, lodging and other service provided in a hotel having regard to the prescribed principles governing fair rates and the classification of hotels.

- (2) A Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site may either submit a consolidated rate for lodging, board and service, or for lodging and service only or rates separately for,
  - (a) Lodging with reference to the nature of the accommodation and the number of guests to be accommodated;
  - (b) Board, partial or full; and
  - (c) Other service.
- (3) Every Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site shall offer separate rates for daily and monthly guests.

*Explanation.* A guest who agrees to reserve accommodation, or for whom accommodation is reserved, for a period of one month or more shall be deemed to be a monthly guest, provided he actually stays for one month or more or has actually paid in advance for one month; and where the reservation is not for any specified period or is for a period less than a month, the guest shall be deemed to be a daily guest.

- (4) Every restaurant shall submit to the Controller its rates for meals and service offered.
- (5) The Controller shall approve the rates submitted to him under subsection (1 to 4) unless he finds them excessive as compared to the quality and/or finds them to be unfair in which case he shall not approve them along with reasons.
- (6) An order approving fair rates shall take effect on the first day of the next month in which the order is made as may be specified therein as determined by the Advisory Committee.
- (7) Until such time as fair rates are approved in relation to any Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site under this section, the rates, if any, charged by such hotel or restaurant, immediately before this Act becomes applicable to it, for equivalent lodging, board or service to that provided, shall be deemed to be the fair rates fixed under this section.
- (8) Notwithstanding anything contained above the Controller may fix fair rates ranges for hotels and restaurants of a particular class in a particular area.

#### **11. Controller to Fix Limit of Persons to be Accommodated in any Room:**

- (1) The Controller as the case may be, may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a Hotel,

Guest House, Rest Houses, Huts, Motels and Camping Site.

- (2) No room for which an order has been made under sub-section (1) shall be used to accommodate any number of guests in excess of the number specified in the order, except with the previous permission of the Controller in writing.
- (3) The Controller may from time to time revise any order made by him under subsection (1) so as to increase or reduce the number of guests specified in such order in case of inevitable circumstances or emergency situation.

**12. Rules of Establishment of Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, Pods and Glam:**

Every owner shall prepare the rules of the establishment in respect of his hotel or restaurant conforming to the provisions of this Act and the rules made there under and get them approved by the Controller.

**13. Rates, etc. to be displayed:**

- (1) The approved rates, the maximum number of guests that may be accommodated in a room or unit of accommodation in a Hotel, Guest House, Rest Houses, Huts, Motels and Camping Site and the rules of the establishment shall be displayed in a conspicuous manner in the office and in the public rooms of the facility.
- (2) The approved rates and the rules of the establishment shall be displayed in a conspicuous manner in the office and the hall and rooms and also on the update website of every restaurant.

**14. Reservation of accommodation at the instance of Controller:**

- (1) Subject to such directions as may be given in this behalf by the Provincial Government, the Controller may by order direct the owner or the manager of a hotel to reserve in the Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site such accommodation as may be specified in the order on payment basis.
- (2) Where any accommodation is reserved under subsection (1), the owner or the manager of the hotel shall make the accommodation so reserved, or such portion of it as the Controller may direct, available to the Controller for occupation by the person to whom it has been allotted, at the expiry of forty eight hours from the service upon him of a notice in writing in this behalf by the Controller.

- (3) Nothing in this section shall prevent the owner or the manager of the Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site from letting any accommodation reserved under subsection (1) to a guest other than the person to whom such accommodation is allotted by the Controller, upon the condition that if and when a notice is received from the Controller under subsection (2), Such guest will vacate the accommodation within forty-eight hours of the receipt of such notice.

**15. Charge in Excess of Fair Rates Prohibited:**

- (1) Notwithstanding any agreement to the contrary, no owner shall charge a guest or customer any amount in excess of the fair rates.
- (2) Any agreement for the payment of any charges in excess of the fair rates shall be void in respect of such excess, and shall be construed as if it were an agreement for payment of the fair rates.
- (3) Any sum paid by a guest in excess of the fair rates shall be recoverable at any time within a period of six months from the date of payment from the owner or the manager of the hotel to whom it was paid, or from the legal representative of either of these persons, and without prejudice to any other mode of recovery which may be open to him, the guest may deduct such amount from any sum payable by him for his accommodation.

**16. Controller's Powers to Prohibit Certain Trades and Occupations:**

The Controller may, by order in writing, prohibit within the premises of a Hotel, Restaurant, Guest House, Rest Houses, Huts, Motels and Camping Site, the carrying on of any trade, profession, occupation or industry which in his opinion is likely to be,---

- (1) Injurious to the health and wellbeing of guests or customers or a hazard to their safety as mentioned in the first schedule of the act;
- (2) A nuisance as defined in the Pakistan Penal Code (Act LXV of 1860); or
- (3) Offensive to good taste.

**17. Eviction of Guests:**

- (1) Except as hereinafter provided, no guest at a hotel shall be evicted or refused board or other service so long as he pays, or is ready and willing to pay, the fair rates and observes the displayed rules of the establishment and conforms with the provisions of this Act and the conditions prescribed there under.
- (2) A guest or a customer who has been guilty of conduct which amounts to nuisance, or, is a source of annoyance to other guests or customers, or threatens or intimidates any other guest or customer, or is likely to endanger the person or life of any individual in a hotel or restaurant, may be evicted by the owner or manager of the hotel or restaurant, provided that, if the owner or manager has good reason to apprehend an immediate breach of peace or commission of an offence by the guest or customer, he may use such force as

may be necessary to restrain the guest or customer from so doing and shall immediately intimate the fact to the local police.

- (3) Any guest or customer aggrieved by eviction or refusal of board or other services under subsection (1) or subsection (2) may lodge a complaint with the Controller who shall, after holding enquiry in the prescribed manner, pass such order as he may deem fit.
- (4) The hotel / restaurant management shall display or mention its rule of boarding lodging or any information provided by the department of Tourism and departure, Checkout timing, the contact number (helpline) of the controller's office and his email at some conspicuous place or in each room.
- (5) Any complaint lodged to the controller either on telephone or via email by a guest or tourist in case of any grievance against the hotel management the same shall be deemed to be made in writing and the controller shall proceed on it.

#### **18. Procedure and Powers of Controller:**

- (1) The Controller shall not refuse registration, or cancel or suspend the license, of a hotel or restaurant, except after holding summary enquiry in the prescribed manner.
- (2) For the purpose of holding an enquiry under subsection (1) or any other enquiry which he may deem necessary for the purposes of this Act, the Controller shall have the same powers as are vested in a magistrate first class in respect of,---
  - (a) Proof of facts by affidavit;
  - (b) Summoning and enforcing the attendance of any person and examining him on oath;
  - (c) Compelling the production of documents and other material evidence and
  - (d) Issuing commissions for the examination of witnesses.

#### **19. Additional powers of Controller's**

For the purposes of this Act, the Controller may-

- (i) Call for such information, reports, or returns from an owner or a manager as may be necessary for satisfying himself that the provisions of this Act, the rules and orders made hereunder are being duly complied with;
- (ii) Require an owner or a manager to produce before himself or an officer designated by him for the purpose any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hotel or restaurant of which he is the owner or

manager;

- (iii) Require an owner or a manager to undertake through an agency qualified (***Food Authority Gilgit-Baltistan and Pakistan Council for Scientific Industrial Research***) to do so scientific tests of water, food and other articles of human consumption at the cost of the owner, to determine their quality and conformity with the requirements of health and hygiene;
- (iv) Declare the site of any restaurant not registered under this Act, a fit site for a restaurant and issue directive to the management of such a restaurant to improve, within a period of six months from the date of such order, the conditions, services and facilities at the restaurant to conform to the prescribed minimum criteria as mentioned in rules;
- (v) Call for any other information relating to development of hotel industry.
- (vi) Destination management of Touristic destinations across GB as defined in rule.

## **20. Apprenticeship Scheme and Training Policy of Employees:**

The Controller shall,

- (i) ensure that apprentices in a hotel or restaurant do not exceed ten percent of the employees in any specified trade;
- (ii) fix, with due regard to the salaries of the regularly employed staff, the stipend to be paid to an apprentice over and above the cost of his training and determine the duration of his apprenticeship;
- (iii) Lay down the age limit, educational qualifications, standards of physical fitness and psychological and mental health of apprentices;
- (iv) Direct the programming for training various categories of employees of hotels and restaurants at a recognized vocational institution at the various specialized courses run there at so that the percentage of qualified trained staff in a hotel or restaurant attains, within a reasonable time, the minimum standard as may be determined by the Controller.
- (v) Lay down the maximum percentage of untrained staff that may be employed at a hotel or restaurant at any time.

## **21. Provision of Medical Facilities:**

- (1) The owner of every hotel registered and licensed under this Act shall provide the following medical facilities for guests, namely:

- (i) **One and two and three star hotels;**
  - (a) A doctor on call available in close proximity of the hotel premises;
  - (b) First-aid equipment and a reasonable stock of life saving drugs;
  - (c) Two employees trained and qualified in first-aid; and
  - (d) Ensure availability of an ambulance, van or car to rush patients to a hospital in emergencies.
  - (e) Fire Extinguishers
  - (f) security cameras (Reception, restaurant and outer side)
- (ii) **Four and Five Star Hotels;**
  - (a) A doctor on call available in close proximity of the hotel premises.
  - (b) A separate consulting room with reasonable stock of life-saving drugs and first-aid equipment.
  - (c) Four employees trained and qualified in first-aid.
  - (d) An ambulance or a van convertible into an ambulance in emergency.
  - (e) A drug or chemist's shop with twenty-four hours' service, if not existing in close proximity.
  - (f) Fire Extinguishers.
  - (g) security cameras (Reception, restaurant and outer side) and Guards
- (2) The management of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest suffering from any serious attack, including heart attack and hemorrhage, or an accident.

## **22. Offences and Penalties:**

- (1) Any owner who fails to apply for registration within the time specified in section 5 shall be liable to pay to the Controller a penalty of such sum not exceeding fifty thousand rupees as the Controller shall impose and, in the case of a continuing failure an additional penalty which shall extend to twenty thousand rupees for every day after the first penalty imposed by the controller, where the failure persists up to six months, the concerned authority may, on the request of the controller, disconnect the electricity, gas and water supplies and the controller shall also have power to seal the establishment through inspector of the department as per classification.
- (2) Any owner or manager who serves any food or beverage which is injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination through flies or in any other way, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees the Controller

may impose as per qualification.

- (3) Any owner or manager who fails to comply with any order passed or direction given under the provisions of this Act by the Controller or any other authority prescribed in this behalf shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose.
- (4) Any owner or manager who charges a guest or customer any amount in excess of the fair rates shall, in addition to refund such guest or customer the amount charged in excess of fair rates, be also liable to pay to the Controller a penalty of such sum not exceeding an amount equal to at least two days rent as the Controller may impose for such excess charging for the first time and, in the case of any such subsequent excess charging, a penalty not exceeding an amount equal to at least one week rent.
- (5) If a restaurant Hotel, Motel, Camping site, Tent Village, Pod, Glamp, Guest House, Rest House and hut is not registered under this Act, or fails to carry out the directive issued under clause (iv) of section 19 within the period specified therein, the Controller shall suspend the operation of such restaurant and may also impose a penalty of such some not exceeding ten thousand rupees as the controller may impose on the owner of such restaurant. Where the failure persisted up to six months, the concerned authority may on the request of the controller, disconnect the Electricity, Gas and water supplies and the controller shall suspend the operation of such restaurant and can order to seal the establishment through the inspector of the department.
- (6) If the owner or manager of a hotel or restaurant not licensed under this Act advertises it as a hotel or restaurant, or in any manner whatsoever uses the star sign, he shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose and, in the case of his continuing to so advertise or use the star sign, an additional penalty which may extend to two thousand rupees for every day after the first during which he so continues or-uses star sign.
- (7) Any owner who fails to comply with the provisions of section 21 shall be liable to one or more of the following penalties, namely:
  - (a) Penalty of such sum not exceeding ten thousand rupees as the Controller may impose;
  - (b) Forfeiture of license; and
  - (c) Cancellation of registration.
  - (d) Seal of tourist facility as prescribed under rules.

### **23. Contravention by Companies, etc.:**

If the person contravening, or failing to comply with, any provision of this Act or any rule, order or direction made or issued there under is a company or other body

corporate, concerned Secretary, Director or relevant Officer or agent thereof, unless he proves that the contravention or failure took place without his knowledge or that he exercised due diligence to prevent its taking place, shall be liable to the penalty provided for such contravention or failure.

**24. Mode of Recovery:**

Any sum imposed as penalty under this Act shall be recoverable as a challan.

**25. Appeal and Revision:**

- (1) Any person aggrieved by an order under this Act may, within thirty days of the date of the order, prefer an appeal to:
  - (a) The Deputy Controller, where such order has been passed by an Assistant Controller;
  - (b) The Controller, where such order, not being an order passed in appeal under clause (a), has been passed by a Deputy Controller;
  - (c) The prescribed appellate authority, (Secretary Tourism Chairman Advisory Committee) where such order, not being an order passed in appeal under clause (b), has been passed by the Controller.
- (2) The Government may of its own motion, or on the application of any owner or manager aggrieved by an order passed under subsection (1) within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit Provided that no order against an owner or a manager shall be passed unless he has been given an opportunity of showing cause against it and of being heard.

**26. Indemnity.**

No suit, prosecution or other legal proceeding shall lie against Government, the Controller, a Deputy Controller, an Assistant Controller, an officer or authority subordinate to the Government, or a member of the Committee in respect of anything which is in good faith done or intended to be done under this Act.

**27. Delegation of Powers.**

- (1) Controller may, by notification, direct that all or any of its powers under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercised by any officer or authority subordinate officer.

**28. Power to make rules.**

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

- (2) In particular and without prejudice to the generality to the foregoing power, such rules may provide for:
- (a) Fixation and revision of criteria for the registration and classification of hotels and restaurants;
  - (b) Lowering or altering the classification of a hotel, if in the opinion of the Controller it fails to maintain the prescribed standard of classification already assigned;
  - (c) The manner of issuance of "Sign Shields" including star classification of hotels and restaurants for display in hotels and restaurants at conspicuous places;
  - (d) Principles governing fair rates;
  - (e) Determining the format, content and display of fair rates for hotels and restaurants;
  - (f) Matters in relation to which the Committee may render aid and advice;
  - (g) Meetings of the Committee;
  - (h) Fixation of fees for registration and licenses;
  - (i) Form of a certificate of medical fitness referred to in Section 5 and the time at which it shall be submitted to the Controller;
  - (j) Manner of holding summary enquiry; and
  - (k) Any other matter which is to be or may be prescribed.

**Other Laws Not Applicable.**

Nothing contained in the Sarais Act, 1867 (XXII of 1867) shall apply to a hotel or restaurant to which this Act for the time being applies.

**( Fida Muhammad Nashad )**

Speaker  
Gilgit-Baltistan Assembly

**(Raja Jalal Maqpoon)**

Governor  
Gilgit-Baltistan