

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

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1929 INC.T.D. No. •246 PARTH V GOVERNMENT OF THE NATIONAL CAPITAL. TERRj10RY OF  
.DELHI f«i, 10 2007 3 F.R.aom\*/07/7624. 21 2007 zå ( ) 2007 ( 2007 11 ) ft.qqv•-u, Aft) [il 2007]  
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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 Capitâl i)elhi received the assent  
of the President ot 00 lite 2 ! fit Novelnher, 2007 and is hereby published i!j!ormation National C.opi{ai  
Territory (Incredible India) Bed and Brtakfast Itsi.iibli:shtnent;; (Registration and Regulation) Aeti 2007  
(Delhi .11 Of20D7) (As passed by the .Legislative Assembly of Ibe National Capital Territoty of Delhi pn  
the 17th Septetnber, 2007). [21 st November, 2007] An Act to provide for thefegistffflion and.vegulation  
of the Bed and Breakfast Est4blishment.Scheme in the National Capital Territory of Delhiand matters  
connectedtherewith or incidental thereto BE it enacted bythe LegislatiVe Assembly of the National  
Capital'TelTitory of Delhi in' theFiW-eighth Year of the Republic of India.as follows 1. • Short title,  
extent, commcneunt 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 establishtnent 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 the 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 establiShment; 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 Lieutenant 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 Official 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

premises, . person, establishment, dealer or manufacturer with consideration Of personal benefit.

## CHAPTER II REGISTRATION AND CLASSIFICATION OF BED AND BREAKFAST ESTABLISHMENTS

### 3. •Registration— (1) Any owner intending to let out his residential premises to the guest or guests, may apply for registration thereof as an establishment to the prescribed authority; in such form and manner along with the registration fees as may be prescribed. (2) The establishments in the National Capital Territory of Delhi registered by Central Government under The Incredible India Bed and Breakfast Establishments Scheme shall be deemed to have been approved and registered under this Act. (3) The residential premises to be registered as establishment: under this Act shall conform to the following conditions, namely (c) (d) (e) (f) that 'the residential premises is purely a residential unit and the owner has been physically residing therein, along with' his that the owner shall let out to the guests not more than two-thirds of the bed-rooms consisting Of minimum one double-bed room and maximum five double-bed rooms; that each bedroom has an attached bathroom and •Wet Commode and adequate arrangement for: water. • and. power supply, proper ventilation and •lighting, suitable furniture and other facilities; that the premises is in a good state of repair and the required standard of hygiene cleanliness and safety including fire safety is maintained; that the premises has adequate parking facility either Within it or in its vicinity; that the premises has been recommended by the classification committee for its registration as an establishment under this Act. any. other • condition which may be .prescribed. • prescribed authority •shall. transmit the application. received under sub-section (1) to the classification committee constituted by it in the manner prescribed, for its comments and report (5) The classification committee on inspection of the premises of an applicant shall point out the deficiencies, any. Such deficiencies will have to be rectified by the applicant within the stipulated time •to the satisfaction of the committee. Failure to do so will result in rejection •of the application. (6) The classification committee, shall after such enquiry .or inspection as it may think proper take a view about the eligibility or otherwise of the premises for registration. DELHI GAZETTE : EXTRAORDINARY 9 (7) The classification committee upon its •evaluation •, the standard of food and facilities and services available vis the prescribed checklist, •classify the establishments into categories prescribed. (x ) The classification committee shall submit a report the prescribed authority on points mentioned sub-point (6) and On receipt or the report of the classification committee, the prescribed authority shall, on being satisfied the correctness of the report, register the premises the owner in such manner as. may be prescribed and issue. certificate •of registration in the form prescribed, 'This certificate shall. be valid for a period of three years unless earlier revoked. ( 11) The entire process of grant of registration of a shall be completed within a period of three months from the date of receipt of application and the applicant shall be informed about the result. (i l) The prescribed authority shall maintain a directory of the establishments for the purpose Of this Act, in the form of prescribed- 4. Evaluation and •certification of. food, etc.— s and certification of food and other services provided by an establishment under. this Act shall be the function of the classification committee and it. may in the discharge of this function or any other function assigned to it under this Act, utilise the services of an authorised agency for purposes of inspection of the establishments from time to time, 5. Disqualification for registration.— An establishment shall be disqualified for registration under (iv) (v) (vii) (viii) (ix) obtain verification of the employees in the \*establishment by the police; •maintain establishment •in a good state of repair and cleanliness and fit for habitation at all times and shall comply with .any rules respecting standards of health, hygiene- and safety including fire safety, display at a conspicuous place in the establishment the certificate of registration, type of food offered, the Schedule of charges for the accommodation and food, names of employees and time of checking out; provide good quality food prepared in hygienic conditions; inform the guests in advance of the type of accommodation; facilities and food . the rates charged, time of opening and closing of the establishment, etc; provide the food and facilities to the guests as promised; and inform the prescribed authority within a week of the changes, if any, in the facilities at the establishment as approved at the time of registration.' 7. Restrictions on owners of establishments. The owner of the establishment shall not— this Act, - (b) (c) if its owner is convicted of an offence punishable with imprisonment exceeding one month; if its owner is an undischarged insolvent; and if name of the establishment stands removed from the directory under Section 10 of this Act. (ii) (iii) (v) maintain a front office and the entire house should appear •like a normal residential house; carry out or allow any commercial activity of tours and travel, sight-seeing, transport, handicrafts or any other similar activity in or from the establishment; indulge or allow any such

activity which adversely affects the privacy and right of the neighbours and residents of the ; make misrepresentation to any person in respect of the establishment; and indulge in any kind of touting activity.

6. Obligations of the owner.— The owner of an establishment shall—

8. Obligations of the guest.— The guest shall—

(ii) maintain a Register or computerised record in electronic form giving detailed particulars as prescribed, of the guests and keep the same readily available for inspection at all times. The register shall have to be renewed on year-to-year basis and preserve for such period as may be prescribed; and information of the guests staying in the establishment to the local authority concerned and the police every fortnight on the 15th and last day of every month; display the list of guests at the establishment; namely (a) (b) (c) He shall disclose his correct particulars making entries in the register maintained by the owner; He shall be responsible for his good conduct and behaviour and shall not indulge in any disorderly activity leading 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 of the establishment; He shall not run a separate kitchen in the establishment; DELHI GAZETTE : EXTRAORDINARY shall be responsible for the repair of damage caused by him or by any person whom he permits on the establishment through any of his employees or negligent act but not for damage caused by normal wear and tear, He shall cooperate fully with the owner of the establishment to maintain the premises neat and clean, to pay charges as due in time and to abide by other rules of the establishment; and He shall not allow any other person to stay in the establishment overnight.

9. Redressal of grievance of Where an establishment makes false representation or misrepresentation to the guest in respect of the establishment or fails to provide the food and other facilities promised to him, the guest may make a written complaint to the prescribed authority along with such material as he relies upon.

(2) A complaint under sub-section (1) may be filed in person or post along with the permanent address of the complainant.

3) The prescribed authority shall make an enquiry into the complaint and after providing a reasonable opportunity to the owner, either reject the complaint or if the allegations are substantiated, remove the name of the establishment from the directory under Section 10 of this Act.

(4) Removal of name from the directory.— (J) prescribed authority may in the manner prescribed and by an order in writing, remove the name of an establishment and revoke its certificate of registration.

Any of the following grounds, namely : prescribed, stating the ground on which it proposes to take action, giving him a reasonable opportunity of showing cause against it.

12. Publication Of list of persons removed from prescribed directory.— The prescribed authority shall from time to time publish by notification in the Official Gazette the names and addresses of the establishments and the owners whose registration under this Act has been revoked.

13. Return of the certificate of the registration.— When a certificate of registration has been revoked under this Act the person holding such certificate, shall, within seven days from the date of issue of the order of revocation, return it to the, prescribed authority

**14. Restoration of registration.**— If the prescribed authority is satisfied that there are sufficient grounds for the restoration of the registration of an establishment whose certificate had been revoked, it may, after recording the reasons, therefor, order such restoration and issue a fresh certificate of registration, on payment of prescribed fee and completion of other formalities and include its name in the directory

CHAPTER 11 PRIVILEGES OF ESTABLISHMENTS

15. Establishment not to require licence.— Notwithstanding anything contained in the Sarais Act, 1867 (22 of 1867), or the Delhi Municipal Corporation Act, 1957 (66 of 1957) or the New Delhi Municipal Council Act, 1994 (1994) or the Delhi Police Act, 1978 (34 of 1978) or any other Act relevant to the subject, for the time, being in force, the Owner of an establishment shall not be required to obtain a licence from any authority under the said Act, for the purpose of providing food or lodging services to the guests at his establishment

**16. Establishment not to be treated as commercial.** (1) Notwithstanding the provisions of any other law for the time being in force, the establishment shall not be treated as a commercial one and shall only be liable to (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) if there is change in the ownership of 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 made there under; and if an establishment adversely affects the privacy and rights of neighbouring residents.

(2) The action taken under sub-section (1) shall be without prejudice to the 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 let out to the guests, restricted to the period of occupancy thereof, fully or partly as the case may be.

(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 removing the name of an establishment the directory under Section 10, the prescribed authority shait ffive 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 establshrnent shall liot bé requireq to pay the value added tax levied under the said Act. (3) Notwithstanding the provisions ofthe• Delhi Tax on Luxuries Act, 1996 (Delhi Act 1'.() of 1996),.the owner or the establshnwnt shall not be required to pay the tax" levied under the said Act. .1 DELHI GAZETTE : EXTRAORDINARY CHAPTER APPEAL AND REVISION i •7. Appeal.— (1) If an owner is aggrieved With an of the 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\$ted [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) "The 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 authoriLY, 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 tmay 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 lb 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•false Stu(etnct or undettaking or suppresses a material fact with lthe -intention to mislead the prescribed authority, shall be pun ishable with 'imprisonment for 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 be 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 the 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 imprisonment 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 resistance 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 lhereuncder. Shail 'be punishable with imprisonment for a (crnn which may extend to six months, or with fine which may extend to twenty thousand rupees, ot,' with both

**25. Offences to be cognizable**— Notwithstanding aoy thing containd 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• Government or any othet person authorized by it or any officer or

authority appointed specified by or under this Act, is empowered to any power, and no injunction shall be granted by any court in respect of anything which is done or intended to be done by or under this Act.

**CHAPTER MISCELLANEOUS**

**28. Notice of changes.**— (1) Whenever an establishment 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 particular entered in the directory under this Act, such person shall, within sixty days of the date of such change, give notice in writing of the change to the prescribed authority; The prescribed authority on receipt of such notice under sub-section (1), if satisfied, shall make necessary changes in the certificate of registration and the directory maintained by it; Notwithstanding anything contained in sub-section (12), the prescribed authority may cancel the certificate of registration and remove from the directory, the name of the establishment in whose favour the certificate was issued if the succeeding person is not qualified to be registered under this Act, Power to inspect— The prescribed authority or any other person authorised by it in this behalf may inspect, at any reasonable times, the premises of the establishments under this Act, 30. Power to delegate— The Government may by notification in the Official Gazette, direct that any power exercisable by it under this Act, may also be exercised by such officer as may be mentioned therein; subject to such conditions as may be set out therein, 31. Compounding of offences— (1) The Government may, by general or special order in this behalf, may either before or after the institution of such offences punishable by this Act as prescribed. (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

**32. Protection of action taken in good faith.**—No suit, prosecution or other legal proceedings shall lie against the Government or any person or officer authorised by it or any authority appointed or specified by or under this Act, in respect of anything done or intended to be done in good faith in pursuance of this Act or any rule made thereunder.

**Power to make rules.**— (1) The Government may make rules for carrying out the provisions of the Act. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for any of the following matters, namely:— (a) (i) the form of certificate of registration; the format of the directory of establishments; the form of registers and books by the establishments; the period for which a register shall be presented by the owner; the manner in which the name of an establishment shall be removed from the directory and its certificate of registration revoked; the form and manner of notice to establishments before removal of its name from the directory; the offences which may be compounded and the manner of compounding; and any other matter which is required to be, or may be, prescribed. (b) (c) (d) (e) (f) the form and manner of application for registration; the fees for registration; any additional condition required to be fulfilled for registration; the constitution of the classification committee; the check-list of services and amenities at the establishment; the categories of classification; (3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the National Capital Territory of Delhi, while it is in session for a total period of thirty days which may be 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, the Assembly agrees in 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 form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**33. Repeal and savings.**— (1) National Capital Territory of Delhi (Incredible India) Bed Breakfast Establishment (Registration and Regulation) (Delhi Ordinance No. 1 of 2007) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act. — (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by the order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Provided that no such order be made under this section after the expiry of one year from the date of commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be, before the Legislative Assembly of the National Capital Territory of Delhi.

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