

**GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF TOURISM**

**POLICY/GUIDELINE FOR REGISTRATION/RENEWAL/OPERATION OF
HOUSEBOAT INDAL/NIGEEN LAKE**

INTRODUCTION:

Houseboats have remained integral part of ecosystem of Dal Lake for a long time. The houseboats were built and introduced in Dal Lake in late 19th century. Kashmiri architects displaying their exquisite art of craftsmanship in the shape of carved wall panelling on deodar and walnut wood have designed and crafted the interiors of houseboats artistically. The houseboats provide all the facilities of a luxurious home feeling. Dal Lake and more specifically the houseboats moored on its waters have remained main sources of attraction for the tourists.

Lured by this seemingly profitable economic enterprise, the number of houseboats in the Dal/Nigeen

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Lake continued to increase with the passage of time and has now touched the figure of 900 with Houseboats arranged helter-skelter without proper spacing and proper arrangement. This, coupled with negligent attitude of various stakeholders towards proper disposal of grey water, sewage and solid wastes has resulted in pollution of lake water which once was used for drinking purpose by the Dal dwellers and locals. Quality of lake water measured in terms of results of BOD, COD, Nitrates and Phosphates by various agencies including LAWDA and SPCB continue to be unfavourable. The Committee of Experts engaged by the Hon'ble High Court of Jammu and Kashmir in PIL No.159/2002 titled Syed Iqbal Tahir Geelani v/s State of J&K and Ors, in its report dated 20/11/2019, has inter alia expressed the fear that the lake could last just 30 years more if it continues to be treated the way it is being treated. Taking note of this report, the Hon'ble High Court by virtue of Order dated 26-11-2019 has desired that comprehensive and specific guidelines regarding registration of houseboats be framed.

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Accordingly the following guidelines are hereby framed for regulation of houseboats in Dal/Nigeen Lake:-

1. Aims and Objectives: -

The aim and objective of these guidelines is to regulate the functioning and operation of Houseboats moored in Dal/Nigeen Lake and to preserve the lake for future generations by adopting sustainable tourism, preventing pollution of the lake body besides providing conducive and pleasant atmosphere for tourists on one hand and sustainable source of living for the houseboat owners/shikara wallas and other stake holders on the other hand.

2. Definitions:-

a) Houseboat: - Any premises or a part of premises lying within a water body where lodging with or without board or any kind of beverage or eatables is provided for monetary purposes.

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b) Donga Boat:-A boat mostly associated with houseboat and used for cooking/service persons.

c) Shikara Boat:- A boat used to ferry tourists to houseboats or any part of Dal/Nigeen Lake and vice versa.

d) "Prescribed" means prescribed by rules made under the Tourist Trade Act 1978.

e) "Prescribed Authority" means the Administrative Secretary to Govt., Tourism Department 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 the Tourist Trade Act.

f) "Tourist" means a person or group of persons "visiting the destination for pleasure, adventure, sports or pilgrimage" from any part of India or outside India; Tourist also means a person who travels for pleasure or other reasons which

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i) In relation to a foreigner shall mean a person visiting J&K on a foreign passport, staying at least twenty-four hours in the J&K, the purpose of whose journey is leisure (recreation, business, holidays, health, study, religion and sport), business, family, mission or meeting; and

ii) In relation to domestic traveler shall mean a person who travels to the J&K from outside J&K or within J&K, to a place other than his usual place of residence and stays at the hotels or other accommodations, establishments (such as Tourist Bungalows, Guest House, Paying guest houses, lodges, youth hostels etc.) or such other places for a duration of not less than 24 hours or one night for the purpose for pleasure (holidays, leisure, sports etc.), pilgrimage, religious and social functions/gatherings, business conferences/meetings, study and health.

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g) Sustainable Tourism: - Tourism that takes full account of its current and future economic, social and environmental aspects, addressing the needs of visitors, the industry, the environment and host communities.

h) Mooring site: - A location where a Houseboat(s) may be allowed to be placed.

i) Malpractice:- Which includes dishonesty,cheating,touting,impersonation, obstruction in allowing free choice for shopping,stay or travel management,charging remuneration/ rate/price higher than that is permissible or fixed by the Govt/Competent Authority,failure to display price label on the article,failure to give cash memo and willful failure to execute an order within the stipulated time or according to terms agreed.

Explanation: -The term touting means enticing, misguiding or coercing for accommodation, transportation, sightseeing, shopping or pestering for any particular premises, person, establishment, dealer or manufacturer with consideration of personal benefits.

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3. The number of houseboats in the lake has already reached Saturation level. Therefore, no new houseboats shall be allowed to be constructed/set up in Dal/Nigeen Lake for the time being until otherwise decided by the Government/Tourism Department. However, healthy houseboats already existing in Dal/Nigeen Lake shall be eligible to apply for registration if not registered previously. Further, the houseboats already registered with Tourism Department shall be eligible to apply for renewal. A joint inspection shall be carried out by Tourism Department, LAWDA and SPCB.

Registration/renewal of Houseboats shall be made after ensuring fulfilment of following general conditions:-

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- A.** The Houseboat should be functional and in operational condition on the date of issuance of these guidelines.
- B.** The Houseboat should be fitted with a bio digester with approved parameters of scientific waste disposal.
- C.** Approved fire safety equipment duly verified by Fire and Emergency Services Department should be installed in the houseboat. Well trained staff for operation of the installed equipment should be available.
- D.** The Owner shall operate kitchen from a portable dwelling unit constructed as per the approved specifications or the Donga boat or from any other facility decided by the competent authority.

- E.** The houseboat owner shall pull down and remove illegal structure if any, constructed by him within 03 months of issuance of these guidelines failing which registration of the Houseboat shall not be renewed.

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- F.** The houseboat owner shall produce the below mentioned NOCs while applying for renewal:-

- I) Power Development Department
- II) PHE Department
- III) Fire and Emergency Services Department
- III) Pollution Control Board
- IV) LAWDA
- V) Any other Authority/ Department the registering authority deems proper.

G. Conversion of House Boats into Cruise Boats:-

If any Houseboat owner wants to convert his houseboat into a Cruise Boat, he will have to:

- Make necessary changes in structure/add facilities for making the same to serve the purpose of Cruise Boat.
- Apply to Director Tourism, Kashmir for de-registration as House Boat and consequent registration as Cruise Boat.

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- Director Tourism, Kashmir shall consider same after getting feasibility report from "Regulatory Committee".

H. Revival of Donga Cruise:-

- To start a Donga Cruise, the concerned person will have to apply to Director Tourism, Kashmir for registration as such.
- The Director Tourism, Kashmir shall register the same as such subject to the:
 - i. Proper recommendation from Regulatory Committee.
 - ii. That the proprietor will convert an existing Donga into Donga Cruise and will not be allowed to go for fresh construction of same. However, he can make minor changes/repairs, if required as recommended by Regulatory Committee.
 - iii. The total number of such Donga Cruise should not exceed ten.

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I. The Advisory Committee shall be the Certifying Agency for House Boats with regard to accreditation.

J. Other conditions/pre-requisites:-

- Structure of the Houseboat should be strong and sound with minimum dining room width (central position) of the houseboat as 14 feet
- The cooking area, utensils, crockery, cutlery, glassware etc should be made of stainless steel/bone china and in clean and hygienic condition.
- At least one cooking gas apparatus with two stoves should be available for speedy and clean service.
- Containers/ water purifiers for preserving drinking water should be kept available.
- Location of the houseboat should be suitable and as approved by the competent authority.

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- The environs of the houseboat should be clean and properly maintained. The houseboat owner will be responsible for solid waste management/disposal to the extent of 15 feet from each side of his house boat.
- A shikara duly registered with the Department of Tourism should be kept available by the Houseboat owner for the tourists.
- Bed rooms should have proper locking arrangements and privacy of the tourists should be given top priority.
- First Aid Box be kept available in the Houseboat every time.
- Proper alternate arrangement of electricity like inverter with battery, generator complying with noise and exhaust norms be kept available in the houseboat.
- AC/Fans/Heaters etc shall be kept available for heating/cooling purposes.

K. The kitchen should include:

- i. Main entrance
- ii. Cooking area of convenient space

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- iii) Common toilet
- iv) Washroom
- v) Store Room
- vi) Rest Room

L. Conditions for operation of kitchen:-

- Kitchen must have provision for protection from hazards by using material, preferably fire-resistant, installation of at least two fire extinguishers and by keeping Fuel storage not in close proximity to the kitchen

- Storage-hold in the kitchen must be hygienic. Food materials on board should be packed properly and stored in clean environs.
- Cooks, service boys should be in proper uniform.
- At least one refrigerator or ice box in use.
- Arrangement for providing guests a menu of their choice.
- Arrangement of a system of separating recyclable from non –recyclable garbage; organizing the disposal of non-recyclable, non-biodegradable garbage in such a manner as not to harm the environs.

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M.Each Houseboat and Kitchen should be connected with a Bio-digester so that sewage and other wastes are disposed of scientifically. Sanitation and hygiene shall be accorded top-priority.

N. The houseboat owner shall abide by all the directions issued by the Government/Tourism Department/LAWDA/ SPCB/ any other agency from time to time.

O.The Houseboat shall be moved from one place to another, if the Government/Tourism Department so desires.

4. Application for registration/renewal of registration shall be submitted in person to the Director Tourism Kashmir /Authorized officer having definite jurisdiction as prescribed under J&K Tourist Trade Act OR Rules or any Govt. Order.

5. The application for registration/renewal shall be made in the prescribed form along with all requisite documents in online/offline mode.

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6.Registration/renewal of the Houseboat shall be granted by the Prescribed Authority for a period of 03 year initially following the laid down procedures.

7. Establishment of Advisory Committee to be constituted by the Tourism Department comprising of the following members:-

Director Tourism Kashmir	Chairman
Joint Director Tourism Kashmir	Member
Dy. Director Tourism Registration	Member Secretary
Secretary LAWDA	Member
02 Members of Houseboat Association nominated by the Chairman KHBOA	Member

Since the Dal- Nigeen Lake has been declared as *Custodia Legis*, a Law knowing person either from Law Department or Tourism Department/ LAWDA shall also be included as one of the members.

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Functions of Advisory Committee:-

The Committee shall meet at least once in three months every year. The Committee shall:-

- a) Identify the areas of concern regarding preservation of the lake body with regard to the Houseboats.
- b) Point out measures to be taken for increasing the tourist influx to the lake in general and houseboats in particular
- c) Review the measures taken for proper and scientific waste disposal from the Houseboats
- d) Any other areas of concern

8.Establishment of Regulatory Committee:-

The Regulatory Committee to be constituted by the Department of Tourism shall comprise of the following members:-

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Deputy Director Tourism (Registration)	Chairman
Secretary LAWDA	Member
Executive Engineer Inlake LAWDA	Member
Assistant Director Tourism(Registration)	Member/Secretary
Asstt. Director F&ES Srinagar	Member
SHO Tourism concerned	Member

Since the Dal- Nigeen Lake has been declared as *Custodia Legis*, a Law knowing person either from Law Department or Tourism Department/ LAWDA shall also be included as one of the members.

Regulatory Committee shall be responsible for:-

- a) Inspection of the Houseboat to ensure compliance with all laid down norms and procedures including inter alia, structural safety, fire hazard, sewage and waste disposal.

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- b) Scrutinizing all documents of the houseboat for registration/renewal of the registration
- c) Ensuring that fire safety guidelines have been followed by the houseboat owner
- d) Ensuring that functional bio-digester is in place

- e) Making surprise inspections of houseboats to check that the tourists are not overcharged and facilities as per entitlement are made available to them.
- f) Inspection shall be conducted by the Regulatory Committee within 15 days from date of application.

9. Removal of the name from the register/cancellation of registration

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

b) if the houseboat ceases to be functional;

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c) if he is convicted of any offence under chapter XIII and XVII of the Indian Penal Code 1860 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;

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

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

f) If he is blacklisted by the prescribed authority.

g) If he fails to comply with instructions passed by the Honorable High Court/Govt./Tourism Department/LAWDA/SPCB from time to time regarding regulation of the Houseboats and preservation of Dal Lake.

10. The Houseboat owner shall submit an affidavit/undertaking that he shall abide by all the regulations/instructions /guidelines etc. issued by

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Honorable Court/Govt./Tourism Department/LAWDA/SPCB or any other relevant Department/Agency regarding operation and maintenance of houseboat, preservation of environment of the lake body, location or mooring location of the houseboat or any other relevant matter from time to time.

11. In case of transfer from legal heir/retransfer, the applicant shall have to apply to Director Tourism with along with the requisite documents which may inter alia include transfer of ownership deed entered into between the parties before and attested by the by the Competent Authority concerned.

12. In case of repair of houseboat, the applicant shall apply before Tourism Department and after obtaining permission from the competent authority constituted for the purpose before conducting repairs.

13.Damaged/dilapidated/abandoned houseboats identified by the Department of Tourism/LAWDA/SPCB, shall be restored to

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functional position by the owner within three months from the date of issuance of these guidelines failing which the Department of Tourism shall issue notices to the owners for removal of such houseboats. In case the houseboat owner fails to do so within a period of three months, the Department of Tourism, in collaboration with LAWDA shall proceed with removal of such houseboats at the cost of the houseboat owner under relevant provisions of law, the amount so incurred shall be recovered as arrears of land revenue in case the owner fails to pay the amount.

14. Similarly in case of intention of the Houseboat owner to sell/surrender a Houseboat, the applicant shall appear in person before Director Tourism along with an application in writing.

15. In case the Govt./LAWDA/Tourism Department intends to relocate a Houseboat to a location different from the present mooring site, the Houseboat owner shall provide full cooperation.

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16. For conversion of a houseboat into a Cruise boat, the owner shall submit his consent in writing before Director Tourism. The conversion, if granted as per policy adopted by the Government, shall be subject to observance of and compliance with all laid down norms including those laid down by Pollution Control Board and the route shall be determined by Tourism and LAWDA.

17. Sufficient number of life-saving jackets shall be kept available in the Houseboat/Shikara Boat.

18. Emergency Alarm button shall be set up on houseboats to prevent any accident and ensure safety of the tourists.

19. Safety instructions shall be displayed at prominent places on houseboat in different national and international languages.

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20. Category-specific guidelines/conditions:-

'A') Deluxe/A-Category Houseboats:-

Bed Room

- a) Spring beds/Foam Mattresses with full bedding(Sheets,superior blankets, foam pillows and bed spreads
- b) Dressing table with cushioned stool
- c) Carpet(wall to wall and centralplaces)
- d) Table lamps and bed-side lamps
- e) Ward-robe
- f) Side tables
- g) Vacuum flask for drinking water
- h) Curtains(double, full length)
- i) Hot and Cold Air conditioning, Fan and alternative arrangement for heating.
- j) Easy chairs
- k) Landline with broadband facility/WiFi
- l) LED TV (Min 32 inch) with satellite connection

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- m) Power inverter battery connection with laptop/mobile phone/tab charging facility
- n) Power kettle along with tea/coffee bags,sugar bags,milk powder and bone china cups.

BATHROOM

- a) Bath tub (enamelled,plastic)
- b) Telephone Shower
- c) Superior Sanitary fittings with English and Indian commodes
- d) Geyser (min 25 litre capacity)
- e) Jug/mug/towel/wash basin and mirror
- f) Soap/tissue paper roll and towel
- g) Proper water connection
- h) Proper lighting and plugs i) Shaving kit

DINING ROOM

- a) Refrigerator
- b) Dining table with 6-8 dining chairs
- c) Dining sets (02 nos)
- d) Tea sets(03 nos)

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- e) Cutlery and crockery-(Bone china) and linen for 6-8 persons
- f) Glasses and fruit trays
- g) Side board
- h) Carpet

- i) Service trays (06 nos.)
- j) RO water purifier

DRAWING ROOM

- a) Sofa set (Superior) with seating capacity for 6-8 persons
- b) Writing table with cushioned stool
- c) AC/Fan
- d) Stationery including printed pads and envelopes
- e) LED TV (Min 32 inch with satellite connection)
- f) Carpet
- g) Central table
- h) Peg table
- i) Landline with broadband/wifi facility
- j) Power inverter battery connection.

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DECK:-

4-6 Chairs, umbrella, canopy and a table

B) 'B' Category Houseboats:-

BED ROOM:-

- a) Double Beds/Foam Mattresses with full bedding(Sheets,superior blankets, foam pillows and bed spreads
- b) Dressing table with cushioned stool
- c) Carpet(wall to wall)/Rugs
- d) Table lamps and bed side lamps
- e) Ward-robe
- f) Side tables
- g) Vacuum flask for drinking water
- h) Curtains(double,full length)
- i) Hot and Cold Air conditioning (optional), Fan and alternative arrangement for heating.
- j) Easy chairs
- k) Landline with broadband facility (optional)

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- l) LCD/LED TV (Min 32 inch) with satellite connection
- m) Power inverter battery connection with laptop/mobile phone/tab charging facility

- n) Power kettle along with tea/coffee bags,sugar bags,milk powder and bone china cups

BATHROOM

- a) Bath tub (enamelled, plastic)
- b) Telephone Shower
- c) Sanitary fittings
- d) Geyser
- e) Jug/mug/towel/wash basin and mirror
- f) Soap/tissue paper roll and towel
- g) Proper water connection
- h) Proper lighting and plugs**

DINING ROOM

- a) Refrigerator
- b) Dining table with 6-8 dining chairs
- c) Dining sets (02 nos)

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- d) Tea sets(03 nos)
- e) Cutlery and crockery-(Bone china) and linen for 6-8 persons
- f) Glasses and fruit trays
- g) Side board
- h) Carpet
- i) Service trays (06 nos.)
- j) RO water purifier

DRAWING ROOM

- a) Sofa set with seating capacity for 6-8 persons)
- b) Writing table with cushioned stool
- c) AC/Fan
- d) Stationery including printed pads and envelopes
- e) LED TV (Min 32 inch with satellite connection)
- f) Carpet
- g) Central table
- h) Peg table
- i) Power inverter battery connection.

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DECK (Optional)

Chairs,Umbrella,canopy,table

C) 'C'-Category Houseboats:-

BED ROOM:-

- a) Double Beds withcotton mattresses and beddings
- b) Table lamp,side table
- c) Full curtains
- d) Dressing table with stool
- e) Rugs/druggets

BATH ROOM

- a) Latrine with flush
- b) Taps with running water
- c) Bath tub,mug,towel,wash basin and soap

DINING ROOM

- a) Dining table with 6-8 chairs
- b) Dinner set (01 no.)
- c) Tea sets (02 no's)

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- d) Cutlery,crockery and linen for 6-8 persons
- e) Rugs/mats

DRAWING ROOM

- a) Rugs/druggets
- b) Chairs (06-08)
- c) Writing table with chairs
- d) Peg table

D) 'D'-Category Boats (Donga Boats)

- a) Shall mostly be used for cooking purposes
- b) Moderately furnished
- c) Shall have provision for accommodation of service personnel.

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Legal Frame work with regard to implementation of policy/guideline issued by the Government for registration/renewal/operation of houseboat in Dal/Nigeen lake.

1. Appellate Authority

If anybody or party feels aggrieved by the decision/order issued by the Advisory committee constituted under section 7 of the policy/guideline

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issued by the Government for registration/renewal/operation of houseboat in Dal/Nigeen lake, he/she shall file an appeal before next higher authority i.e. Secretary to Government Tourism Department within 30 days from date of issuance of the order and if anybody or party feels aggrieved by the decision/order issued by the Regulatory committee constituted under section 8 of the policy, he/she shall file an appeal within 30 days from date of issuance of the order before the next higher authority i.e. Director Tourism Kashmir, who shall be the appellate authority in that case.

The respective appellate authority shall dispose of the appeal within a period of two months after giving a fair chance of being heard to the concerned parties.

2. Penalty for default in Registration:

Any person carrying on the business of a houseboat/Donga boat/Cruise boat/shikara etc.

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without a proper registration in violation of any of the provisions of this policy shall be punishable by the prescribed authority with a fine which may extend to Rs. 10000/- and if the breach is continuing one with a fine of **Rs. 1000 per day.**

The fine imposed under the section shall be recovered as if it is a fine recoverable under the relevant provisions of the IPC/ seizure of the movable property to the extent of recoverable amount.

Explanation: A person who has made an application within the prescribed period and is pending disposal shall not be a defaulter for the purposes of this section.

I. Penalty for false statement

If any person required to make a statement wilfully makes a false statement or suppresses a material fact with an intention to mislead the prescribed authority, he shall be liable to punishment with fine **ranging between Rs 10000-25000.**

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II. Certificate not to be assigned

Any person, who lends, transfers or assigns the certificate of registration issued under this Policy, shall be liable to punishment with fine ranging between Rs 5000-10000 or his registration will be cancelled or both .

III. Certificate and documents to be shown to persons on demand

1. Any person registered under this policy shall at all the times on demand, produce and show his certificate or any other document required to:-

- a. The prescribed authority or any officer duly authorized by him in this behalf; and
- b. Any bona-fide customer who demands for the certificate of registration issued under this policy

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2. Any person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorized to demand it, shall be liable to punishment with fine ranging between Rs 5000-10000.

IV. Penalty for malpractice:

Any dealer or any other person to whom policy may be made applicable who commits a malpractice or contravenes any other provision of this policy in the tourist area for which no specific penalty has been provided shall be liable, to punishment with fine ranging between Rs 1000-5000.

V. Obstructing lawful authorities:

If any person wilfully 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 policy shall be liable to punishment with fine ranging between Rs 5000-10000.

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VI. Special rule of evidence:

Notwithstanding anything contained in the Evidence Act, Svt. 1977, when any complaint under this policy 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 incapable of giving evidence.

VII. Institution of proceedings:

- a. No prosecution shall be instituted against any person for any offence under this policy, except on a complaint in writing made

by the prescribed authority or a Police Officer, not below the rank of Sub-Inspector/SHO Tourism Police/Enforcement wing of Tourism Department.

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- b. Any offence relating to touting committed under this act shall be cognizable.

VIII. Powers of the prescribed authority to summon and enforce attendance of witnesses and other persons:

The prescribed authority shall have all the powers of a Civil Court under the relevant sections of Code of Criminal Procedure- 1973, 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 policy 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.

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Explanation: For purposes of enforcing the attendance of witnesses and other persons mentioned above, the local limits of the jurisdiction of the prescribed authority shall extend to the whole of J&K.