

The Uttarakhand Water Based Tourism and Adventure Water Sports Rules- 2022

Chapter-1

Preliminary

Short Title, Extent and Commencement

1. (1) These rules may be called the “**Uttarakhand Water Based Tourism and Adventure Water Sports Rules, 2021**”
- (2) It shall extend to the whole State of Uttarakhand.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. (1) In these rules, unless the context otherwise requires—
 - (a) “**Act**” means Uttarakhand Tourism Development Board Act, 2001, as amended from time-to-time
 - (b) “**Government**” means the State Government of Uttarakhand
 - (c) “**Board**” means the Uttarakhand Tourism Development Board
 - (d) “**Gazette**” means the Gazette of the State of Uttarakhand
 - (e) “**Non- Powered Boat**” means any floating object propelled without any machine such as jetty, pontoon, floating huts, house boats, Zorbing, sailing or rowing, canoeing, yachting, wind surfing and dingy sailing etc.
 - (f) “**Powered Boat** ” means any floating object propelled with machine such as marina, barge, boat, river/lake cruise/yachting, boating, water skiing, para sailing, jet skiing, scuba diving and fun rides using power boats etc.
 - (g) “**Competent Authority**” means Chief Executive Officer, Uttarakhand Tourism Development Board
 - (h) “**Appellate Authority**” means the Additional Chief Executive Officer, Uttarakhand Tourism Development Board
 - (i) “**Registering Authority**” means the Authority Notified/Nominated for the purpose by the Board
 - (j) “**Local Authority**” means the Development Authority/ Special Area Development Authority, Nagar Nigam or Nagar Palika or Cantonment Board or Zila Panchayat or Nagar Panchayat or Gram Panchayat
 - (k) “**Operator**” means the owner/manager of the water sports related units
 - (l) “**Driver**” means who drives the powered vessel.
 - (m) “**Misconduct**” means fraud, misrepresentation, obstructing tourist facilities, taking more than the prescribed rent or charging extra, not displaying the rent charges, not giving cash memo/receipt, not providing committed facilities/services, providing lower grade equipment or not making available experts/ technical personnel
 - (n) “**Marine Engineer**” means qualified Marine Engineers from recognized Institution/University
 - (o) “**Certification Agency**” means any competent authorized agency for certification of design and certification such as Indian Register of Shipping (IRS).
 - (p) **NIWS** means National Institute of Water Sports
- (2) Words and expressions used herein and not defined in these rules, shall have the meanings, respectively, as assigned to them in the Uttarakhand Tourism Development Board Act, 2001.

Chapter-2

Registration

Process for Applying for Registration

- 3.
- (1) For registration of Water based Tourism and adventure water sports activities the applicant shall have to submit separate applications to the UTDB in duplicate. The application shall be accompanied by a cash deposit or bank draft of Rs. 1000/- in favour of the CEO, UTDB being application fee. Incomplete applications will not be accepted.
 - (2) In case of Partnership Firm/Company/Agency, it will be mandatory to submit the Power of Attorney along with the application
 - (3) No Person will operate any new Water based Tourism unit unless it has been registered under the provisions of these rules.
 - (4) All Persons/Tradesmen, operating a Water based Tourism Unit will have to get their unit registered under these rules. The units in existence before the commencement of these rules, shall have to apply for registration within 90 days of commencement of these rules.
 - (5) It shall be obligatory for the applicants to have a furnished office for tourism and travel related trade with facilities like, seating space for tourists, telephone, fax, computer, internet, etc.
 - (6) The applicants should possess the IOS/BIS approved or similar international standards technical equipment, safety/security related equipment's for operating the concerned Water based Tourism and Adventure Water Sports activities. It will be obligatory for the applicants to furnish an undertaking to the effect that all required equipment to carry out the concerned Recreational boating and Adventure Water Sports activity are available.
 - (7) All applicants will have to enclose the list/bio-data of employed technical/skilled manpower (along with the supporting document of skill certification/ license) required for operating the Water based Tourism and Adventure Water Sports activity along with the application.
 - (8) If the owner or the manager of the Water based Tourism and Adventure Water Sports activity unit upon the registration of boat makes any additions or enlargement in the unit, the same shall have to be submitted to the Registering Authority for necessary concurrence/ approval before any such alteration are made.
 - (9) The annual registration of the boat and boat-club/ firm/ operator shall be completed by 31st October every year. Fresh application/ renewal shall be submitted to registering authority by 30th of September every year.
 - (10) Registration of the boat-club / firm / operator and the boat, fresh or renewal shall be subject to inspection and safety audit and recommendation by the inspection and audit team.

Approval for Registration

- 4.
- (1) The application received in office by the Registering Authority for different purposes will be disposed off within 60 days of receipt after their thorough examination detailing the acceptance for registration or reasons for rejection. In case the application is not disposed within this period, it will automatically be considered as accepted.
 - (2) Until an applicant is refused for registration by the Registering Authority as per the rules, he will be issued a Registration Certificate for a period of one year based on recommendation of Technical committee.

- (3) Unless the Registering Authority refuses to register the name of the Water based Tourism/ Adventure water sports unit operator and specialties of the unit shall be entered in a register made for the above nature water sports purpose and he/she will be issued certificate of registration as the case may be.
- Renewal of Registration** 5. Like in case of Rule-3, all registered boats and water sports tourism units will have to apply for renewal of their registration before two months of its expiry, to the UTDB.
- Registration Fee** 6. The Registering Authority will collect registration fee, as per the orders issued by the Uttarakhand Tourism Development Board from time-to-time. The registration fee is subject to revision by the Board every third year.
- Refusal of Registration by the Registering Authority** 7. (1) The Registering Authority may refuse the grant of registration of any Water based Tourism/ Adventure water sports Unit under these rules on the basis of the following reasons, as the case may be, if
- (a) The operator of the Water based Tourism/ Adventure water sports has been convicted under Chapter 14 & 16 of the Indian Penal Code or the rules made there under, or of hoarding or smuggling or profiteering or food adulteration or of any law pertaining to prevention of corruption and if a period of 2 years has not elapsed from the date of such conviction.
- (b) The operator of Water based Tourism/ Adventure water sports unit is declared insolvent by any competent court and the declaration to do so exists.
- (c) The operator fails to comply with the norms and standards laid down by the Board for operation/ maintenance of units from time-to-time.
- (d) The name of the Water based Tourism/ Adventure water sports unit has been removed from the register under the provisions contain in rule 8 (c), (d), (e) (f) and (g) and if a period of 3 months has not elapsed from the date of such removal from the register.
- (e) The premises of the Water based Tourism/ Adventure water sports unit is not in accordance with the prescribed norms.
- (f) The operator or the guide or the manager of Water based Tourism/ Adventure water sports does not possess any of the qualification against the prescribed ones.
- (g) If the operator of the boat and water sports activity fails to produce a proof that the composition of boat and water sports Unit is in accordance with the prevailing rules and provisions made there under and the same has been established OR fails to get IRS approval of the hull and requirement of engine capacity in accordance with the local byelaws for construction of unit.
- (h) In the opinion of the Registering Authority there are sufficient reasons in writing to refuse the grant of registration.
- (2) The application made for registration will not be refused unless the applicant has been given an opportunity of being heard.
- Removal of the name of the Inland Water based tourism / Adventure water sports Unit from Register and notice thereof** 8. (1) The Registering Authority may, based on any of the following provisions, remove from the register by a written order the name of the Boating and adventure water sports Unit or as the case may be, and may cancel the Registration Certificate issued under Rule 4.
- (a) If the Boating and adventure water sports Unit itself opts for closing down the unit or if the unit fails to carry out Trade for more than a year;
- (b) If the unit has been convicted under any of the provisions of the Indian Penal Code;
- (c) If the unit has been declared insolvent by a competent court;

- (d) If the unit fails to comply with any of the provisions of these rules;
- (e) If there is any complaint of misconduct against the unit and the same has been confirmed;
- (f) If the operator of the unit makes changes in the composition/layout of the unit without the permission of any local body;
- (g) If the unit has obtained Registration Certificate by unfair means.
- (2) However, before removing the name of the operator from the register, the Registering Authority will issue a notice to the operator of the unit explaining the reasons for removal of the name of the unit from the register, thus providing him/her the last opportunity of being heard.
- Right to Inspect
Inland Water Vessel
Unit** 9. (1) In the event of non-compliance of any of the provisions of these rules or complaint(s) made relating thereto; the Registering Authority or the authorized authority with the consent of the operator shall have the right to enter the premises of the unit and shall have the right to inspect.
- (2) In case of non-cooperation/non-compliance, the Registering Authority shall have the right to suspend or cancel the registration of the unit.

Chapter – 3

Constitution and function of Technical Committee

- Constitution of the
Technical Committee** 10. (1) The UTDB shall by notification constitute a Technical Committee for Boating and adventure water sports activities which shall consist of the following members:-
- | | | |
|-----|---|------------|
| (a) | An Officer of UTDB nominated by C.E.O. | -Convener; |
| (b) | Director General, Health or Medical Officer
nominated by him | - Member; |
| (c) | Representative of Forest Department not below
the rank of DFO, nominated by PCCF | - Member; |
| (d) | Commandant, BSF Institute of Advanced
Adventure Training, Doiwala (DDN) or Officer
nominated by him | - Member |
| (e) | One member of NIWS | - Member |
| (f) | DTDO / ASO from concerned district | - Member; |
- Functions of the
Technical Committee** 11. The Technical Committee shall have the following responsibilities-
- The Technical Committee shall meet twice in a year or as per the directions of CEO
 - The Technical Committee shall examine all applications technically (new applications / renewal) for seeking Boating and adventure water sports activities permits
 - The Technical Committee shall examine the Water Vessel equipment's and other equipment's in accordance with the National and International standards.
 - The Technical Committee shall examine the knowledge, safety and rescue skills and first aid knowledge etc. for fresh and renewal also.
 - The Technical Committee shall search and identify new sites of water sports activates in Uttarakhand and shall examine the suitability of any operation before starting the activity;
 - The Technical Committee shall assess the carrying capacity of each sites on annual basis.
 - The Technical Committee shall perform such responsibilities as

assigned to them from time to time by DM / UTDB / State Government

Chapter – 4

Duties and Responsibilities

Duties and Responsibilities of the Operator

12.

- (1) The Boating and adventure water sports unit operators and its employees shall at all times strictly follow these rules and provisions made therein.
- (2) All Boating and adventure water sports unit operators will have to submit the information related to facilities and services offered by them and the rates for the same that will be charged from tourists/customers, to the Registering Authority, as also the brochures, etc. for the same will also need to be published. In case the existing charges are changed, the same will have to be intimated to the Registering Authority within one week and the same will also need to be displayed at the reception/office room
- (3) All operators will have to keep a complaints /suggestion book in their reception of their office
- (4) All operators will make available statistics regarding Indian and foreign tourists reporting in the unit to the Registering Authority by 7th of every month, as also get it uploaded on the website of the Uttarakhand Tourism Development Board by providing a link.
- (5) In pursuance of the orders given by the Government from time-to-time, all Boating and adventure water sports unit operators will have to provide employment to the local people of Uttarakhand in their firms
- (6) All Boating and adventure water sports unit operators will have to make available details of the employees and the unit operator will be responsible for the activities of the employees and shall have to submit an undertaking for the same with an application to the local Police Station if any foreigner is involved.
- (7) No Boating and adventure water sports unit operator will charge extra rates, against any agreed upon contract.
- (8) The operator of the Unit will furnish item-wise detailed bill to the persons/tourists/customers having sought services in the unit and will issue an original receipt for the money realized and shall keep the duplicate copy thereof safe in the receipt book.
- (9) In case of any accident/unpleasant incident, the unit operator will inform same to the local district administration, Police Station and Registration Authority by using fast communication mode.
- (10) All Boating and adventure water sports unit operators will have to display the Registration Certificate provided to them by the Board at a prominent and visible place at their reception or office room.
- (11) As per the provisions of Sub-section (2) and the agreed upon rates, the tourism unit operators or any person employed by them, will not ask for any tips/subsidy/gifts/commission from the tourists/service seekers.
- (12) At least 70% of workers should be domicile / permanent resident of Uttarakhand.
- (13) The operator shall be liable to carry out the operation strictly as per the standard operation procedure (SOP) stipulated in each type of activity throughout the period of operation.
- (14) It shall be binding upon the operator to ensure the availability of safety gears/ equipment / infrastructure as required to operate each type of activity, throughout the period of operation.

- (15) The operator shall ensure to conduct the operations of the boat only by the personnel duly certified and holding valid certification in handling operation of each type of boat and activity. Operation of the activities by the Non-Qualified persons shall be violation of these rules and subject to action as allowed by these rules.
- (16) Each operator/ Handler of the boat shall be duly certified person in life saving techniques and holding valid certification.
- (17) The operator of Boat-Club shall ensure that requisite insurance coverage is assured for each boat as per the rules.
- (18) The operator of boat-club shall ensure that each tourist/guest is duly and sufficiently briefed on the activity. Dress code and all such safety practices as required to perform each type beforehand.

Qualification of Operator/Staff/Driver

- 13.** The entire staff of the water sport center who are directly involved with the operations must have LST certification from National Institute of Waters ports (NIWS) or competent government institution as designated by UTDB from time to time. It is desirable that personnel indirectly connected with water sport center like waiters, receptionists, sweepers etc. also qualify in the First Aid and CPR modules of the LST course so that they can render help in an emergency.

Powerboat Handling Certification (PBH)

- 14.** All powerboat/ water scooter/ jet ski drivers must hold PBH certification from NIWS or competent government institution as designated by UTDB from time to time.

Chapter-5

Safety Norms

Safety Norms for the Operator

- 15.**
- (1) All boat and water sport unit operators will have to adhere to the minimum safety standards as regard to infrastructure equipment/ accessories, operators' qualifications and guidelines for watersports operations as defined by NIWS and equivalent agency.
 - (2) The operators must have valid certification from NIWS or competent government institution as designated by UTDB from time to time, for the activities that his employees are involved with.
 - (3) New equipment like motor boat /jet skis (imported) must be {CE} certified by manufacturer to avoid first time survey. In case of Indian motor boat, they must be surveyed by IRS. In case of renewal survey / fitness, after 05 years of first registration, annual fitness certificate regarding serviceability and water worthiness of all the equipments, shall be required from the Marine Architect/certification agency/surveyor.
 - (4) **Insurance Cover:**

Operator must get insured each and every boat, floating structures and related equipment's such as jetty, lifejackets, lifebuoys, etc. utilized in boating and water sports activities as well as the tourist. The operator should have a valid third-party liability stipulated coverage of insurance. All tourist must sign indemnity form and liability bond.
 - (5) **Infrastructure:**
A Centre/Club should have Embarkation/disembarkation arrangement for customers in the form of a jetty or pontoon. Booking office/ Kiosk, reception Shelter for customers with facilities for drinking water and toilet. Storage space for water sports equipment to protect it from deterioration from exposure to direct sunlight. Fuel should be Stored in separate "Inflammable" store in a well-ventilated area and provided with appropriate firefighting facilities.

- (6) **Equipment and Accessories:**
- (a) The passenger capacity of the boats/ registration number and boat name, owner name and contact no., emergency contact no. etc. must be clearly displayed so that it can be seen by the passengers as well as regulatory agencies.
 - (b) The buoyancy aids/PFDs must be available in sufficient numbers and different sizes to fit customer of all size and age groups to Cater for the deployment of all the water sports equipment simultaneously.
 - (c) A first-aid box with standard supplies must be available on shore at an easily accessible location.
 - (d) Rescue tube, specifically developed for on-water rescue, should be carried on the rescue boat as well as on passenger boats used for rides.
 - (e) The existing lifebuoys should be phased out and replaced by the rescue tubes.
 - (f) The boat should be equipped with all safety gears and equipment's before commencement of operation and same diligently.
- (7) **Area of Operation:**
- (a) Area for operation of mechanized craft (water-scooter/ boat/ Jet Ski etc.) should be away from the area of manually operated crafts like paddle boating, rowing, kayaking. Banana boat etc. It should be clearly marked with flags & floating buoy.
 - (b) On the river bed, swim zone should be marked with floats.
 - (c) Boats involved in leisure rides or in parasailing shall not sail beyond the visual range of the rescue boat driver/ lookout.
 - (d) In power project reservoir Activities/Operation will be operated in a proper distance from main dam, as decided by project authorities.
 - (e) The operator shall be bound to carry out the operations on designated / demarcated location only.
- (8) **Rescue:**
- (a) A rescue boat must be available by the operator in full readiness during the entire period of water sport operation.
 - (b) Boat must be powered by OBM/engine of minimum 40 HP.
 - (c) Lookout-cum-boat driver must be standby near the boat. The boat as well as the Lookout should not be involved with any other activity while on rescue duty.
 - (d) The lookout should be a good swimmer and certified in life saving techniques.
- (9) **Period of operation:**
- Boating/operations/activities should be restricted to day light hours and fair-weather condition only. Operation for Emergency/Rescue/Medical/ Service purpose are exempted from this restriction.
- (10) **Driver's qualification:** Driver should hold a valid power boat handling (PBH) certification required for operating other boat/ water crafts as well as life saving techniques (LST) certification.
- (11) **Operating instructions:**
- (a) He shall be fully responsible to ensure before entering the water/ boat that every rider wearing of buoyancy aids/ personal floatation device (PFD) of appropriate size must fit snugly and all the fasteners should be secured during the entire period of ride. Operator shall ensure that no guest should be allowed to board the vessel in absence of PFD.
 - (b) Weight of the passengers must be evenly distributed and they should remain seated throughout the boat ride.

- (12) **Norms for Parasailing:**
(a) The boat driver must have a remote-control powerboat handling [PBH- R (LEVEL 3)] certification from NIWS or competent Government Institution as designated by UTDB for time to time.
(b) The boat driver must have a minimum of 100 supervised launches after obtaining learner certification.
- (13) **Boat and OBM for Parasailing:**
(a) The boat used for parasailing must have adequate engine power.
(b) It is ideal to have a winch-boat but use of a remote controlled boat with minimum of 150 HP.
(c) The boat must have a strong anchor/point specially built for attachment of parasail.
(d) The Operator shall also ensure that the firm is in possession of all equipment and gears as needed for safe conduct of the operation.
(e) The operation shall be carried out in due diligence to the guidelines for parasailing operation.
- (14) **Equipment and Accessories:**
(a) Parasail must be made of material suitable for use over water.
(b) The parasailing center must have a windsock or a hand –held wind speed meter to determine the wind velocity.
- (15) **Operating Instructions:**
(a) Parasailing operation must be carried out from specially marked area of the lake/reservoir bank to avoid injury or disturbance to other users.
(b) A stretch of 100 feet shall be clearly marked on the stretch with a notice board warning other users to keep clear during takeoff and landing.
(c) The parasailing operation must be stopped whenever the wind speed drops lower than 04 Knots or exceeds 15 Knots per hour at water surface.
(d) The boat driver, must carry one assistant to serve as a “Lookout”. (e) The boat driver must keep a sharp lookout for swimming in water to take quick evasive action.
(f) The parasailing equipment shall be inspected and certified by NIWS or specialist on its behalf/ National/state governing body of aero sports.
- (16) **Water skiing & Fun Rides Using Powerboat Driver’s Qualification:**
(a) Driver must hold PBH (Remote-controlled/Level-III) and LST certification.
(b) He/she should have conducted water-skiing operations under controlled supervision on at least hundred logged launches and recovery before carrying out the operation independently.
(c) He should be thoroughly conversant with standard hand signals used between driver and skier.
- Equipment and Accessories**
- (17) (a) The powerboat used for skiing must have adequate power (minimum 40HP) with remote control.
(b) The skier must wear specially designed buoyancy aid for water skiing and should have additional padding on the chest and collar.
- (18) **Operating Instructions:**
(a) The ski boat must carry a Lookout who will keep an eye on the skier and advice the boat driver accordingly.
(b) The ski boat is to be operated outside the swimming area of the beach/ water body.
(c) For fun-rides, customers must wear buoyancy aids of correct size with all fasteners secured snugly.
(d) Children shall not be allowed to take the fun rides unless buoyancy aid to their size is available.

- (19) **Jet Ski/ Personal Watercraft (PWC) Operator's qualification:**
(a) He must hold PBH and LST certifications from NIWS or its equivalent. In addition to this basic seamanship qualification.
(b) He should also undergo Jet Ski conversion course conducted by NIWS.
- (20) **Operating Instructions:**
(a) Jet Ski should be operated in a well-defined area beyond normal swimming and water sports area marked by buoys or flag.
(b) It is very important keep in mind that even the wake generated by a Jet Ski would pose danger to kayaks and paddle boats.
(c) Jet ski rides for the tourist shall always be conducted by a certified person only.
- (21) **Forbidden Maneuvers:**
(a) Riding too close to other boats, jumping wake of boat or waves and fast approaching to the jetty is forbidden.
(b) During emergency turning, the driver would lose control of Jet Ski if the throttle is released abruptly. Therefore, power should be reduced after turning action is complete.
- (22) **Rides by Jet Ski driver:**
Normally Jet Ski should be used at a Water sport Centre and designated place. The rides should be manned by a qualified driver and he has to ensure that the passengers wear snugly fitting buoyancy aids throughout the ride.
- (23) **Jet Ski Rides by Customers Accompanied by a Boat Driver:**
Water sport center/operator may allow customers to driver a jet ski provided:-
(a) A qualified boat driver seats behind during the ride.
(b) Customer is thoroughly briefed on the controls of the Jet Ski, the rules of the road and basic seamanship during Jet Ski handling.
(c) Jet Ski drivers sitting behind on such a ride shall ensure that speed limit and the safety instructions are followed by the rider so as to avoid accident and injury to others.
(d) If the customer disobeys the instructions, the driver shall immediately take over the control.
- (24) **Jet Ski Ride by Customers Independently:**
(a) Water sport center/operator can allow independent riding of jet ski by its customers but same is permitted only after an experienced instructor, holding jet ski certification from NIWS, conducted a short familiarization lesson as per "jet ski" familiarization check list issued by NIWS.
(b) Successful completion of familiarization should be recorded on the indemnity bond.
(c) Children below 16 years of age should not be allowed for independent Jet Ski ride.
- (25) **Qualification for Windsurfing & Dinghy Sailing Operation:**
(a) The water sports Centre/operator should have at least one staff member holding certification from NIWS or from the national governing body of the respective Water sport with adequate proficiency.
(b) Proof of participation in national/ Sailing regattas can also be considered equivalent to a proficiency certificate. However, such persons shall be holding a certificate in life saving techniques.
- (26) **Equipment and Accessories:**
(a) The windsurfing/ sailing Incharge must inspect the equipment, accessories and fitting before commencement of the season (and thereafter every month) and certify its serviceability in the log book.
(b) The equipment must be manufactured under IRS certification or imported from a reputed manufacturer. In case imported, certificate buoyancy and fitness from such manufacturers shall be produced at the time of registration.

- (27) **Operating Instruction:**
(a) There should be a rescue boat with a driver stand-by for the entire duration of sailing.
(b) The area of operation shall be clearly marked and be within the visual range of the rescue boat driver.
(c) The helper must be stand-by whenever the customer approaches the disembarkation pontoon/ jetty or the beach.
(d) The boat crew/ windsurfer must wear a buoyancy aid with all fasteners snugly secured throughout the sailing period.
(e) Passenger carrying capacity of the sailing boat should not be exceeded.
- Kayaking and Canoeing Operator Qualification:**
- (28) (a) The water sports center/operator should have at least one staff member holding certification from NIWS or from a national governing body of the respective Water sport with adequate proficiency.
(b) Proof of participation in National/ regattas can also be considered equivalent to a proficiency certificate. However such persons shall be holding a certificate in Life saving technique.
- (29) **Equipment and Accessories:**
(a) The kayaks and canoes must be manufactured under IRS certification for design & manufacture.
(b) The existing Kayaks should be certified by a marine Engineer for strength, buoyancy and ease of entry and exit from cockpit.
- (30) **Operating Instruction:**
(a) The water sports center/operator is responsible for imparting adequate training to customers before handing over the kayaks for independent operation.
(b) The water sport center/operator conducts a familiarization training program for this purpose.
(c) The kayaker must wear a properly fitting buoyancy aid while on water.
(d) There should be a rescue boat with a driver stand-by throughout the duration for which the kayaks/ canoes are in water.
(e) The area of operation should be clearly defined and be within the visual range of the rescue boat operator.
- (31) **Qualification for Scuba Diving Operator/Instructor:**
The dive center should employ at least one "Dive Instructor" certified by internationally recognized agencies viz. E.G. PADI, CMAS, NAUI, BSAC and SSI.
- (32) **Dive Boat Driver:**
(a) The boat driver must hold PBH and LST certifications from NIWS (or its equivalent).
(b) The dive boat also must carry a Lookout person who holds a valid life saving techniques (LST) certificate from NIWS or competent Government Institution as designated by UTDB for time to time with valid "Medic First Aid" certification.
- (33) **Dive Equipment and Accessories:**
(a) The dive center should have a minimum of 06 diving sets that include tank, regulator with pressure gauge, depth meter and dive watch or deco-computer, mask, snorkel, fins, buoyancy compensating jacket, quick release weight belt and alternate air source.
(b) The dive boat must carry the items such as required number of dive flags, oars, flares, first aid kit, walkie-talkie & medical oxygen set.

- (34) **Pressure Testing:**
 (a) The Dive/operator Center must possess a certificate of pressure testing from an authorized testing Agency, which is valid for 3 years.
 (b) It should be renewed on 3-year intervals or as per rules of the Government of India regarding operating high pressure cylinders.
 (c) The details of inspection are to be entered in a maintenance book along with cylinder number. Pit / Tanks are not allowed to be used after 12 years of the date of manufacturing.
- (35) **Air compressor:**
 (a) It is strictly advised to the use of specified compressor oil only.
 (b) Air purifying filters in the compressor are to be changed as per guidelines of compressor manufacturer and the same be entered in compressor log book along with number of cylinders filled accordingly. (c) The Center must also obtain a certificate from an authorized Agency stating the quality of output of air compressors every 6 months.
- (36) **Operating Instructions:**
 (a) Emergency Action Plan (EAP) must be drawn up specifying actions to be initiated by the members of the dive team and the support staff in event of emergencies of different nature.
 (b) At least one Safety staff must be available at the base station throughout when sea-dives are conducted.
 (c) The dive center must diligently abide the guidelines for safe operation and protection of marine/aqua environment that will be issued by NIWS or any recognized corresponding Institution.

Lifeguard's qualification, Eligibilities, etc.

16. (1) (a) Lifeguarding are applicable at Swimming Pool, Water Park and Lakefront.
 (b) The lifeguard must ensure that the people/ participants enjoy swimming/ water-borne activities and are free from fear of safety and security.
- (2) (a) The person must be in possession of a valid Life Saving Technique (LST) certification from NIWS or and National Safety Council or competent Government Institution as designated by UTDB for time to time.
 (b) Validity of the certification is 2 years after which, a Lifeguard has to undergo a two-day re- validation course to conform that he meets the stipulated physical fitness and rescue standards.

Personal items for lifeguard Rescue Equipment

- (3) **Swimming Ability Norms:** To swim 100 meters in 2 minutes without resting, by way of crawl or breast stroke. To dive 08 feet deep and bring up a 5 Kg. weight to the poolside/ bank. Tread without moving the legs for minimum 01 minute.
17. (1) Reach-out pole, elevated observation platform consisting of chair with sunshade, rescue tube, pocket mask for mouth to mouth resuscitation, Ambuse bag, back board for spinal injuries, Stretcher, first aid box and whistles with lanyard.
- (2) Uniform, cap, sun glasses and sun protection creams.
- (3) (a) Duties of lifeguard should not exceed 4 hours at a time.
 (b) Area under observation should not exceed 50 meters.
 (c) More than one observation post must be provided for longer//bigger swimming pools/water parks/ reservoir.
 (d) Lifeguard on active duty should not be distracted while on duty.
 (e) No other job shall be assigned to while they are on pool duty.
 (f) Lifeguard should be familiar with standard communication signals.
 (g) An Emergency Action Plan (EAP) should be drawn up covering all types of emergencies.

Chapter-6

Appeal and Review

- Appeal**
18. (1) Subject to provisions made under sub-rule-2, an appeal may be made to the Appellate Authority against the orders of the Registering Authority under these rules.
- (2) Every such appeal shall be made within 90 days from the date of the order.
- Provided that the Appellate Authority may entertain the appeal even after expiry of 90 days if he/she is satisfied that the appellant was prevented for sufficient cause for making such appeal.
- (3) The appellant shall have the right to get him/herself represented through an advocate or through a properly appointed agent and the Competent Authority may be represented by such an officer or person as may be appointed by the Registering Authority.
- (4) On receipt of appeal and after giving reasonable opportunity of being heard to the appellant and after making such an enquiry as he/she may deem appropriate, the Appellate Authority, for reasons to be recorded in writing, may pass such an order as he/she considers appropriate.
- Review**
19. The Competent officer, on his/her own or on an application by the aggrieved party, shall be empowered to call for all records pertaining to the case including the order passed relating thereto by the Appellate Authority with the objective of making his/her own assessment about the validity correctness and reasonableness of the order so passed and thereafter may pass such order as he/she may consider appropriate and the order so passed shall be deemed final.
- Provided that an application for review shall not be entertain-able on expiry of a period of 3 months from the date of the order passed by the Appellate Authority.
- Provided further also that the Competent Authority of his own officer may call for the records of the cases pending before him or those decided by any authority and pass such an order as he/she may deem fit.
- Provided further that any order adversely affecting any person under this section shall not be passed unless the person himself, or a person duly authorized by him/her, or his/her advocate has been given reasonable opportunity of being heard.

Chapter-7

Misconduct and Penalty

- Penalty for Violation of Established Orders in regard to Registration**
20. Under these rules, any person found engaged in Boating and adventure water sports related activity without proper registration shall be punishable with an amount Rupees Ten Thousand; and in case of continuing contravention with a Rupees One Thousand per day so long as the contravention continues, by the Registering Authority.
- Penalty for Mis-statement**
21. Under these rules, if any person required to make a statement, knowingly makes a false statement or hides any substantial fact to delude the Registering Authority, she/he shall be punishable by Rs Ten Thousand by the Registering Authority.
- Transfer of Registration Certificate without consent**
22. Any person, who transfers or hands over or lends the Registration Certificate granted under these rules without consent of the Registering Authority, shall be punishable with Rs Ten Thousand by the Registering Authority. However, transfer for sale of boats to be allow only with the permission of registering authority.
- Showing Registration Certificate On**
23. (1) A person registered under these rules shall show his/her Registration Certificate to any of the following persons on demand:-

Demand

- (a) Registering Authority or any person duly authorized by him, or
 - (b) Any person authorized by the Government or Competent Authority
 - (c) Actual Client/Tourist/Guest
- (2) Any person who refuses to show or allow to read his Registration Certificate on demand by the persons so authorized, shall be punishable by an amount of Rs Five Thousand.

Punishment for misconduct

24. Any person who commits any misconduct or contravenes any of the other provisions for which sanction has not been provided under these rules, he/she will be punishable by an amount of Rs Ten Thousand. Subsequent violation may lead to suspension or cancellation of the registration.

Creating hindrances in the works of legal authority

25. Any person who knowingly creates hindrances or shows resistance to the Prescribed Authority or to any person duly authorized by him under these rules to exercise the power delegated, or in carrying out their duty, shall be punishable by an amount of Rs One Thousand.

Recovery of penalty

26. If penalties as imposed under section 18 to 23 of these rules are not paid than the recovery will be made as per the provisions of **UP Land Revenue Act, 1901**.

Initiating Prosecution

27. No person shall be prosecuted for any offence committed by him under these rules except for the complaints made by the Registering Authority or any person duly authorized by him, or any person authorized by the State Government in this behalf.

Chapter – 8

Standards relating to Environmental Safety

Standards for Environmental Safety

28. Every operator / permit holder shall ensure compliance of the following standards:-
- (1) Collect all solid wastes generated within the vessel for discharge on shore at specified locations.
 - (2) Treat sewage by providing scientifically designed septic tanks.
 - (3) Collect and store all waste water and dispose properly.
 - (4) Use of paper bags, cloth bags instead of polythene bags.
 - (5) Bio-chemical toilets may also be used.
 - (6) Arrangements of a system of separating recyclable from non-recyclable garbage.
 - (7) Organizing the disposal of non-biodegradable garbage in such a manner so as not to harm the local environment.
 - (8) Any vessel using outboard engines should obtain pollution control certificate every six month from competent authority.
 - (9) There should not be any leakage of oil/ fuel/ grease etc. into the water body from vessel.
 - (10) Fuel tank should not be situated near the kitchen.
 - (11) Signage of not littering should be posted at such a locations that it is visible to every passenger/ rider.
 - (12) Usage of 4- stroke engine shall be encouraged.

Chapter – 9

Miscellaneous

- | | | |
|---|------------|---|
| Notification of Changes | 29. | <p>(1) If any change occurs in the succession of the unit for which a certificate of registration has been obtained, then such a person shall notify this fact in writing to the Registering Authority within 30 days of such change.</p> <p>(2) The Competent Authority shall make requisite changes in the Registration Certificate and in the register prescribed for the purpose.</p> <p>(3) Notwithstanding anything contained in sub-rules(2), if the said successor is not eligible to be registered under these rules, the Registering Authority shall be empowered to remove the name of the person from the register in whose name the certificate of registration was originally granted.</p> |
| Return of Registration Certificate | 30. | <p>Under these rules when a certificate of registration is cancelled, the person holding the certificate shall return the same to the Registering Authority within 7 days of service of the cancellation letter in a manner prescribed.</p> |
| Duplicate copy of the Certificate | 31. | <p>If the certificate granted under these rules gets lost or destroyed, then the Registering Authority may issue a duplicate certificate to the holder of such certificate on his written request on payment of such fees as may be prescribed in this behalf.</p> |
| Protection of action taken in good faith | 32. | <p>For any action taken or proposed to be taken in good faith under these rules, there shall be no legal action against the Government, or any person of the Government/ Board.</p> |
| Power of the Board to Apply these Rules to Other Persons | 33. | <p>The Board shall be empowered to apply these rules or all or any of the sub-rules including such exceptions, adaptations and modifications as may be deemed necessary in Uttarakhand State and to those renting or operating vessels such as house boats, boats, or to such other persons who may be covered through notifications and the Registering Authority shall be empowered to fix the rates to be charged from such person or persons.</p> |
| Power to Make Rules | 34. | <p>(1) The Board shall be competent to implement the provisions of these rules vide the powers delegated to make rules under Sub-section 2 of Section-20 of the Board Act.</p> <p>(2) Especially and without making any adverse impact on the prevalence of the earlier powers, provisions may be made for the following in such rules—</p> <ul style="list-style-type: none">(a) Maintenance of registers, books and formats for trade by the Boating and adventure water sports operators of tourism units.(b) Format for application and Registration Certificate.(c) Fees for registration, renewal and issue of duplicate certificate(d) Procedure of serving notice under these rules.(e) Eligibility for various activities conducted by the operators of Boating and adventure water sports related units in their various forms.(f) Safety measures and standards thereof and the facilities that are provided in the organization of adventure water sports.(g) Norms for maintenance of health, cleanliness, waste disposal and minimum facilities at different types of Boating and adventure water sports units.(h) Procedure for publishing the name of the operators whose name is struck off from the register.(i) The procedure through which fixed reasonable rates will be displayed, type of tickets and the receipts that are issued, maintenance and submission of accounts and the details relating thereto, registration fee, renewal fee and collection of other outstanding dues and mode of depositing the receipts. |

- (j) The place where the Competent Authority may conduct enquiry under these rules and all matters whether express or otherwise to be ordained in these rules.
- (k) The information regarding registered units will be submitted to the District Magistrates of the concerned districts.
- (l) Procedure to constitute a technical committee to advice board regarding technical requirements from time to time keeping in view of technicality and changing conditions.
- (m) No other commercial activities like restaurant/dhaba/attires/vendor/shops/ food joint center will be allowed upto 100 meters distance from the water body.
- (n) No Vehicle will be allowed upto 100 meters distance from the water body.

By Order,

(Dilip Jawalkar, IAS)
Secretary

Application for Registration

To

The Registering Authority, Uttarakhand.
I, of being the Owner/ manager /
driver of an Inland Water Vessel hereby request that the said vessel be
registered at the I agree to pay such fees as may be
liable under the Rules.

Particulars in respect of the said vessel are as under: -

1. Owner's / Manager name and address in full:
2. Name of Driver and his Certificate No.:
3. Name of Registry and No. (if previously registered):
4. Kind of vessels- viz.,
 - i) powered vessels (motor, name and address of engine makers with horse power, speed and the year of make):
 - ii) non-powered vessels
5. Name and address of builders with place and year of build:
6. Details of Insurance Certificate:

Declaration

I / we.....hereby declare that: -

- (1) I/We have carefully read the Uttarakhand Water based Tourism and Adventure Water Sports Rule- 2021 and hereby agree to abide by the provisions laid down in these rules.
- (2) In case of any dispute, the decision of Competent Authority shall be final and binding.
- (3) I/We hereby declare that above information are true to the best of my knowledge. If the above information is found to be incorrect or fraudulent, I/We will have no objection to reject my/our application form.

Enclosures:-.....

Place:.....

Date:.....

Signature of the Operator of the vessel

Name

Address

Mobile/Tele No

Certificate of Registration

Registration No.....

Date and Place

This is to certify that (Owner / M/s).....the of (kind of vessel) called (Name of vessel).....and that the said vessel was built at by of in the year 20..... had been duly registered under the Uttarakhand Water based Tourism and Adventure Water Sports Rule- 2021. Certified under my hand this dayof20

Powered Vessels

Description of Engines:

Name and address of makers:

When made:

No. of sets of Engines:

No. of shafts:

Total Brake Horse Power:

Estimated speed of Inland Vessel:

Non-powered Vessels

Description of Wind or Manual provisions:

Name and address of makers:

When made:

Estimated speed of Inland Vessel:

Particulars of Vessels of TonnagePowered Vessels

Extreme length:

Length: Breadth: Depth:

Gross Registered Tonnage:

Net Registered Tonnage:

No. of Decks:

No. of Bulkheads:

Build and material:

Non-powered Vessels

Length:

Breadth:

Depth:

Weight:

No. of Decks:

No. of Bulkheads:

Build and material:

Description of Wind or Manual provisions (Sails, Oars, Tillers, etc):

Houseboat

Length: Breadth: Depth: Weight:

No. of Decks, Bulkheads:

Build and material:

Details of facilities (accommodation):

Details of waste & sewerage disposal system:

Use of alternate source of energy:

Details of Outboard engine (if any): HP

Competent Authority

Note. - This Certificate of Registration shall be produced for inspection on demand by any authority authorized by the State Government.

- 1) This certificate shall be surrendered to the Competent Authority if so required by him.
- 2) While the certificate is in force, the vessel's name and registration mark as painted or otherwise marked in position approved by the Government of Uttarakhand shall not be removed or defaced.
- 3) In case of any accident occasioning loss of life, or any material damage affecting the river worthiness or efficiency of the vessel, either in the hull or in any part of the machinery, a report by letter, signed by the owner or master of the vessel shall be forwarded to the Competent Authority within 24 hours after the happening of the accident, or as soon thereafter as possible.

Particulars to be furnished for Survey of Vessel

1. Name of vessel:
2. Owner's name and address:
3. Length, breadth and depth of vessel:
4. Type of Vessel:
5. Passenger, Cargo, or both:
6. Particulars of hull
 - a) Year of built:
 - b) Builders name and address:
 - c) Builders certificate:
 - d) Material of the hull:
 - e) Number of Bulk heads, their placement and thickness:
 - f) Hull plating material and thickness:
7. Particulars of propulsion of Engines
 - a) Number of sets fitted:
 - b) Manufacturer's name and brand:
 - c) Model Number:
 - d) Year of built:
 - e) Type of Engine with HP of each:
 - f) Diameter of propulsion shaft and material:
 - g) Type and Number of gears:
 - h) Test certificate:
8. Particulars of equipments
 - a) Anchor-Port, Starboard (weight & material of each):
 - b) Anchor-Spare (weight & material of each equipment):
 - c) Chain: size type and length and test certificate (Port):
 - d) Chain: size type and length and test certificate (Starboard):
 - e) Ropes- size, material and number of ropes:
 - f) Search Lights, number, size and power:
 - g) Life buoys, buoyant apparatus with Self Ignited lights, Number with buoyant lanyard:
 - h) Navigation Lights giving particulars and certificate, main mast, auxiliary mast, port, Starboard, Stem, and Anchor not under command:
 - i) Shapes for anchor not under command etc.:
 - j) Sound signals: Mechanical or Electrical:
9. Particulars of fire appliance
 - a) Number, size and capacity of fire pumps:
 - b) Fire mains, diameter, material and number of hydrants:
 - c) Number of hose:
 - d) Nozzles:
 - e) Jet type
 - f) Spray type
 - g) Jet/Spray type
 - h) Any other equipment
10. Number of portable fire extinguisher with particulars and name of manufactures
 - a) Soda Acid:
 - b) Foam:
 - c) Dry Powder:
 - d) Any other types:
11. Particulars of communication equipments:
12. Particulars of navigation equipments:
13. Particulars of pollution control devices:
 - a) Sewage treatment and disposal
 - b) Solid waste processing and disposal
 - c) Sound Pollution Control
 - d) Water consumption /day
 - e) Source of water
14. Plans, Drawings, Documentation, Etc.:

Date:

Signature of Operator

Certificate by Surveyor (for renewal)

1. Name and Registration Number of Vessel:
 2. Name, address and Telephone No. of Owner:
 3. Amount and date of Fee remitted:
 4. Length: Breadth: Depth: Tonnage:
 5. Hull
 - (a) Material Used:
 - (b) Is the hull in good condition:
 6. Particulars of stability test, time and duration of trial run:
 7. Clear Area:
 8. Passenger Capacity:
 9. Is the Passenger capacity painted on boat visible to passengers:
 10. Are protective railings provided wherever necessary:
 11. Safety Precautions taken:
 - (a) Sand Box:
 - (b) Fire Extinguishers:
 - (c) Lifebuoys:
 - (d) Life Jacket:
 - (e) Buoyant Apparatus:
 12. Arrangements for pollution control
 - a) Sewage treatment and disposal:
 - b) Solid waste processing and disposal:
 - c) Sound pollution control:
 13. Details of Crew with name and License No.

Serang:	Driver:	Lascar:
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 14. Is the log book properly maintained:
 15. Engine
 - (a) Make and No. of Engine:
 - (b) Fuel used:
 - (c) Are the fuel tank and fuel lines made of good material and properly leak proof:
 - (d) Is the Engine room getting overheated:
 16. Is the boat and accommodation area clean and good and are lights provided:
 17. Internal height of Cabin:
 18. Height of free board:
 19. Any repairs renewals or alteration needed at the time of inspection:
- Certified that I have inspected the Boat _____ on _____ at _____
and found in good condition for issuing fitness certificate.
- Place: _____ Date: _____

Signature of Surveyor
Name & Address