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SIKKIM GOVERNMENT GAZETTE



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GOVERNMENT OF SIKKIM TOURISM & CIVIL AVIATION DEPARTMENT M.G MARG, GANGTOK-737101 Phone No, 03592-203425, Fax-205647 Email: secy\_tourism@yahoo.com

No: DoT&CAV. /32

Dated: 5.12.2013

NOTIFICATION

Whereas a draft of the Sikkim Registration of Home Stay Establishment Rules 2012 was published as required by sub-section (3) of section 50 of the Sikkim Registration of Tourist Trade Act,1998 (10 of 1998), vide Notification of Government of Sikkim in the Department of Tourism and Civil Aviation No.20/Dot&CAv. Dated 4th July,2012 published in Extraordinary Gazette number 372 dated 21st July,2012, inviting objection and suggestions from all persons likely to affect thereby before the expiry of the period of 30 (thirty) days from the date on which the copies of the Official Gazette containing the said Notification was made available to the public;

And whereas the said Gazette Notification was made available to the public on the 4th July,2012;

And whereas the suggestion has been received from the public on the said draft rules which has been considered by the State Government;

Now, therefore in exercise of the powers conferred by sub-section (3) of section 50 of the Sikkim Registration of Tourist Trade Act, 1998 (10 of 1998), the State Government hereby makes the following rules, namely:-

- Short title, extent and commencement 1. (1) These rules may be called the Sikkim Registration of Home Stay Establishment Rules, 2013. (2) They shall extend to the whole of Sikkim. (3) They shall come into force on the date of their publication in the Official Gazette.

- Definition 2. (1) In these rules, unless the context otherwise requires: (a) 'Department' means the Tourism and Civil Aviation Department, Government of Sikkim. (b) Home stay means any private house located in the rural/urban area where the house owner or his-her families are physically residing in the unit and earmarks some rooms exclusively for the use of Tourists bearing certain basic minimum service standards and eligibility criteria as prescribed in this Rule. The essence of the Home stay experience is one in which the tourist experiences the personal local family touch.



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- (c) 'Prescribed Authority' means the Secretary of the tourism and Civil Aviation Department, Government of Sikkim, or any other Authority as may be authorized to him;
- (d) 'Rural areas' means outside the jurisdiction of a duly constituted urban local body i.e. Municipal Corporation, Nagar Parishad and Nagar Panchayat.
- (e) 'State Government' means the Government of Sikkim.
- (2) Words and expressions used herein but not defined in these rules but defined in the act shall have the same meanings respectively assigned to them in the Act.

**Eligibility**

Explanation:- It is mandatory that the Home stay owner is the owner of the landed property where the home stay is functioning/ or proposed to function. The following shall be the eligibility criteria for registration of Home stay establishment:-

- 3. (1) Any individual and families who own a house of good condition in rural or urban areas and can spare at least one room and maximum of 5(five) rooms exclusively for tourist accommodation and who agree to provide basic minimum infrastructure standards and provide basic assured quality in services.
- (2) Only those house owner/promoters are eligible who along with his/her family is physically residing in the same unit.
- (3) The house under the scheme should conform to traditional and ethnic architecture preferably using local materials like wood, bamboo and stone.
- (4) At least one member of the family should be able to communicate in English and or Hindi.
- (5) Accommodation under the scheme would mean room accommodation of minimum standard sizes with attached toilet facility reasonably furnished and ready for letting out to the tourist or guests. The standard size for double and single bed room accommodation is 150 square feet and 100 square feet respectively and the size of the bathroom/toilet is 30 square feet.
- (6) The Home Stay establishment must have minimum of one room for letting out and maximum 5 (five) rooms with attached toilet. Houses or rooms which are leased or rented out will not be eligible.
- (7) Houses should have easy access from the road by a footpath in good condition.
- (8) Home stays are also permitted to function in separate units next to the main block in the premises of the home stay establishment owner provided it is conveniently located for the ease and comfort of the tourists.
- (9) Any home stay having more than 5 (five) rooms will be categorized as a village lodge. In clusters or community based home stays areas, it is, in the interest of fairness that the local bodies (Panchayats) should decide on the limit on the number of rooms to be allowed.

**Application for registration of Home Stay Establishment**

4. (1) Any owner of a private house having the requisite documents to show ownership of land/house, located in a rural area of the State can apply in a prescribed Proforma (Annexure I) to the Prescribed Authority under whose jurisdiction the area falls for registration of the Home stay Establishment under this Rule. (2) The Prescribed Authority before registering such Home Stay Establishments shall ensure the physical verification of location, facilities, surrounding environment, hygiene, cleanliness, security, architectural design and safety of tourist.

**Code of conduct and responsibility**

5. (1) Every home stay establishment owner shall get their unit registered with the Department.



of the House  
Owner

- (2) Every Home stay shall follow guidelines framed, maintain the basic infrastructure and quality standards and adhere to the Code of Conduct. A copy of these will be provided and explained to him or her at the time of registration.
- (3) Home Stay Owners shall submit an undertaking in a prescribed format in Annexure-II for fulfilling the terms and conditions of running a Home Stay Establishment and willingness to undergo any training programme conducted by the Department or service providers.

Classification of  
Home stay

6. (1) Based on the facilities and quality of the accommodation provided, homestay units will be classified into three categories by bringing out clear guidelines on the requirements.

|    | <u>Classes of Homestays</u> | <u>Appropriate Fees</u> |
|----|-----------------------------|-------------------------|
| 1. | Class 'A' (Gold House)      | Rs. 3000/-              |
| 2. | Class 'B' (Silver House)    | Rs. 2000/-              |
| 3. | Class 'C' (Bronze House)    | Rs. 1000/-              |

(2) Classification will be valid for 2 (two) years from the date of issue of order or in case of reclassification, from the date of expiry of the last classification, provided that the application has been received at least 3 months before the expiry of the last classification.

|    | <u>Category of classification</u> | <u>Reclassification</u> |
|----|-----------------------------------|-------------------------|
| 1. | Class 'A' (Gold House)            | Rs. 1000/-              |
| 2. | Class 'B' (Silver House)          | Rs. 750/-               |
| 3. | Class 'C' (Bronze House)          | Rs. 500/-               |

Checklist for classification of homestays is placed at Annexure III.

Acknowledgement  
of the application

7. The Prescribed Authority shall, on receipt of the application along with the prescribed fee, acknowledge the receipt thereof indicating the date on which the application is submitted by the applicant, date of receipt and amount of the fee received with the application.

Certificate of  
Registration

8. The Prescribed Authority shall unless registration is refused under Rule 9 hereunder shall issue Certificate of Registration to the Home Stay Establishment Owner in the Form given at Annexure IV.

Refusal of  
Registration

9. (1) The Prescribed Authority may refuse registration of a Home Stay Establishment under the Rule if he or she is convicted of any offence under any law providing for prevention of hoarding, smuggling or profiteering or any adulteration of food or drug under Chapter XIII and XIV of the Indian Penal Code, 1860 and that three years have not elapsed since the expiry of any sentence imposed upon him or her.

(2) No application for registration shall be refused or certificate of registration cancelled unless, the person applying for registration and the person whose certificate of registration is to be cancelled has been afforded a reasonable opportunity of being heard.

Removal of name  
from the register

10. (1) The Prescribed Authority may by an order in writing remove the name of a Home Stay Establishment from the Register and cancel his certificate of Registration on any of the following grounds, namely:-

- (a) if the Home Stay Establishment ceases to cater to tourists;
- (b) if he or she is convicted of any offence punishable under the relevant sections of the Indian Penal Code, 1860 or under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food and drugs or corruption or
- (c) if he or she is blacklisted by the Prescribed Authority.



(2) In case of overcharging, unhygienic conditions, misbehaviour, malpractices, failure to maintain required standards the registration of Home stay unit will be cancelled after giving reasonable opportunity to the owner to be heard.

(3) Any Home Stay Establishment which name is removed from the register under sub-rule (1) shall forthwith cease to be a Home Stay Establishment.

**Blacklisting of a dealer**

11. (1) The Prescribed Authority may, on proof of complaint and due process of law and justice, of malpractice or any other offence committed under these rules for reasons to be recorded, blacklist a Home Stay Unit, after taking into consideration the nature of malpractice and direct forthwith the removal of such unit from the register and cancellation of the certificate of registration.

(2) The particulars of such blacklisted Home Stay Units which are issued by written orders shall be notified to all travel, trade and concerned organizations.

(3) Notwithstanding action taken under sub-rule (1) the Home Stay unit owner shall be liable to be prosecuted under the provisions of the law if deemed necessary.

**Removal of name of blacklisted Home stay Establishment/ Owner**

12. If the Prescribed Authority is satisfied that there are sufficient grounds for removal of name of blacklisted Home Stay Establishment or Owner, he may, after recording the reasons, order his removal from such list and notify the same for general information of all concerned.

**Monitoring and Evaluation of Home stays**

13. (1) There shall be an independent panel for Monitoring and Evaluation of Home Stays in the State of Sikkim for the purpose of consistent efforts to provide assured service standards. This shall be done by a Monitoring and Certifying Committee which shall be duly notified by the department so that assured minimum standards are continued to be maintained in these Home Stay Establishments. The panel shall be drawn from various stakeholders and agencies involved in tourism and eco tourism fields. (2) The Monitoring and Evaluation panel will also grade the home stays in terms of quality of services and on the basis of feedback Form Receipt. It would also suggest ways to improve quality of home stays and prepare profile of the home stay owners.

**Display of information and maintenance of registered documents**

14. (1) Every registered Home Stay Establishment shall display, at a conspicuous place, in respect of his Home Stay, at the entrance of the Home Stay or at the reception counter, on a notice board (with a minimum size of 3'-4' the following information, duly painted, namely,

(a). Home Stay \_\_\_\_\_ (Name)

(b). Registration number under the Registration of Tourist Trade Act, 1998

(c). Certificate of Hotel Management/Capacity Building Training.

(d). Total accommodation in the Home Stay with details:

i) No of single room \_\_\_\_\_

ii) No of double room \_\_\_\_\_

iii) No of family suits (4 beds) \_\_\_\_\_

(a unit of more than one room)

iv) Rooms occupied \_\_\_\_\_

v) Rooms reserved \_\_\_\_\_

vi) Rooms available \_\_\_\_\_

vii) Rate list of each room as approved by Prescribed Authority.

viii) Check out time 12.00 noon.

(2). Rate list of eatables to be displayed on a separate notice board and menu.

(3) Kitchen/Dining closing time to be displayed.



(4) Every registered Home Stay Establishment shall maintain the following books and register, approved by the Prescribed Authority. The Home Stay Owner upon demand/request by the Prescribed Authority shall produce the following records, namely:-

- a) Complaint/suggestion book to be kept at the reception/ lobby/ living room of Home stay.
- b) Guest/tourist visitor register. Formats for these will be designed and handed over to the home stay owner at the time of registration.
- c) Bill book/receipt duly numbered in duplicate shall be provided before registration is granted. All guests shall be provided with proper bills and receipts. Notice in counter should be given and advice guests to insist on these.
- d) Receipt book duly numbered in duplicate for receipt of payments/advance.

5. A feedback Form prepared by the Department will be given to all home stay owners upon registration. These Forms shall be displayed at the home stay counters along with other information.

6. The Code of Conduct for guest shall be displayed in the prominent place.

7. The Home Stay Establishment owner/family will not allow entry of guest/tourist in the hotel room unless his particulars are entered in the guest register.

**Procedure for advance and refund of advance money**

15. In case advance reservation is made for more than four days, the Home Stay Establishment shall not demand more than 50% of the amount of the approved rent as advance. After the receipt of the advance money he shall confirm booking. The entire amount of advance money shall be refunded within seven days where confirmation. In case of cancellation of advance reservation by the guest, the following amount can be retained by the Home Stay Owner, namely:

- i). Cancellation within 72 hours from the date and time of arrival.... 10% advance amount.
- ii). Cancellation within 48 hours from the date and time of arrival...25% of the advance amount.
- iii). Cancellation within 24 hours from the date and time of arrival...50% of the advance rent.
- iv). In case of cancellation if less than 24 (twenty four) hours the deposit shall be forfeited at the discretion of the home stay owner.

**General terms and conditions for approval and registration of Home Stay Establishments**

- 16. (1) Every Home stay Establishment should maintain clear and hygienic environment.
- (2) Floor surface should be clean and in good condition.
- (3) Comfortable bed with good quality linen and bedding.
- (4) Guest rooms and bathrooms should be clean, airy, pest free, without dampness and with adequate/required ventilation.
- (5) Guest toiletries and bath towel, hand towel (minimum one) to be provided per guest.
- (6) Sanitary bin to be provided in each toilet.
- (7) Hot and running cold water should be available 24 hours.
- (8) Kitchen should be well maintained, smoke free, clean, hygienic, pest free and having good ventilation.
- (9) Proper garbage disposal arrangements should be made.
- (10) Every Home Stay shall immediately make vehicle arrangement to move the guest to nearest hospital/doctor, if she or she gets seriously ill or demand it.

**Basic Assured Quality in Services to be provided in Home Stays.**

- 17. (1) All beds shall be minimum 6.5 feet in length and provided with mattress of sufficient thickness and comfort. Clean Soft pillows and adequate clean blankets or quilts shall be provided according to the weather and season.
- (2) Clean linen such as pillow cases and bed sheets and towels shall be provided.
- (3) There shall be adequate provision for storage of guest luggage, hanging clothes and sitting arrangements with reading/writing facility.



**Home stay  
Establishment  
upgradation**

18. Cases for hoe stay upgradation will be considered for each home stays which function for a minimum period of 5 (five) years as registered under Tourism and Civil Aviation Department. If such upgradation cases do not fall under hotels, then such places will be categorized as village Guest house for which separate rules shall notified later.

**Investor Support  
Cell (ISC)**

19. Post implementation Assistance and Monitoring will be one of the key aspects to ensure proper functioning of homestay operations. There will be a support system to provide professional guidance and overall managerial directions to the Entrepreneurial units. The investors support cell is proposed to be functional under the Department of Tourism and Civil Aviation. The Investor Support Cell will be able to assist the units by ways of:-

- Marketing guidance/support.
- Technical guidance for continuous improvements.
- Capacity building.

**Secretary,  
Tourism and Civil Aviation Department,  
Government of Sikkim  
(File no.GoS/DoT&CAv/Adm/18 (1)2008- 09  
Village Tourism in Sikkim)**

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APPLICATION FORM UNDER THE REGISTRATION OF HOME STAY ESTABLISHMENT RULES, 2013.

- 1. Name of applicant .....
- 2. Age .....
- 3. Academic qualification .....
- 4. Father's name. ....
- 5. Address/Phone no. ....
- 6. Name of proposed unit .....
- 7. House .....
- a. Area of existing house .....
- b. Nos. of rooms .....
- c. Nos. of bathrooms/toilet .....
- d. Additional facilities if available .....
- 8. Distance of Homestay establishment in km from:
  - a. Airport .....
  - b. Railway station .....
  - c. Nearest Bus stand .....
  - d. Nearest Shopping centre .....
  - e. Nearest Hospital/Dispensary .....

Document to be submitted:

- 1. Sikkim subject/certificate of Identification
- 2. Proof of ownership of house/ property
- 3. Location plan showing access to the Homestay from the major roads (need not be scale )

Yours faithfully,



(Full Name).....  
 (Full Address).....  
 (Phone number).....



(Annexure II)

To,  
The Deputy Director,  
Tourism & Civil Aviation Department,  
Government of Sikkim,  
Gangtok.

### UNDERTAKING

I have read and understood all the terms and conditions of the Registration of Sikkim Homestay Establishment Rules, 2013 and hereby agree to abide by them. The information and documents provided are correct and authentic to the best of my knowledge. I am also willing to undergo any training programme conducted periodically by the Department or service providers to improve the service in my Home Stay.

Signature and name of the owner, in block letters.

Place:

Date:



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GOVERNMENT OF SIKKIM  
TOURISM & CIVIL AVIATION DEPARTMENT  
M.G MARG GANGTOK- 737101  
Phone No. 03592 203425, Fax-205647  
Email:secy\_tourism@yahoo.com

No...../DoT &CAv

Dated .....

CERTIFICATE OF REGISTRATION

This is to certify that Homestay of Shri.....  
located at.....

..... has been registered under the

Registration of Home Stay Establishment Rules, 2013

vide Registration number.....

Serial no..... Volume No..... District.....

Deputy Director  
Tourism & Civil Aviation Department  
Government of Sikkim



**ANNEXURE III**

(See rule 6 (2))

**CHECKLIST OF FACILITIES**

**General**

**Certification by the establishment  
(Yes/No)**

Necessary License from local body N

Clean and hygienic environment N

Bedrooms, bathrooms, public areas and kitchens service  
While there are tourist N

All floor surface clean and in good repair N

Safety and Security N

**Guest rooms**

Minimum one lettable room and maximum 2,4 beds with  
Attached toilets; All rooms to have good ventilation N

Minimum size of bedroom excluding bathroom has to be 120 sq.ft N

A clean change of bed and bath linen daily and between check in N

Minimum bed width for single is 90 cm and double 120cm N

Mattress minimum 10 cm thick coir, cotton, foam or spring N

Minimum bedding 2 sheets, pillow and case, blanket ( in air  
Conditioned rooms), mattress protector/bedcover N

Sufficient Lighting N

A 5 AMP earthed power socket N

A bedside table and drawer N

A writing surface with sufficient lighting N

Chairs-preferably one per bedding N

Wardrobe with minimum 4 cloth hangers per bedding N

Shelves or drawer space N

A wastepaper basket N

Opaque curtains or screening for all windows N

Drinking water = 1 glass tumbler per guest N

A mirror, at least half length (3 feet) N

A 'do not disturb' notice N

**Bathrooms**

Minimum size of bathroom 30 sq.ft. N



|   |   |
|---|---|
| Western type/Indian WC                                      | N |
| 1 bath towel and 1 hand tower to be provided per guest      | N |
| One WC brush per toilet seat                                | N |
| Guest toiletries on request. Minimum 1 new soap/guest       | N |
| A clothes-hook in each bath/shower room                     | N |
| A sanitary bin  | N |
| Each western WC toilet to have a seat and lid, toilet paper | N |
| Floors and walls to have non-porous surfaces                | N |
| Hot and cold running water available 24 hours               | N |
| Water saving taps/shower                                    | N |
| Energy saving lighting                                      | N |
| Bottled toiletry products                                   | N |
| <b>Public Areas</b>   |   |
| Telephone facility  | N |
| E-mail service  | D |
| Dining room with quality furniture                          | N |
| Non-plastic crockery and glassware                          | N |
| Cutlery to be at least stainless steel                      | N |
| <b>Kitchens</b>   |   |
| Refrigerator  | N |
| Daily germicidal cleaning of floors                         | N |
| Clean utensils  | N |
| All food grade equipment, containers                        | N |
| Ventilation system  | N |
| Purified drinking water                                     | N |
| Garbage to be segregated-wet and dry disposed/treated       | N |

Note: D= desirable, N=Necessary



### SCORE SHEET

| Criteria                  | Max Marks  | Allocation of Marks  |
|---------------------------|------------|--|
| Location                  | 10         | Places of tourist attraction (6), located at scenic place/farm/estate (4)  |
| Exterior and surroundings | 10         | Exterior environments (4), Approach (1), Landscaping (2), exterior lighting (2) Parking (1)  |
| Type of Building          | 8          | Heritage building, Farm houses, Estate Bungalows (8), New construction in traditional Architecture (6), Normal RCC structure (4), Old tiled houses without much heritage value (4) |
| Guest Rooms               | 12         | Furniture (6), Furnishings (2), Décor (2), Room facilities and amenities (2)   |
| Bathrooms                 | 8          | Facilities (2), fittings (2), Linen (2), Toiletries (2)  |
| Public Area               | 4          | Furniture and Furnishings (2), Décor (2)   |
| Food                      | 6          | Traditional cuisine (2), Choice of cuisine (2), Food quality (2)   |
| Kitchens                  | 6          | Cleanliness (2), State of repair (2), Food Storage (2)   |
| Cleanliness               | 10         | Overall impression   |
| Hygiene                   | 10         | Overall impression   |
| Safety and Security       | 4          | Public area and room security (2), Signage (2)   |
| Communications            | 2          | Phone service (1), Internet access (1)   |
| Eco friendly practices    | 10         | Waste management, recycle, no plastics (5), Water conservation, harvesting (2), Pollution control –air, water sound, light (2), Alternative energy usage (1)                       |
| <b>Total</b>              | <b>100</b> |  |

Class A (Gold House) – 75 and above, Class B (Silver House) – 60-74, Class C (Bronze House) -50-59, Not qualified – Less than 50