



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Tourist Places (Protection and
Maintenance) Bill, 2001.**

(Bill No. 68 of 2001)

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(~~Be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT
PORVORIM—GOA
JULY, 2001

**The Goa Tourist Places (Protection and
Maintenance) Bill, 2001**

[Bill No. 68 of 2001]

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BILL

to protect and maintain the tourist places from deterioration and erosion and preserve their tourism potential.

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-second Year of the Republic of India, as follows:-

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Tourist Places (Protection and Maintenance) Act, 2001.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

- (a) “competent authority” means the authority appointed under section 4 of this Act;
- (b) “Government” means the Government of Goa;
- (c) “nuisance” includes any act of commission or omission or carrying on of any activity, process, operation including the operation of or plying of vessels or boats or timber, raft or any other

floating object in any part of the sea, river, or port which causes or is likely to cause injury, danger, annoyance to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property and includes oil spillage;

- (d) "tourist place" means any place, site or location declared by the Government as tourist place under section 3 of this Act and shall include any land, monument, lake, river, beach or portion thereof;
- (e) "tourism potentiality" means a tourist place where a person or group of persons including pilgrims are likely to visit.

3. *Declaration of tourist places.*— On and from the date of coming into force of this Act, the Government may, by notification in the Official Gazette, declare any place, monument, site, location to be a tourist place for the purposes of this Act, including any river, riverbed, beach, water spring, lake, water course or land, etc.

4. *Appointment of competent authority.*— Government may, by notification in the Official Gazette, appoint any gazetted officer of the Government to be a Competent Authority either for the whole of the State of Goa or for each district of the State of Goa.

5. *Prevention of nuisance.*— Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgement or decree of any court, on and from the date of coming into force of this Act,—

- (a) no person, company, association or firm or any other body shall cause any nuisance or carry out any activity, process, operation, etc.,

including the operation of or plying vessels, boats, etc. or omit to prevent or remove the nuisance, which damages or deteriorates or is likely to damage or deteriorate or is capable of being damaged or deteriorated or has damaged or deteriorated the tourism potentiality of any tourist place, declared as such, under section 3 of this Act.

- (b) the competent authority, either on its own motion or upon a complaint received or upon reference made to it, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation as referred to in clause (a) above being carried out, if in the opinion of the said competent authority, it has damaged or deteriorated or is likely to damage or deteriorate the tourism potentiality of any tourist place, and pass such interim orders as it deems fit to give effect to the objects of this Act.

6. *Notice for removing the nuisance.*— If, in the opinion of the competent authority, a nuisance is having impact on the tourism potentiality, it shall issue a notice to the owner, occupier, lessee, charterer or any person enjoying right of usage or has control of the object which has contributed to the nuisance and the owner, occupier, lessee, charterer or any person enjoying right of usage or has control of the object, as the case may be, shall within a period of 15 days from the date of receipt of such notice, abate or remove the same, and unless the same is removed or abated by the said person within the said period of 15 days or such further time as may be extended by the competent authority, but not exceeding 3 months, the competent authority shall cause removal of such nuisance.

7. *Object of nuisance shall stand forfeited and vest in the Government.*— On the failure of the owner, occupier, lessee, charterer or any person against whom notice of removal of nuisance is issued, to comply with the order of removal of such nuisance within the time fixed by the competent authority, the material thing or object of nuisance shall stand forfeited and vest in the Government, except that when such material thing or object is sold in public auction, any sum over and above the cost of removal of nuisance, shall be payable to its owner. In case the cost of removal exceeds the sale price in auction the balance shall be recovered from the concerned owner, as provided in Section 8.

8. *Expenses and costs for removing the nuisance.*— The expenses and costs incurred, if any, the Competent Authority in removing or abating such nuisance, shall be recovered from the person who has caused such nuisance or from the owner/occupier of the object which has contributed to the nuisance, in the same manner as arrears of land revenue.

9. *Dealing with the property of nuisance.* — Any property, thing, material or object, which is a nuisance under this Act, may be disposed off or dealt with by the Government, in the manner it deems fit.

10. *Offences and penalties.*— (1) Whoever contravenes any of the provisions of this Act or fails to comply with any order or directions given under the Act or obstructs any person acting under the orders or directions of the Competent Authority from exercising his powers and performing his functions under this Act, shall be punishable with imprisonment for a term which shall not be less than 3 months but which may extend to 3 years or with fine which may extend to Rs. 5,000/- or with both.

(2) Any offence committed under this Act shall be cognizable and non-bailable.

11. *Appeal.*— (1) An appeal shall lie against the order passed by the competent authority under this Act to the Government, whose decision on appeal shall be final.

(2) No court shall have jurisdiction to take cognizance of any suit, appeal or proceeding, against any order which can be dealt with under this Act, passed or likely to be passed under this Act.

12. *Protection for acts done under this Act.* — No suit, prosecution or other legal proceedings shall lie in any court, against the Government, Competent Authority or any of its officers or persons duly appointed or authorized by it in respect of anything which is done in good faith or is intended to be done in pursuance of or under this Act or the rules made thereunder.

13. *Certain officers to act in aid of Competent Authority.*— All officers of the police force, home guards, person in-charge of Police Station shall act in aid of the orders of Competent Authority.

14. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

15. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty.

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

Statement of Objects and Reasons

The tourism industry is not only one of the major sources of revenue for the State of Goa but also caters to the livelihood of about more than 30% of the population in the State. Further, the Goan beaches and also some other important places in the State of Goa are renowned and have very high tourism potential and acclaimed not only at national level, but also have international reputation, fame and recognition.

It is, therefore, of utmost importance to maintain all such places of tourist importance and protect them from being made prone to deterioration of their tourist potential.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in the present Bill.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to notify the tourist places and Clause 4 of the bill empowers the Government to appoint Competent Authority for the purposes as specified therein. Clause 14 of the Bill empowers the Government to frame rules as specified therein.

These delegates are of normal character.

Porvorim, Goa
19 July, 2001.

FILIP NERI RODRIGUES
Minister for Tourism

Assembly Hall
Porvorim, Goa
19 July, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)