

The Goa Tourist Places (Protection and Maintenance) Act, 2001

Act 56 of 2001

Keyword(s):

Nuisance, Tourist Place, Tourism Potentiality

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GOVERNMENT OF GOA

Department of Tourism

Notification

7-61-2001/LA

The Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001), which has been passed by the Legislative Assembly of Goa on 23-07-2001 and assented to by the Governor of Goa on 5-09-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 12th September, 2001.

The Goa Tourist Places (Protection and
Maintenance) Act, 2001

(Goa Act 56 of 2001) (5-9-2001)

AN

ACT

*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. *Definition* 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 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.

Secretariat- Annexe,
Panaji.

V. P. SHETYE,
Secretary to the
Government of
Goa.

Dated: 12-9-2001.

Law Department
(Legal Affairs)

Department of Tourism

Notification

6/4/(59)2001-DT

In exercise of the powers conferred by section 3 of the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001)(hereinafter called the said Act) the Government of Goa, hereby declares the following places to be the tourist places for the purpose of the said Act, with immediate effect.

(I) BEACHES

All the beaches within the State of Goa

(II) OLD MONUMENTS

Churches at Old Goa, Mahadev Temple at Tambdi Surla, Safa Masjid at Ponda

(III) TEMPLES IN THE STATE OF GOA

- (1) Shree Bhagavati Temple at Pernem Taluka
- (2) Shree **Bhagavati** Temple at Parshem
- (3) Shree Brahma Temple at Brahma Carambolim
- (4) Shree Chandranath Temple at Paroda
- (5) Shree Damodar at Zambaulim-Sanguem
- (6) Shree Datta Mandir at Dattawadi, Sanquelim
- (7) Shree Devi Sharvani Temple at Advolpal
- (8) Shree Devkikrishna Ravlnath at Marcela, Ponda
- (9) Shree Gomanteshwar Devasthan Brahamapur near Ela Farm at Old Goa
- 10) Shree Gomantak Tirupati Balaji Padmavati

- Temple in Ponda Taluka, Kunkuliem Village
- (11) Shree Gopal Ganapati at Farmagudi, Ponda
 - (12) Shree Kalikadevi at Kansarpal
 - (13) Shree Kamakshi Saunsthan Shiroda
 - (14) Shree Lairai Temple at Sirigao
 - (15) Shree Mahadeo Bhumika at Sal, Bicholim
 - (16) Shree Maha Ganapati Temple at Model in Tivim
 - (17) Shree Mahalsa Temple at Mardol
 - (18) Shree Mahalaxmi Temple at Bandode
 - (19) Shree Mallikarjun Temple at Canacona
 - (20) Shree Manguesh Temple at Priol Ponda
 - (21) Shree Morjaee Temple at Morjim
 - (22) Shree Naguesh Temple in the village Bandora
 - (23) Shree Navdurga Saunsthan at Borim
 - (24) Shree Navdurga Temple at Madkai
 - (25) Shree Ramnath Temple in Ponda Taluka
 - (26) Shree Rudreshwar Temple at Harvalem
 - (27) Shree Saptakoteshwar Temple at Narve Bicholim
 - (28) Shree Sapteshwar-Bhagvati Temple at Mandrem
 - (29) Shree Saunsthan Gokarn Partagali Jeevotam Math at Partagali
 - (30) Shree Saunsthan Goudpadacharya **Kavlemath** at Kavlem
 - (31) Shree Shantadurga Temple at Kavlem
 - (32) Shree Shantadurga Temple at Dhargal
 - (33) Shree Shantadurga (Kunkolienkarin) **Temple at** Fatorpa (Quepem.)
 - (34) Tapobhoomi at Kundai
 - (35) Shree Vithal Mandir at Vithalwadi, Sanquelim

(IV) CHURCHES

- (1) Basilica of Bom Jesus, **Sè Cathedral**, Church of St. Francis of Assisi, St. Cajetan Church, Church of Our Lady of Rosary, Nunnery of Santa Monica, Ruins of Church of St. Augustine, Viceroy's Arch at Old Goa.
- (2) Reis Magos Church at Reis Magos
- (3) The Church of Mae de Deus at Saligao
- (4) The Church of St. Alex at Curtorim
- (5) The Church of St. Ana at Talaulim, Ilhas

(V) MOSQUES

- (1) Jama Masjid at Sanguem

(VI) FORTS

- (1) Aguada Fort
- (2) Reis Magos Fort
- (3) Chapora Fort
- (4) Khorjuvem Fort
- (5) St. Estevao Fort
- (6) Alorna Fort
- (7) Mormugao Fort
- (8) Cabo de Rama Fort
- (9) Colvale Fort
- (10) Terekhol Fort

(VII) WILD LIFE SANCTUARY

- (1) Bhagvan Mahavir Wildlife Sanctuary at Molem
- (2) Bondla Forest
- (3) Cotigao Wildlife Sanctuary in Canacona Taluka
- (4) Salim Ali Bird Sanctuary at western tip of the island of Chorao

(VIII) CITIES

- (1) Panaji
- (2) Margao
- (3) Vasco-da-Gama
- (4) Mapusa
- (5) Ponda

(IX) LAKES

- (1) Maem Lake
- (2) Carambolim Lake
- (3) Nanda Lake

(X) WATERFALLS

- (1) Dudhsagar Waterfalls
- (2) Arvalem Waterfalls

(XI) PARKS AND GARDENS

- (1) Rustic Plantation at Dongurli Village
- (2) Pascoal Spice Village near Village of Khandepar
- (3) Savoi Plantation Spice of Life at Savoi Ponda And all the Gardens/Parks which are maintained by Municipalities/Panchayats within the State of Goa

(XII) MUSEUMS AND ART GALLERIES

- (1) Archaeological Museum and Portrait Gallery at Old Goa
- (2) Goa State Museum at Patto, Panaji
- (3) Museum of Christian Art, Rachol
- (4) Naval Aviation Museum at Dabolim
- (5) Galleries at **Sè Cathedral**, St. Francis of Assisi Convent and Basilica of Bom Jesus
- (6) Galleria de Icons, Seva Samiti Bldg. Margao
- (7) The Big Foot Art Gallery and Local **Handicrafts** Centre Loutulim

(XIII) SEMINARIES

- (1) Pilar -Goa Velha
- (2) Rachol -Margao
- (3) Saligao -Saligao

(XIV) SPRINGS

- (1) Kesarwal
- (2) Pomburpa

By order and in the name of the Governor of Goa.

N. Suryanarayana, Director of Tourism & Ex-Officio Joint Secretary.

Panaji, 26th November, 2001.

Notification

6/4/(59)2001-DT

In exercise of the powers conferred by section 4 of the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001) (hereinafter called the "said Act"), the Government of Goa hereby

appoints Director of Tourism, Government of Goa, to be a competent authority for the purpose of the said Act for the entire State of Goa, with immediate effect.

By order and in the name of the Governor of Goa.

N. Suryanarayana, Director of Tourism & Ex-Officio Joint Secretary.

Panaji, 26th November, 2001.

Notification

6/4/(59)2001-DT

In exercise of the powers conferred by Section 14 of the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely: -

1. *Short title and commencement.*- (1) These rules may be called the Goa Tourist Places (Protection and Maintenance) Appeal Rules, 2001.

(2) They shall come into force at once.

2. *Definition.*- In these rules, unless the context otherwise requires, -

(a) "Act" means the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001);

(b) "Competent Authority" means the authority, appointed by the Government under section 4 of Act.

(c) "Government" means the Government of Goa.

(d) "section" means a section of the Act;

(e) words and expression used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

3. *Form and content of an appeal.*- (1) Every appeal against the order of the competent authority made under the Act, shall be in the form of memorandum.

(2) The memorandum of an appeal shall be drawn up in duplicate by the appellant or his representative and after being signed either by the appellant or a person duly authorised by him in that behalf, filed before or sent by a registered post to the Government.

(3) The memorandum of appeal shall contain the following particulars, namely:-

- (i) the name and address of the appellant;
- (ii) date of order of the competent authority;
- (iii) clear statement of facts;
- (iv) contain grounds of an appeal;
- (v) the relief prayed for, precisely and in brief.

(4) The memorandum of an appeal shall be signed and verified by the appellant or by a representative duly authorised by him in writing in that behalf in the following form, namely: -

"I.....appellant/representative appointed by the appellant named in the above memorandum of appeal do hereby declare that what is stated herein is true to my knowledge and belief".

(5) Every such memorandum of appeal shall bear a fee of Rupees one thousand only and the same shall be paid by way of challan or stamp affixed to the memorandum. The memorandum of appeal shall be accompanied by either the order in original against which it is made or duly certified copy thereof unless omission to produce such order or copy is explained at the time of the presentation of the appeal to the satisfaction of the Government.

(6) The Respondent in the appeal shall be entitled to file a reply and if such a reply is filed, the appellant may file a rejoinder.

4. Summary rejection of appeal. - The appeal may be summarily rejected by the Government if the appellant, after being given the opportunity in this behalf, fails to comply with any of the requirements of these Rules.

5. Fixing the date for hearing of appeal. - If the Government does not reject the appeal summarily, it shall fix a date for hearing and notify the same to the parties. Fifteen days notice shall be given to the parties in advance of the date of hearing by registered A/D letter or served personally at the address given in the memorandum of appeal.

6. Hearing of an appeal. - (1) If the Government so desires, it may depute any assessor to inspect and submit a report after making such inquiries as directed, but no recommendation of the assessor shall be binding on the Government.

(2) The Government may for sufficient reasons adjourn at any stage, hearing of an appeal to a different date.

7. *Dismissal of an appeal for non appearance.*- If on the date and at the time fixed for hearing or at any other date or at any other times to which the hearing may be adjourned, the appellant or his representative does not appear before the Government either in person or through an agent, the Government may dismiss the appeal or may decide it *ex parte* as it may think fit.

8. *Procedure for disposal of an appeal.* - (1) The Government may, after giving the appellant an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against. Such order shall be passed by the Government within sixty days from the date of filing of the appeal.

(2) The Government shall send a copy of every order passed by it to the parties to the appeal.

(3) The Government shall not in any appeal pending before it against any order under the Act, make an interim order or injunction against the competent authority unless an opportunity of being heard is given to the competent authority:

Provided that the Government may without giving an opportunity as aforesaid, make an interim order as an exceptional measure, if it is satisfied for reasons to be recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filing appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall if it is not vacated earlier cease to have effect on the expiry of a period of fifteen days from the date on which it is made unless before the expiry of that period, the Government confirms or modifies that order after giving to the Respondent opportunity of being heard.

(4) An order of the Government made under these Rules may be executed or caused to be executed by it in whose favour the order has been made. The decision of the Government in the appeal shall be final and binding on the parties thereof.

By order and in the name of the Governor of Goa.

N. Suryanarayana, Director of Tourism & Ex-Officio Joint Secretary.



Panaji, 26th November, 2001.

