



The Goa Erection of Shacks on Public Beaches (Regulation and Control) Act, 2024

Act No. 25 of 2024

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Panaji, 24th October, 2024 (Kartika 2, 1946)

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Notification

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The Goa Erection of Shacks on Public Beaches (Regulation and Control) Act, 2024 (Goa Act 25 of 2024), which has been passed by the Legislative Assembly of Goa on 07-08-2024 and assented to by the Governor of Goa on 18-10-2024, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 24th October, 2024.

The Goa Erection of Shacks on Public
Beaches (Regulation and Control)

Act, 2024

(Goa Act 25 of 2024) [18-10-2024]

AN

ACT

*to provide for special regulation and control
of temporary and seasonal structures
permitted under Coastal Regulation Zone*

*Notification and for the matters connected
therewith or incidental thereto.*

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Erection of Shacks on Public Beaches (Regulation and Control) Act, 2024.

(2) It shall extend to the whole of the State of Goa.

(3) It shall be deemed to have come into force on the 15th day of March, 2024.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires:—

(a) "Allottee" means any individual, permitted by Goa Coastal Zone Management Authority to erect temporary and seasonal structures permitted under CRZ Notification;

(b) "Beach Site" means a place of defined dimensions, demarcated on the site plan and indicated in the License, issued by the Department of Tourism.

(c) "Beach Shack" means a purely temporary structure of such material, size and design and for such activities on the

public beach as the Government may, by notification in the Official Gazette or the Goa Shack Policy, specify;

(d) “Central Legislation” means all acts, ordinances, notifications and rules, enacted by the Parliament;

(e) “Director” means the Director of Tourism appointed by the Government of Goa; or his delegate;

(f) “Government” means the Government of Goa;

(g) “Goa Shack Policy” means a policy, notified by the Government of Goa, laying down the terms and conditions for erection of temporary seasonal structures, beach shacks/deck-beds/umbrellas/huts and other structures on stretches of public beaches;

(h) “Temporary and seasonal structures” shall mean any structure permitted by the Goa Coastal Zone Management Authority under the Coastal Regulation Zone Notification;

(i) “Tourist Season” means the tourist season commencing from 15th of September and ending on 31st of May of every calendar year or such other period which may be specified by the Government in the Goa Shack Policy.

(2) The words and expressions used but not defined in this Ordinance, shall have the meanings assigned to them in The Goa Registration of Tourist Trade Act, 1982 (Series I No. 36 of 1982), the Goa Fire Force Act, 1986 (Series I No. 31 of 1986), the Goa Shops and Establishments Act, 1973 (Series I No. 31 of 1973), and the Goa State Shack Policy 2023-26 (Series I No. 29 of 2023), as may be amended/notified by the Government of Goa, from time to time.

CHAPTER II

Application and Operational Regulations

3. *Application of the Act.*— This Act shall apply to such beach shacks which are permitted by the Department of Tourism to

be erected on public beaches under the Goa Shack Policy and all other temporary structure permitted by the Goa Coastal Zone Management Authority in terms of the Coastal Regulation Zone Notification on public or private properties.

4. *Licensing of Shacks and Temporary and Seasonal Structures.*— (1) Notwithstanding anything contained in The Goa Town and Country Planning Act, 1974 (Series I No. 34 of 1974), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Series I No. 5 of 2008), the Goa Panchayat Raj Act No. 14 of 1994, or any other State law for the time being in force, or order, judgment or decree of the Court, the erection and operation of the beach shacks on the beach site under the Goa Shack Policy and the temporary and seasonal structures permitted by the Goa Coastal Zone Management Authority shall not require any construction license or a technical clearance under any of the foregoing statutes but shall obtain following permissions;

(a) A permission to erect a temporary and seasonal structure from the Director of Tourism.

(b) No Objection Certificate from the Village Panchayat or Municipality or City Corporation of Panaji, within whose jurisdiction the shack or temporary and seasonal structure is being erected.

(c) Trade License issued by the Village Panchayat or Municipality or City Corporation of Panaji, within whose jurisdiction the shack is being erected.

(d) No Objection Certificate issued by the concerned Health Officer within whose jurisdiction the shack, temporary and seasonal structure is being erected.

(e) No Objection Certificate or a certificate certifying the compliance with the Goa, Daman and Diu Fire Force Act, 1986 (Series I No. 31 of 1986) issued by the Directorate of Fire and Emergency Services.

(f) Excise license issued by the Goa Excise Duty Act, 1964 (No. 5 of 1964).

5. *Application for grant of permission before the Director of Tourism.*— Notwithstanding anything contained in the Goa Town and Country Planning Act, 1974 (Series I No. 34 of 1974), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Series I No. 5 of 2008), the Goa Panchayat Raj Act, 1994, No. 14 of 1994 or any other State law for the time being in force, or order, judgment or decree of the Court, the Director of Tourism shall while granting permission under clause (a) of sub-section (1) of Section 4 above shall ensure the following requirements:

(i) For temporary and seasonal structure other than the beach shacks permitted by Tourism Department, coverage of a plot shall not exceed 33 per cent of the total plot area.

(ii) the structure must have access of at least 3 meters.

(iii) the height of such temporary structure should not exceed 9 meters.

(iv) a minimum setback of 1 meter is maintained from the boundary of the plot on all sides:

Provided, that the requirement of the setback may be dispensed with on the side where there is either a compound wall or a dead wall or where the adjoining plot belongs to the allottee have 3 mts. setback on such side.

6. *Permissions under the Central Legislations.*— Notwithstanding anything contained in Section 4, all the permissions, consents or licenses as may be required to be obtained, for the purpose of erection or operation of a beach shack under provisions of any Central Legislation shall be mandatorily obtained by the allottee for each tourist season, before commencement of operation.

7. *Condition Precedent.*— (1) No allottee of a beach shack or a temporary and seasonal structure shall commence the operations or cause to operate the beach shack in

whatsoever manner, unless all the permissions, and/or licenses, as specified under Section 4 or Section 5, are obtained and all the terms and conditions contained therein are satisfied and certified as such by the Director under sub-section (2).

(2) The Director or his delegate, upon being intimated by the allottee in writing, shall within a period of 15 days from the date of such intimation, issue a certificate, recording therein his satisfaction that the conditions required to be fulfilled by the allottee under the shack policy, and/or the conditions contained in any of the licenses or permissions specified in Section 4, are complied with and fulfilled:

Provided, that no allottee shall commence operation of the beach shack or temporary and seasonal structure unless he, has obtained the permissions, consents or licenses in terms of Section 5.

CHAPTER III

Dismantling of Shack and Penalty for violation

8. *Dismantling of Shack.*— The allottee of a beach shack, permitted to operate the shack under the Goa Shack Policy and in terms of the provisions of this Act, shall dismantle such beach shack and restore the beach site to its original condition, on or before 10th of June of each year, failing which the Village Panchayat or the Municipality or City Corporation of Panaji, whomsoever concerned, shall cause to remove such shack at the cost of the allottee within a period of one week thereafter by exercising powers under Section 6 of the Goa Tourist Places (Protection and Maintenance) Act, 2001:

Provided that, for each day's delay in dismantling the shack beyond 10th of June of each year, the allottee shall be liable to pay penalty at the rate of Rs. 5,000/- per day, to the Department of Tourism, till such period the shack is dismantled and the beach site is restored to its original position either by the allottee or by the Village Panchayat or the Municipality or City Corporation of Panaji.

9. *Penalty.*— (1) Subject to the provisions of this Act, the allottee shall not cause any nuisance, pollution or breach of any law or any condition imposed by law, in the process of erection and operation of the beach shack.

(2) Any breach of sub-section (1) by an allottee shall, notwithstanding any action that is contemplated/initiated against the allottee under the respective statute, also make the allottee liable to pay a fine, which may extend to Rs. 3,00,000/-.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Secretariat, Porvorim, Goa.
Dated: 24-10-2024.

SANDIP JACQUES
Secretary to the Government
of Goa, Law Department
(Legal Affairs).

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CHAPTER IV

Miscellaneous

10. *Powers and functions.*— The Director or his delegate shall be the competent authority to enforce the provisions of this Act, including imposition of penalties, compensation, etc. as payable under this Act.

11. *Effect of other State laws.*— Notwithstanding anything contained in any other State legislation, when the allottee has obtained all permissions referred to in Sections 4 and 5 and has been issued a certificate in terms of Section 6, the erection or operation of the beach shack shall be deemed to be validly undertaken or carried out, even if any other permissions contemplated under any other State legislation has not been obtained.

12. *Removal of Difficulties.*— Subject to the provisions of this Act, all other terms and condition contained in the Goa Shack Policy, as notified by the Government from time to time, shall apply and shall be binding on all persons desiring to erect and operate a beach shack on public beaches.

13. *Repeal and Saving.*— (1) The Goa Erection of Shacks on Public Beaches (Regulation and Control) Ordinance, 2024 (Ordinance No. 3 of 2024) is hereby repealed.