

Panaji, 15th March, 2024 (Phalguna 25, 1945)

SERIES I No. 50

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

EXTRAORDINARY No. 3

GOVERNMENT OF GOA

Department of Law
Legal Affairs Division

Notification

8/3/2024-LA-32

The following Ordinance, which has been promulgated by the Governor of Goa on 15-03-2024, is hereby published for the general information of the public.

D. S. Raut Dessai, Joint Secretary (Law).
Porvorim, 15th March, 2024.

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

(Ordinance No. 3 of 2024)

I, P. S. Sreedharan Pillai, Governor of Goa, in the Seventy-fifth Year of the Republic of India, promulgate "The Goa Erection of Shacks on Public Beaches (Regulation and Control) Ordinance, 2024 (Ordinance No. 3 of 2024)".

An Ordinance to provide for special regulation and control of temporary and seasonal structures permitted under Coastal Regulation Zone Notification.

Whereas, there is no special, and/or specific statute governing the erection, regulation or control of temporary and seasonal structures permitted under Coastal Regulation Zone Notification.

Whereas, it is necessary to provide for a law, for the purpose of effective regulation and control of the shacks erected on public beaches.

Whereas, the Legislative Assembly of Goa is not in session and I am satisfied that circumstances exist which render it necessary for me to take immediate action.

Now, therefore, in exercise of powers conferred by clause (1) of Article 213 of the Constitution of India, I am pleased to promulgate the following Ordinance namely:—

CHAPTER I

Preliminary

Section 1: *Short title, extent and commencement.*— (1) This Ordinance may be called as the Goa Regulation and Control of Temporary and Seasonal Structures Permitted under Coastal Regulation Zone Notification Ordinance, 2024.

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

(3) It shall come into force at once.

Section 2: *Definitions*.— In this Ordinance, 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 and shall also include persons permitted by the Director of Tourism.

(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. OR Means the physically demarcated site indicated in the License issued by the Tourism Department to the Shack allottee and as demarcated on the site plan drawn 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;

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, The Goa Fire Force Act, 1986, The Goa Shops and Establishments Act, 1973, and the Goa State Shack Policy, as may be amended/notified by the Government of Goa, from time to time.

CHAPTER II

Application and Operational Regulations

Section 2: *Application of the Ordinance*.— This Ordinance 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.

Section 3: *Licensing of Shacks and Temporary and Seasonal Structures*.— (1) Notwithstanding anything contained in The Goa Town and Country Planning Act, 1974, The Goa (Regulation of Land Development and Building Construction) Act, 2008, The Goa Panchayat Raj Act, 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.

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

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

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

(e) Excise license issued by the Excise Act.

Section 4: *Application for grant of permission before the Director of Tourism.*— Notwithstanding anything contained in The Goa Town and Country Planning Act, 1974, The Goa (Regulation of Land Development and Building Construction) Act, 2008, The Goa Panchayat Raj Act, 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 section 3(a) above shall ensure the following requirements: (i) For temporary and seasonal structure other than the permitted by Tourism Department, coverage of a plot shall not exceed 70% 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.

Section 5: *Permissions under the Central Legislations.*— Notwithstanding anything contained in section 3 hereinabove, 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.

Section 6: *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 3 or section 4, 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 3, 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 4.

CHAPTER III

Dismantling of Shack and Penalty for violation

Section 7: *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 Ordinance, 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 compensation 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.

Section 8: *Penalty*.— (1) Subject to the provisions of this Ordinance, 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/-.

CHAPTER IV

Miscellaneous

Section 9: *Powers and functions*.— The Director or his delegate, shall be the competent authority to enforce the provisions of this Ordinance, including imposition of penalties, compensation, etc., as payable under this Ordinance.

Section 10: *Effect of other State laws*.— Notwithstanding anything contained in any other State legislation, when the allottee has obtained all permissions referred to in sections 3 and 4 and has been issued a certificate in terms of section 5, 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.

Section 11: *Removal of Difficulties*.— Subject to the provisions of this Ordinance, 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.

Section 12: *Validation*.— Notwithstanding anything contained in The Goa Town and Country Planning Act, 1974, The Goa (Regulation of Land Development and Building Construction) Act, 2008, The Goa Panchayat Raj Act, or any other State law for the time being in force, or Order, Judgment or Decree of the Court, any shack or temporary and seasonal structure which is already erected under the valid permission from the Goa Coastal Zone Management Authority shall not be treated as illegal merely because no license/permission under The Goa Town and Country Planning Act, 1974, The Goa (Regulation of Land Development and Building Construction) Act, 2008, The Goa Panchayat Raj Act, or The Goa Municipalities Act, 1968, was obtained and no such shacks and temporary seasonal structures shall be demolished by any authority for a period of 2 months from the date of coming into force of this Ordinance:

Provided, that such allottee shall apply within 15 days from the date of coming into force of this Ordinance to the Director of Tourism for permission under section 3(a) and the Director shall dispose off such application within another period of 15 days.

Raj Bhavan,

Dona Paula, Goa.

Date: 15-03-2024.

P. S. SREEDHARAN PILLAI,

Governor of Goa.