

**POLICY FOR REGULATION
OF
WATERSPORTS
IN GOA**

GOVERNMENT OF GOA

DEPARTMENT OF TOURISM

Purushottam Bhagwan Building, Opp Hotel Nova Goa

Dr. Atmaram Borkar Road

Panaji Goa

Introduction

Goa is one of the world's most attractive tourist destinations and is endowed with scenic beauty, lush green surroundings, beautiful mountains, valleys, rivers and the most fascinating and enchanting sea, sand and sun. Both Domestic as well as overseas tourists flock to Goa for Fun, Pleasure and Adventure. Goa witnessed around 2.7 million Domestic Tourists and around half a million Foreign Tourists in the year 2011-12. All this calls for a Systematically Organised and a Regulated Tourism Industry. The State of Goa is committed towards Responsible and Honourable Tourism with active support and cooperation from the stakeholders.

With the growth of tourism industry, day by day, tourism products offerings have also evolved and new advancements have emerged in the tourism industry to fulfil the ever increasing requirements, demands and the thirst of adventure seeking tourists. Tourism today is fun filled with adventure with the growth of tourism products like watersports in the State. Watersports include boat rides, river cruises, parasailing, winch parasailing, beach parasailing, kayaking, banana boat rides, speed boat rides, regal boat rides, water skiing, wake board, knee board, surfboard, paddle boat, river rafting, backwater boating, and many more activities which are primarily offered and managed by the private water sports operators.

With the increasing trend in Watersports activities, the challenges to have safe and regulated watersports activities have increased manifold in the absence of a comprehensive legislation in the State. The number of Watersports operators have increased considerably, proportionately increasing the risk and endangering the security and safety of tourists, due to the possible entry of unregulated, untrained and unscrupulous fly by night operators. Besides there is a lot of complexity in the entire process of operation of watersports activities. Unregulated and unauthenticated watersports operators are often seen charging exorbitant and unfair rates to the gullible tourists while openly bypassing the established safety standards thereby endangering the security and safety of tourists. Many a time, this has resulted in fatal accidents, loss of life and limb thereby adversely affecting the image of Goa as a safe tourism destination.

Background:

Watersports activities in the State of Goa were registered and operated as per the guidelines issued by the Government of Goa, in the year 2003, which aims at registering and regulating Boat Rides and Watersports Activities and running of such activities in accordance with the provisions of Law, as in force in the State of Goa until 2005.

The increase in the number of operators and the types of watersports activities led to an increased competition amongst the watersports operators, which further led the

operators to resort to illegal and unfair means thereby causing nuisance to the watersports loving tourists. In order to curb this nuisance, The Government of Goa in the year 2005 approved “The Goa Tourist Places (Protection and Maintenance) (Boat rides/Parasailing and Watersports Activities) Rules 2005”.

Even after coming in force the above rules in 2005, there were reports of many Watersports operators illegally functioning, in the State in the absence of a proper legislation and it was observed that they resorted to all possible illegal measures and unfair trade practices such as overcharging the tourists, engaging of touts and endangering the safety of the tourists/ general public due to compromise on safety standards. The Government of Goa therefore felt it necessary to amend the existing Registration of Tourist Trades Act in order to register all the Watersports and Adventure Sports Operators. The Goa Registration of Tourist Trades Act, 1982 was therefore amended accordingly, in the year 2011. Watersports and Adventure Sports operators are now being registered under Section 19A to 19D of The Goa Registration of Tourist Trades (Amendment) Act, 2011. As on date there are 602, water sports operators and 17 cruise boats/ vessels, which are registered with the Department of Tourism.

Although the registration aspects have now been taken care of, the above amendment could not bring in an organised system and the illegalities and nuisance of water sports operators are still prevailing in some areas.

Taking cognizance of the above, The Honourable High Court of Bombay at Goa in Writ Petition No. 501 of 2009 asked the Director of Tourism to file an affidavit in the matter. Accordingly the Director of Tourism vide affidavit dated 14.10.2009, submitted that *in order to have control and regulate the water sports along the beaches of North Goa and South Goa, the Government has taken a decision to set up a kiosk system through the medium of Goa Tourism Development Corporation.* This affidavit of the Director of Tourism was accepted and taken on record by the Honourable High Court on 14/10/2009 and in terms of the above affidavit the petition was disposed off.

The Honourable High Court of Bombay at Goa in yet another Public Interest Litigation Writ Petition No. 09 of 2011 passed an interim order to regulate the Watersports activities at the Calangute Beach, the operative part of which is as under:

“The Director of Tourism will ensure that:

- (a) Booths (table and chairs) are set up at each of the demarcated water sports zones to receive payments from the persons interested to avail of water sport activities.*
- (b) Tourist Police/ Marine Police assist the Water Sports Zone to ensure that the Water Sports Operators do not ply their boats in the Bathing Zone.*

(c) Sign boards are erected below the red/yellow flags to indicate that the safe bathing zone which is monitored by the life guard.”

A contempt Petition No. 28 of 2009 in Writ petition No. 501 of 2009 was filed before The Honourable High Court of Bombay at Goa for non compliance of the orders of the Honourable High Court dated 14/10/2009 in Writ Petition No. 501 of 2009. The Honourable High Court appointed a commissioner to ascertain whether the directions were implemented by the State. The Commissioner stated that the orders have substantially been not implemented and submitted a report to the Court. The High Court heard the matter on 31.8.2012 and directed to issue contempt notices to Director of Tourism.

The Policy for Regulation of Watersports therefore aims to comply with the directions of The Honourable High Court dated 14/10/2009 in Writ Petition No. 501 of 2009 in order to regulate and monitor the entire Watersports Activity in the State of Goa. It also emphasizes on having uniform rates for different watersports activities across the state so that the Tourists enjoy uniform and transparent rates. The policy also specifies safety norms and lifesaving equipments to be used in the conduct of watersports. The Policy provides for consolidation of all the legal provisions with respect to watersports and also provides for action including penal action on the defaulters and violators of the clauses and ensures that no illegal means are resorted to by the Watersports Operators and finally aims to bring in a systematic and integrated approach in the conduct of the watersports and allied activities in the State of Goa.

Watersports activities includes the following

- Barefoot skiing - waterskiing with no skis
- Boating - use of boats
- Body boarding is similar to surfing, with a smaller board.
- Cable Skiing - similar to wakeboarding but with cables for artificial manoeuvring
- Canoeing
- Flow boarding
- Jet Skiing
- Kayaking
- Kite boating
- Kite surfing on flat water using a kite for propulsion
- Parasailing where a person is towed behind a vehicle (usually a boat) while attached to a parachute
- Rafting
- Rowing
- Sailing using the wind for propulsion
- Sit-down hydrofoiling - riding on the water with a hydrofoil attached to a ski
- Skimboarding - a board is used to ride on an incoming wave
- Skurfing - the participant "skurfs" behind a boat on a surfboard

- Stand up paddle surfing a surf style board with a paddle, used in flat water or waves
- Surfing downhill on ocean waves or artificial waves in a wave pool
- Wakeboarding - similar to water skiing, but using only one board attached to the feet
- Wakeskating - similar to wakeboarding, but the board is not attached to the feet
- Wakesurfing - mix between wakeboarding and surfing
- Waterskiing is using skis to slide over the water while being pulled by a boat or other device
- White water rafting
- Windsurfing on flat water using wind for propulsion in combination with sails
- Yachting sailing on yachts, daysailing, cruising or Yacht racing
- Dolphin trips, crocodile Dundee etc
- Any other related watersports activity.

Water Sports Policy 2012- In compliance with the directives and the approval of the State Cabinet, the Government of Goa has formulated the following Policy/Guidelines for regulation of water sports activities, for strict compliance.

1. The Government of Goa through its various Departments shall have absolute right and control over water sports activities carried out over various water bodies within the jurisdiction of the State including the inland water ways, dam reservoirs, lakes, rivers, ponds and the coastal waters.
2. The Government of Goa shall formulate policies or guidelines or issue advisories and make new rules or amend existing rules, as may be necessary from time to time for the systematic regulation, development and operation of Watersports in the entire State through the Department of Tourism and also formulate a policy for safe and systematic conduct of watersports and ensure that the water sport activities are conducted in a regulated and fair manner in order to promote the concept of Safe and Honourable Tourism.
3. The Government of Goa may appoint suitable and competent agencies for conducting the various studies, research, methodologies for determining the carrying capacity and for development and operation of watersports activities in the State.
4. The Government of Goa hereby designates the Department of Tourism to function as the Nodal Department for the safe and smooth operations and regulation of the watersports in the entire state and all the other related Departments like Captain of Ports, Department of Fisheries,

Department of River and Navigation, Department of Water Resources, Police Department etc shall coordinate and assist the Department of Tourism in smooth discharge of its functions in the State, for regulation of water sports activities.

5. The Government of Goa may, by an order notified in the Official Gazette may appoint one or more agencies for smooth management, operation and conduct of Water sport Activities in various parts of the State. The period of operation, technology and scope of work of the agency shall be identified and finalised by the Department so that the conduct of water sports activities is carried on smoothly, in the interest of the tourists and other stakeholders.
6. All Watersports Operators or Water sports trades, which are currently unregistered as on date in the State should get themselves registered under the Provisions of The Goa Registration of Tourist Trade (Amendment) Act, 2011 with the Department of Tourism, Government of Goa. No unregistered Watersports related Trade or operator, who is unregistered, shall be allowed to operate in the State.
7. Every operator of boat rides or watersports activity in the rivers, inland waters and lakes shall obtain due permission from the Captain of Ports or a competent authority appointed for that purpose by the Central or State government.
8. In case of hotels or chartered operators who operate water sports activities for their in house guests exclusively, the same shall be done as per rates notified by the Department, follow same safety standards and shall not use the boats/ vessels for general public/ tourists. If the Hotel / their operator are found in violation of this norm then the Department will cancel the registration of such errant hotels/ operators. All such water sports activities shall commence only from zones exclusively designated for water sports activities and from no other place.
9. No foreigners shall be permitted to work as an operator or instructor or as a partner without valid Work Visa and the approval of the Government of Goa.

10. Safety Certificate: The Government of Goa may appoint Competent Agency or National Institute of Watersports, Ministry of Tourism, Government of India to prescribe Safety Standards and Safety norms. The Agency so specified shall have the Powers to issue Safety Certificate to Watersports Operators. All Watersports operators should possess Safety Certificate and produce such certificate for inspection whenever called for. All safety standard and norms laid down by NIWS or any other agency designated for that purpose, shall be strictly followed by all operators.
11. Any operator who causes harm/injury/ death to a tourist/ general public / third party on account of his actions/ irresponsible behaviour/neglect of safety norms etc shall be punishable as per relevant provisions of the Indian Penal Code (IPC), Criminal Procedure Code or Civil Procedure code as the case may be. Further the operator shall be debarred for a period of three years, in case he causes any death or grievous injury to any tourist/ general public, on account of his neglect.
12. Department of Tourism may register or refuse to register an operator or a trade after considering its feasibility, impact, safety aspects, carrying capacity, past safety history of the operator, reasonability of rates being charged, etc. in order to ensure safety of the visiting Tourists.
13. Those water sports equipment not requiring license or certification either from Mercantile Marine Department or the Captain of Ports, will require certification from National Institute of Water sports (NIWS) Caranzalem or any other agency as may be approved by Government of Goa, Department of Tourism.
14. The Operator/applicant shall produce to the Department of Tourism, Government of Goa proof regarding insurance of the passengers as per the capacity of the boat/ equipment, to the extent as may be specified per passenger, by the Department of Tourism. The Department proposes to create a separate fund for servicing third party claims and the details of such scheme will be separately worked out subsequently and the same will be a contributory scheme.

15. All life saving equipment as specified by the department, must be made available on board or at the bank/beach, as the case may be.
16. The applicant shall produce a certificate issued by N.I.W.S., or Captain of Ports or Mercantile Marine Department as the case may be, showing that the Crew have been trained for (a) manning and operating the boat/equipment. (b) life saving techniques.
17. Registration number plate for a specific boat/equipment shall be obtained through the Department of Tourism at the cost of the operator and prominently affixed at a place on the boat/ equipment to be specified by the Department or Captain of Ports.
18. Capacity of the boat as certified by the Mercantile Marine Department/Captain of Ports/National Institute of Water Sport shall be mentioned in the registration number plate and complied with strictly.
19. Area of operation shall be clearly specified by the operator as per permission obtained from Caption of Ports or Mercantile Marine Department and the same shall be strictly followed for the activity.
20. The registration certificate shall be made available on board at all times. The registration shall be valid for one year only.
21. **Training of Personnel-** All watersports operators shall employ and engage only well trained personnel certified by National Institute of Water sports or any other reputed institute as may be specified by Department of Tourism. All the personnel shall be trained to deal with emergencies and rescue procedures. All personnel operating the water sports equipment shall bear a good character to be verified by the concerned Police station and the said responsibility will be that of the Operator. The owner / operator shall furnish names and qualifications of all such operators to the Department or its agency, in order to issue photo identity cards to the owners and personnel, which shall be prominently displayed at all times.
22. The operators and their personnel shall cooperate and follow all instructions given by personnel of the Department or its agency Police/any beach safety agency appointed by the Department.
23. No powered watercraft like jet skies, speed boats and motorized boats shall be permitted in the sea waters close to the shore, since these

would drive away turtles who remain in shallow waters for weeks prior to landing on the beach for nesting. Traditional fishing boats, wind-powered sail boats, wind surfing, kite surfing and similar ecologically friendly activities may be permitted.

24. **Watersports Infrastructure**:-In order to have safe & smooth conduct of watersports activities in the entire state, the Department Of Tourism shall follow a systematic approach thereby putting a proper system in place. The System would comprise follows.
- a. The Department of Tourism in Co-ordination with the Captain of Ports, Department of Water Resources, National Institute of Water Sports, or any other suitable agency will identify and demarcate specific areas on beaches , lakes etc where watersports operators will operate their equipment as per the safety standards prescribed. The Watersports activities on the beaches/ inland waters will be carried out from 6.30 a.m. to 6.30 p.m. or before sunset whichever is earlier. No watersports activities shall be carried on in unsafe weather conditions, monsoons, period of storm, or any such period banned or notified by the competent authority.
 - b. The Department of Tourism or competent authority will demarcate areas for swimming zones and watersports activity zones by installing proper demarcating materials like floating Buoys etc. The demarcated areas would comprise of Watersports corridors, watersports activity area, safe Swimming and bathing areas, etc. The Department of Tourism may therefore appoint a suitable agency to get the demarcation and installation and maintenance of zones, done as above after following due codal formalities.
 - c. The Government of Goa may designate or appoint any organisation or agency through the Department of Tourism for operation and Management of Watersports Activities for managing of kiosks, identifying suitable manpower for uniform ticketing, etc. The agency so designated shall implement a queue system and devise suitable software and methodology for managing of water sports activities and shall only deal with those operators who are registered with the Department of Tourism under the Goa Registration of Tourist Trade Act, 1982.
 - d. The Department of Tourism or its agency, will install fully functional kiosks which will dispense tickets and ensure collection of ticket fees at one point. All taxes applicable will also be charged at one point. The said kiosk may also be used as police counters and information points for the tourists or any other such use as the Department may specify.
 - e. The Watersports activity management will comprise of a kiosk managed by trained personnel who will issue computerised tickets to

the public. Suitably designed software will monitor the automatic implementation of the Queue System so that all the empanelled Watersports operators get a fair amount of business by rotation. The Department or its designated agency may also sell tickets through its website. The Charges collected through the business on the day of the activity shall go directly in to the accounts of the watersports operator proportionately, through the medium of internet banking/ cheques etc. The Department may specify charges to be collected from the water sports operators to be levied on the base charges of the tickets sold by respective water sports activities/operators, in order to defray costs incurred on Administration and related contingent expenditure. Such charges to be collected in addition to applicable taxes shall be specified in the official gazette.

- f. In order to have proper coordination and ensure transparency, the water sports operators are at liberty to form their own registered associations and representatives of such association will be consulted by the Department while notifying or revising rates, implementing safety standards etc for various watersports activities, addition of new watersports activities etc.
- g. Any watersports operator who is found to be violating the system or operating the watersports equipment in unauthorised area shall be treated as nuisance under the Goa Tourist Places (Protection and Maintenance) Act, 2001 and shall be prosecuted in accordance with the said Act. The errant watersports operator will be blacklisted from the queue system for ten days for the first default and thereafter for 30 days in case of subsequent default/ violation of these guidelines. Any further violation will result in suspension of license for such period as the Director Tourism, may decide.
- h. The Director of Tourism shall notify interim or final rates for water sports activities as per Section 37 of The Goa Daman & Diu Regulation of Tourist Trade Act 1982, vide order notified in the Official Gazette, within a period of 45 days from the coming into force of this policy. The rates for watersports may vary depending on location of beach and other factors.
- i. The Department of Tourism may issue specific Guidelines for the smooth conduct of the Queue System and may revise the rates as per the Market rates applicable vide suitable orders from time to time.

25. **Security deposit** Each watersports operator shall furnish a refundable security deposit of Rs. 5,000/- per boat/ activity in the form of Demand Draft drawn in favor of Director Tourism, payable at Panaji .In case of default or breach of or non compliance of any of the terms and conditions of the watersports policy or any other violations as are prohibited under the prevailing Laws, the Security Deposit made by the applicant shall be forfeited, without notice. The applicant shall be required to produce a fresh demand draft of equal amount within a period of 10 days in order to continue the watersports activities, failing which the permission so granted shall be revoked without any further intimation to the operator and the operator shall be removed from the queue system. The deposit made by the applicant shall be refunded after the operator opts out of the watersports activity for whatsoever reasons, provided he has not violated any conditions of this policy.
26. **Fees**-The registration fees for watersports operators shall be fixed by the Department from time to time.
27. **Removal of difficulties**: In case of any difficulty arising in the implementation of this Policy 2012-2013, the decision of the Director of Tourism shall be final. Failure to comply with any of the above conditions and furnishing of incorrect information by the watersports operators, the said watersports operator shall be debarred for a minimum period of three years and the amount deposited as Fees/Security Deposit shall be forfeited to Government treasury.

DIRECTOR TOURISM