



Captain of Ports Department

Government of Goa

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Department of Tourism
Paryatan Bhavan, Patto-Panaji
Inward No.: 13953
Date: 20/10/22

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19/10/22
804
GOA@60

No. B 14022/Part/ 3169

Dated: 17/10/2022.

To,
The Director of Tourism,
Department of Tourism,
Paryatan Bhavan,
Patto, Panaji-Goa.

May pl. me for inf.
8 n-a
19/10/22
Secy (T&P)

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Dir (T)

Sub: Reg. Suggestions /Objections to Draft Jetty Policy, 2022.

Sir,

Please find attached herewith Comments/Suggestions/Objections of the Captain of Ports Department to the Draft Jetty Policy, 2022 for information and necessary action in the matter.

Yours faithfully,

(Capt. James Braganza)
Captain of Ports

Enc: As above

Copy to:

1. The Principal Secretry (Ports).... for favour of kind information please.
2. The P.S. to Hon'ble Chief Minister/Hon'ble Minister (Ports)...for favour of kind information please.



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No. B-14022/Part/

Dated: 17/10/2022

OBJECTIONS OF CAPTAIN OF PORTS DEPARTMENT **ON THE DRAFT JETTY POLICY 2022.**

In response to the Draft Jetty Policy by GTDC and Tourism Department this Department has the following to comments and objections to submit :

After studying the Draft Jetty Policy 2022 by Tourism Department and GTDC carefully it is evident that the Policy has been drafted without consulting the main conservator of the Rivers and seas of Goa i.e. The Captain Of Ports who has Statutory Jurisdiction over the jetties and vessels plying in the water by virtue of being the designated authority to enforce the Indian Ports Act and Inland Vessel Act as per parliamentary Legislation.

Just by virtue of COP being a member of the Jetty Management Committee (JMC) does not mean that COP has been fully consulted on the said policy.

Also there is total contravention of Statutory and jurisdictional rights of Captain of Ports and it appears there is a intention to usurp the power of the Captain of Ports by vested interests.

By virtue of Jetty Policy, The JMC cannot override the Statutory Authority.

As per Gazette of Captain of Ports:

Para 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.

Para 12. Department of Tourism may register or refuse to register an operator or a trade after considering its feasibility, impact, safety aspects, carrying capacity,

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past safety history of the operator, reasonability of rates being charged, etc. in order to ensure safety of the visiting Tourists.

The said policy has been drafted haphazardly without any consideration being given to rules and regulation in force vide different acts and official gazettes and restricting fundamental rights of free and fair principles of business and enterprise.

Had this policy been drafted after consultation with concerned State Departments primarily the Captain of Ports and correcting the controversial and illegal clauses and getting their approval and NOC prior putting it in the Public Domain to stakeholders it would not generate the public outcry and opposition that it has unnecessarily created all over, showing the otherwise people and business friendly State government in poor light.

BRIEF HISTORY

The Santa Monica Jetty (also known as Tourism Jetty or GTDC Jetty) was being used exclusively by 3 business entities and GTDC operating 8 vessels right from the start of the jetty operation in early 1990. Presently 6 business houses are operating 10 vessels only. After having a capacity to operate at least 30 vessels on touch and go basis at the Santa Monica Jetty, for unexplained reasons the jetty was handling a max of 10-15 vessels per day till date. Why GTDC allowed its jetty to be a monopoly of 6 operators and limited its business activity denying other owners and vessels fair and equal opportunity to conduct business. It is true GTDC spent 35 crores for its jetty and it is strange that it never explored the possibility of throwing its jetty open for more business when operators and owners were begging for same and thus increased the revenue for the State. It is on official record that GTDC refused permission to other vessels which wanted to operate from their Jetty.

The Captain of Ports Jetty of 185 mtrs length has been constructed at a cost of 20 crores and the Integral Terminal building with all amenities for passengers and tourists costs around 30 crores. Due to mining ban and no movement of Iron Ore cargo the jetty was lying unutilised and so COP opened up the jetty to smaller Tourist vessels in late 2015. This added a lot of revenue to the State Government and also opened up business opportunities to small local owners thus providing an open and fair field to one and all. 18 private operators were operating from COP Jetty and 10 from Campal area till early 2022.

It cannot be denied that COP was the one that opened up new avenues to interested business and it is a fact to be appreciated.

Seeing the business COP Jetty was attracting specially by allowing trips at different parts of the day to meet the tourist needs, (unlike the GTDC Jetty which was allowed to be used exclusively in the evenings from 5pm to 10pm) the Tourism Department suddenly woke up and now wants to take all the business away from COP and other jetties.

Thus in 2016 Tourism Department formed a Jetty Management Committee and has since been trying to take away the business away from COP Jetty and forcing all Tourist Cruises to operate from GTDC Jetty only and not even from COP Jetty. **This is gross violation of free Trade and business ethics and also the Ports Act and Inland Vessels Act.**

It is a fact that there is undercutting of ticket prices, paying of huge commissions, involvement of brokers/touts and cases of evasion of taxes at the other jetties COP included.

We are sure such malpractices to a lesser extent are also happening at the GTDC jetty. But just transferring all operations to Tourism Jetty is not the solution to this problem. A Single Ticketing Window and uniform pricing of tickets for all vessels irrespective from which Jetty they operate is the solution. The Single Window Ticketing system can be utilised to have uniform pricing and elimination of touts and brokers and also evasion of taxes etc.

Is it fair to keep all the Jetties which COP has built at Panaji, Old Goa, Brittonna and the numerous Floating jetties and 9 other fixed jetties in the river Mandovi on which crores have been spent as museum pieces and be white elephants? Does this make commercial sense to anybody?

COMMENTS ON THE DRAFT TOURISM JETTY POLICY 2022

In the year 2016, Santa Monica Jetty (Tourism or GTDC JETTY) usage guidelines were approved vide cabinet order no. 3/1102/IDIHHT(2)/2014-DT/P.F./2461 dated 16.12.2016, which provides guidelines for usage of Santa Monica Jetty by various vessels and for outlining various aspects like common ticketing system, tariff and method of deciding on incremental rates, discounts / commissions on bulk bookings, permit on number of boats operated through Santa Monica jetty, queue system for operations, etc.

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As part of the policy, a Jetty Management Committee has been constituted vide order no. 3/1102/IDIHHT (2)/2014-DT/P.F./2460 dated 16.12.2016, which is headed by the Principal Secretary (Tourism)

The Order was very clear that the mandate of the JMC was for Santa Monica Jetty ONLY as can be seen in the said Order which is attached.

It is surprising that in the Draft Jetty Policy 2022 the role of the Jetty Management Committee is being extended to jetties in all rivers of Goa in such a authoritative way that it transgresses on the Statutory Powers and Administrative jurisdiction of the ports and rivers of Goa over which the Tourism department has no jurisdiction.

Can the GTDC advise under which State Government Order or Notification the Mandate of the JMC has been altered to include all jetties and rivers of Goa?

Or is this a case of the JMC self-promoting itself to have jurisdiction of all jetties and rivers of Goa thus usurping and transgressing the powers of the Captain of Ports and causing unnecessary complications in jurisdiction and Administration of Ports and Rivers??

On careful reading of the draft it appears that no one is sure of the composition of the Jetty Management Committee as can be seen at

Para 3.7 of the Draft Policy states :

As part of the policy, a Jetty Management Committee has been constituted vide order no. 3/1102/IDIHHT (2)/2014-DT/P.F./2460 dated 16.12.2016, which is headed by the Principal Secretary (Tourism) and has the following officials as members:

- a) Director – Department of Tourism, Government of Goa
- b) Managing Director, Goa Tourism Development Corporation Limited (GTDC)
- c) Captain of Ports, Government of Goa
- d) One member nominated by the GTDC Board
- e) Representative of Goa Boat Cruises Association.

(Total of 5 Members only) who has appointed this Committee?

However in the same Draft at para 4.1 .

The scope and the mandate of the Jetty Policy and the JMC shall extend to all the jetties used for tourism purposes in the state of Goa.

The Jetty Management Committee will be headed by Secretary Tourism and comprise of the following members:

- a) Director, Department of Tourism, Government of Goa - Member
- b) Managing Director, Goa Tourism Development Corporation Ltd. (GTDC) – Member Secretary
- c) Captain of Ports, Government of Goa - Member
- d) 2 (two) nominated active members from the Goa Boat Cruises Association - Member
- e) SP, Coastal Police – Member
- f) River Navigation Department (RND), Government of Goa - Member.

(Total 7 Members) From where has this committee come.

If one reads ORDER NO3/1102/IDIHHT (2)/2014-DT/P.F./2460 dated 16.12.2016 the committee consists of the following :

- a) Director- Department of Tourism, government of Goa
- b) Captain of Ports, Government of Goa.
- c) Chief Engineer, GTDC SPV.
- d) Managing Director, Goa Tourism Development Corporation Ltd. (GTDC)- Member Security
- e) Two members nominated by the Board of GTDC, i.e.
 - 1. Shri. Nilesh Cabral:- Chairman GTDC
 - 2. Shri. Jayant Jadhav :- BOD
- F) One representative from vessel Operator Association (“M/s Goa Boat Cruises”), other than GTDC official

(Total 7 BUT 5 are from Tourism and GTDC Department)

Why this Committee which is the actual committee which has been meeting regularly 12 times since its inception in 2016 latest being on 6th May 2022 and is the Master Mind of the Draft Jetty Policy 2022 not been declared as the JMC anywhere in the Draft Policy and some other Committee is being shown?

This is a mystery and raises a lot of doubts.

This Committee is fully laden with Tourism And GTDC Representatives and some of the recommendations made in the Draft Policy are absurd and clearly made with the intention to deprive COP of its rightful jurisdiction and revenue and accrue the same to Tourism.

The Mandate of the Committee is limited to Santa Monica Jetty so under which Order has this been extended to all jetties in all the rivers of Goa?

This shows that the Draft Policy is drafted by vested interests .

The Draft Policy is unacceptable to Captain of Ports in the present form because it basically infringes on the Statutory Powers and Administrative requirement of the Captain of Ports vide the Indian Ports Act and Inland Vessels Act and rules.

Under the Indian Ports Act Chapter 2, Clause 6- 1-e: COP has powers to make port rules for regulating vessels whilst embarking/disembarking pax, Ballast and cargo...

(jj) and jja:- regulating the usage of piers, jetties, landing places, wharves, quays,warehouses sheds etc and fixing rates for the usage of the same.

(k) :- for licensing and regulating catamarans plying for hire and flats and cargo, passenger and other boats plying for hire or not, and whether regularly or occasionally... and for licensing and regulating the crew of any such vessel and for determining the quantum of cargo or number of pax or of crew to be carried by the vessel.....and further.....

(kk) for providing the applicable fees payable for services specified in the above clause.

Even though the Minister of Ports after meeting with the stakeholders concerned and giving his decision and direction to the GTDC vide letter from COP No A-27131/2021/323 dated 29th January 2021 that as regards jetties and area of Captain of Ports Jurisdiction, the Captain of Ports will exclusively decide about the jetty and space management. Also he stated that the JMC under GTDC has no role in this regard as far as the Captain of Ports and other jetties are concerned. Hon'ble Minister further suggested that GTDC take assistance of the Captain of Ports in framing Jetty Management Policy for jetties which are exclusively under GTDC.

Inspite of this the Draft Jetty Policy 2022 has not altered any clauses to meet with the Minister Ports direction and COP concerns.

This shows the autocracy of the GTDC and Tourism Dept.

As directed by Minister Ports the Draft Jetty Policy should be applicable to only the Santa Monica Jetty and only the Single Window Ticketing Policy should be applicable to all jetties operating Tourist Cruises.

In para 3 BACKGROUND 3.1 states the State is yet to achieve its full potential mainly due to lack of unified jetty policy, development of suitable infrastructure like jetties, floating pontoons, jetty Terminal Buildings and other Tourism infrastructure.

This is not true as Mandovi River has the following jetties.

1. Tourism jetty... capable of handling at least 30 vessels on touch and go basis but was handling only 6 to 8 vessels almost on monopoly basis.
2. Newly Constructed COP jetty – 30 vessels
Because GTDC was not allowing other cruise vessels at their jetty, to ensure free and fair access and business opportunity to all stake holders COP allowed same.
2. Old Goa jetty - Can handle about 15 cruise vessels on touch and go basis
3. Britona Jetty – can handle about 6 vessels
4. Four Floating Jetty capable handling total 30 vessels on touch and go.
5. Ten more floating jetties will be ready in 2023 which can further handle 70 vessels.
6. Another 30 floating jetties have been proposed and will be approved phase wise and can be utilized in any River.

7. Nine nos. Fixed Jetties under Sagarmala

COMMENTS ON OTHER PART OF DRAFT

4.1. The scope and the mandate of the Jetty Policy and the JMC shall extend to all the jetties used for tourism purposes in the state of Goa.

The following clauses are totally unacceptable to COP as they contravene the Statutory Rights and Acts of the COP as Conservator of Rivers and Ports.

4.2. a) 1

1. JMC will be responsible evolving a methodology and establishing procedures for identifying carrying capacity of any river in Goa thereby regulating the number of vessels including their capacities that may be allowed to operate from such location including freezing of capacities. No permission for construction of new passenger cruise vessel shall be accorded by Captain of Ports until a NOC has been issued by the JMC.

The carrying capacity of a river cannot be decided by a consultant or the JMC as the river does not exclusively cater to tourism activity alone. We have passenger ferries, cargo movement, gaming vessels, New passenger Ferry Lines, Fishing vessels/ fishing activity, Floating Hotels etc so COP will be the sole authority to decide on carrying capacity based on suggestions by different stakeholders.

The registration of any vessel will be the right of the COP only as it is the statutory authority having qualified competent marine professionals/surveyors and therefore no NOC is required from JMC for COP to register the vessel if it meets the criteria of Registration and construction, Survey and safety rules etc. The JMC has no rights to interfere in the domain of the COP and JMC or GTDC is free to deny or not issue a registration under the provisions of The Goa Registration of Tourist Trade (Amendment) Act, 2011 to the vessel according to their own policy or discretion.

Any one will agree that registrations of Cars, buses are done by RTO and ONLY Trade Licence is given by the designated authorities.

Similarly in the construction field if a building is to be designated as a hotel or commercial or residential or Trust or Religious place it will be decided by the respective government agencies incharge for each Trade.

However the permission for construction is given by authority concerned only.

Hence the question is does Tourism have policy in place specific for Director of transport for registering vehicles or for TCP and Municipality for hotels etc?

4.2 dd) Other roles and responsibilities

1. Recommendation of activities to the relevant authorities or undertaking through private parties, including dredging, creation of floating pontoons, floating concrete, etc. for the purpose of safety and convenience of tourists. 2. To undertake independent activities like carrying capacity study, marketing strategy, IT implementation, etc. and enforce the results for improvement of overall tourism in the State

Creation of floating pontoons, floating concrete comes under the domain of COP. Presently there are many floating Jetties available for Tourist purposes and even the existing infrastructure is not being fully utilised. Refer para 4.2 above.

5. Detailed Roles and Responsibilities of JMC

5.1. Carrying capacity of rivers 5.1.1. JMC will be responsible for identifying carrying capacity of any river in Goa thereby regulating the number of vessels including their capacities that may be allowed to operate from such location including freezing of capacities.

absolutely not acceptable as JMC has no jurisdiction over this as already explained above . Refer para 4.2 above.

5.1.3. While Captain of Ports will register the Vessels engaging in tourism activities, the permission for the construction of new vessels will be given only after JMC will provide its NOC to Captain of Ports for permitting any vessel to be used SPECIFICALLY for Tourism activities prior to the construction of any vessel, existing or new, to be utilized for tourism purposes across Goan waters based on their carrying capacities, designated permanent or Touch and Go jetty and area of operation, docking, etc.

TOTAL LACK OF APPLICATION OF RULES AND REGULATIONS BY JMC. Refer para 4.2 above.

5.1.4. JMC, if needed, may freeze the introduction of new vessels based on the measurement of the carrying capacity of any Goan River. During such freeze period of any specific Goan River(s), Captain of Ports shall; a) Halt registering any new vessels for tourism purpose including issuance of mooring licences, till JMC advises to lift the freezing of capacities. b) NOT issue any mooring licence / permissions to any Vessels including new licences or reissuance of existing mooring licences, as the case may be, to ply in such specific River(s)

All above underlined parts of the Clauses are absolutely not acceptable as JMC has no jurisdiction over this. Refer para 4.2 above.

5.1.5. Under this Policy, JMC shall not allow the following for any vessel with regard to tourism related activity / services:

a) Transfer of Registration number of any old vessel which was never used for any tourism related activities for construction of a new vessel for tourism purpose.

JMC SHOULD NOTE VESSELS ARE NOT CONSTRUCTED FOR TOURISM BUT FOR CARRIAGE OF PASSENGERS. Refer para 4.2 above.

b) Increase of passenger capacity, Modification and refurbishment of any vessel by changing its dimensions, passenger capacity, GA Plan EXCLUDING Machinery replacement or modification with regard to the safety of the passengers or to abide with any prevention of pollution norms.

VESSELS ARE FREE TO INCREASE THEIR SIZE FOR PASSENGER CARRIAGE WITHIN PERMISSIBLE LIMITS AND IS UNDER COP JURISDICTION. Refer para 4.2 above.

c) Utilization of any vessel for tourism related activity which has been primarily constructed for a different purpose. Hence no barges, fishing trawlers, dredgers, etc. shall be allowed to operate for tourism related activity.

RULE NOT IN KEEPING WITH FREEDOM OF CHOICE TO DO BUSINESS OR CHANGE BUSINESS.

d) All feeder vessels in operation with Casinos or for transportation purpose.

e) Construction of new private yacht or vessel unless the owner has their own private jetty.

THIS IS THE MOST RIDICULOUS CLAUSE AND SHOWS NO APPLICATION OF MIND.

DO WE SAY THAT A BUS OWNER CANNOT OPERATE IF HE HAS NO BUS STOP OF HIS OWN?

ALL ABOVE CLAUSES ARE NOT IN THE INTEREST OF FREE AND FAIR TRADE AND FUNDAMENTAL RIGHTS OF BUSINESS OPERATORS AND DETRIMENTAL TO BUSINESS PRACTICE AND TRADING.

ALSO VERY IMPORTANTLY THEY TRANSGRESS THE DOMAIN OF THE COP

5.4 Expenditure Chart to Vessel Operators

Applicable to all Vessel Operators with valid Permanent Berthing/Mooring Licence in Goa

5.4.1. Statutory charges to COP

5.4.2. Mooring Licence Fee

The GTDC does not need to advise COP what Fees it should collect because COP will never advise Tourism what fees they are to collect. COP function and administration is not limited to Tourism related activity only but to all the ports and waterways of Goa.

However it is to be notified in the jetty policy that all vessels having permanent licence at Santa Monica Jetty or any of its extensions have to pay wharfage dues to COP along with other dues as applicable under Indian Ports Act, Inland Vessels Act or under Gazetted Orders.

Also all Touch and go Vessels operating at Tourism Jetty or any other Jetty in Goa to pay the charge applicable as per charges decided by COP.

5.4.3. Berthing Charges a) The Jetty Owner is required to invite 14 bids from the open market through Government bidding process for allotment of berthing licence. JMC will decide on Berthing licence of Vessels, intended for utilizing it for tourism purposes, on any Jetty in Goa will be granted to vessel operators by the Jetty Owner, through auctioning of berthing licences, which shall be allowed to berth or double bank free of charge. the legitimacy of vessel operators and will accord permanent membership to only those vessel operators / owners who have won the berthing licence through bidding process. First preference of berthing space will be given to vessel owners who have won the berthing space through an auction or bidding process. Auction or bidding for permanent berthing licence for any berthing slot designated for vessel operating for a TOURISM RELATED SERVICE shall go through GTDC and bidding for permanent berthing licence for any berthing slot designated for vessel operating for an ACTIVITY / SERVICE OTHER THAN TOURISM shall go through Captain of Ports. b) Berthing fee are to be paid to the Jetty owner on monthly basis as per the terms of the auction or tender. The fee is to be paid as per revenue sharing or fixed committed revenue whichever is higher or as per the terms and conditions in the Auction/tender. The following applicable rates for all vessels given a permanent berthing licence without any specific revenue sharing or fixed committed revenue model (The rates will be halved for vessels berthing for 30 mins or less and full rates will be applicable for vessels occupying the jetty for more than 30 mins): Vessel Carrying Capacity Hourly Charges (in Rs.) Up to 200 Pax Rs. 1,000 per hour 201-400 Pax Rs. 2,000 per hour Above 400 Pax Rs. 3,000 per hour

All above rules and clauses are ridiculous. How can GTDC direct private Owners of Jetties or COP Jetty how to run their business? Whether they want to auction or use some other business model or give free that is their property which they can decide how to conduct and not JMC or GTDC business to interfere in this domain.

GTDC should stick to strictly using this policy only on their GTDC Jetty as mandated by their Order.

5.4.4. Vessel replacement

a) The Vessel operators shall be permitted to replace their existing vessel(s) with a new vessel(s), subject to the following terms: • Vessel(s) whose existing capacity is below 100 PAX: The dimensions (width and length) and capacity

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(number of PAX) of the new vessel shall not be more than that of the existing vessel.

- Vessels whose existing capacity is over 100 PAX: The width and length of the vessel shall not be more than 15 m. and 45 m. respectively, and capacity of the vessel shall not be more than 600 PAX.

The above Rule is discriminatory in nature and it is obvious that interest of a few operators is desired to be taken care of by GTDC.

The COP will decide the above on case to case basis and JMC has no role to play on this.

5.4.5. Transfer fee

a) Berthing licence applies to a specific vessel operator only and is not transferrable unless permitted by the Jetty Management Committee. If any vessel operator intends to transfer its berthing licence to a new owner, the same needs a written permission from the Committee. For information regarding the transfer of a berthing licence, please contact the Jetty Management Committee, Panaji, Goa - 403001.

b) In the case of replacement of any vessel with a valid berthing licence at any specific jetty, each vessel operator will have to pay to the Jetty owner, a transfer fee of INR 20,00,000/- (Rupees Twenty Lakh only) as and when a registered vessel is replaced with a new approved vessel. The fee is utilized for re-registration of the new vessel at the allotted slot.

c) JMC may review the said transfer fee from time to time, and the same will be binding on all the Vessel Operators and the Jetty owners. JMC will have the discretion of revising or waiving off of the said transfer fee, on case to case basis, after hearing the case from the concerned Vessel Operator and the Jetty owner.

Observed as per the clause that there is a Transfer Fee levied on Owners of Rs Twenty Lakhs. This needs to have Finance concurrence, the reason being the COP does the Transfer of Ownership as per the Rules and Regulations and collects a fixed charge as notified.

Also it is to be noted that this is being contested in the Court by one of the Owners and the matter is subjudice.

B. Applicable to all Touch & Go vessel operators utilizing the jetty

5.4.7. Jetty Usage Charges (also referred as Wharfage charges)

a) Jetties and floating pontoons shall be used for the purpose of “touch and go” for all vessels, besides vessels possessing a valid berthing licence (existing or won through auction or bidding process).

1. All vessels without berthing licence at any specific Jetty will be treated as “touch and go” vessel specific to such Jetty, existing or proposed.

2. Any Vessel operating out of floating pontoons also will be considered as “touch and go” vessels.

3. Such touch and go vessels will spend, not more than 30 (thirty) minutes per vessel for undertaking activities such as loading and unloading of passengers and a maximum of another 30 (thirty) minutes for any basic running maintenance required for operations i.e. total permissible time for every vessel is 60 (sixty) minutes. b) The fee to be paid is as per the following applicable rates (the rates will be halved for vessels berthing for less than 30 minutes and full rates will be applicable for vessels occupying the jetty for 30 – 60 mins):

for 30 – 60 mins): Vessel Carrying Capacity Hourly Charges (in Rs.) Up to 200 Pax Rs. 1,000 per hour 201-400 Pax Rs. 2,000 per hour Above 400 Pax

c) JMC may revise the said usage charges depending on type of facilities (apart from mandatory services) provided by the Jetty owner on any Jetty from time to time and the date of applicability of the charges will be determined by the JMC.

d) If any Vessel, other than the vessels possessing valid berthing licence at any specific jetty, spends more than 60 (sixty) minutes time at the Jetty, the vessel needs to pay the following additional docking charges (apart from usage charges as specified above) to the respective Jetty owner: Vessel Carrying Capacity Hourly Charges (in Rs.) Up to 200 Pax Rs. 1,000 per hour 201-400 Pax Rs. 2,000 per hour Above 400 Pax Rs. 3,000

ALL ABOVE CLAUSES TO BE APPLICABLE ONLY TO GTDC JETTY.

However all vessels possessing a valid berthing licence at GTDC Jetty are required to pay Wharfage and all other charges as applicable to COP.

C. Applicable to all vessel operators utilizing the jetty

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5.4.8. Charges paid to the Jetty Operator a) JMC allows a fixed commission of 5% of ticket price to the jetty owner or jetty operator, as the case may be,

5.4.12 Summary of charges for conducting tourism-centric Operations by Vessel Operators.

WHARFAGE DUES /WHARFAGE CHARGES (INCLUDING OPERATORS WITH PERMANENT BERTHING LICENCES)

THIS CANNOT BE PAID ONLY TO JETTY OWNERS. THIS HAS TO BE PAID TO COP TOO AS IS BEING PAID ALL THESE YEARS BY OWNERS HAVING PERMANENT BERTHING LICENCES EVEN AT GTDC JETTY.

WHY IS JMC TRYING TO DEPRIVE COP AND COLLECT SAME?

6.1 Roles and responsibilities of Captain of Ports

GTDC OR JMC IS NO ONE TO DIRECT COP AND TELL WHAT IS THE ROLE AND RESPONSIBILITY OF COP AS THEY HAVE NO MARINE AND TECHNICAL EXPERTISE NOR THE MANDATE.

6.1. Registration of vessels

a) Captain of Ports will act as a statutory authority for registration of any vessel in Goa including but not limited to Vessels of all types and purposes, barges, yachts, container ships, transport vessels, etc.

b) It also needs to ensure that the deployment of the vessel for tourism and leisure purposes in Goan waters is approved by Jetty Management Committee or else the registration cannot be completed.

Cop gives registration to passenger vessel based on Construction and Survey Rules, Stability and Safety requirements and DWT, GRT AND Passenger carrying Capacity. After that if the Owner of the vessel decides to turn it into a Hotel, Gaming Vessel, Floating Library, or scrap it if it pleases him is the description of the Owner. They have to take the Necessary Trade licence and operate in the river and if it is Tourism related then they require a Tourism Trade licence or other license.

c) COP is to co-ordinate with the Jetty Management Committee to decide on the temporary freezing of any new registration of vessels.

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IS THE TOURISM DEPARTMENT ALSO TAKING OVER
REGISTRATION OF ALL VESSELS? BY THIS STATEMENT?

PLEASE STICK TO YOUR DOMAIN.

d) The registration of any vessel to be utilised for tourism and leisure activities requires NOC from Jetty Management Committee. Therefore, for a new vessel the said NOC should be taken by the vessel operator prior to the commencement of its construction.

MOST RIDICULOUS CLAUSE - MAKES NO SENSE.

ALL ABOVE ABSOLUTELY UNACCEPTABLE AND NOT THE DOMAIN
OF JMC OR GTDC.

6.2. Award of Mooring licence

a) Captain of Ports is responsible for awarding the mooring licence to various Vessel Operators for plying in Goan waters for tourism and leisure activities, after certifying the Vessel's fitment by following the necessary Standard Operating Procedures (SOPs).

JMC IS TEACHING COP ITS JOB. WHAT DOES THE ABOVE
UNDERLINED STATEMENT MEAN? COP IS NOT GOVERNED BY JMC.

b) In addition, Captain of Ports is responsible for renewal of mooring licence of various registered Vessels after conducting necessary audits.

JMC IS TEACHING COP ITS JOB BEING NON TECHNICAL AND
HAVING NO MARITIME EXPERTISE.

c) COP is to co-ordinate with the Jetty Management Committee to decide on
the temporary freezing of issuance / renewal of any mooring licences.

NONE OF JMC BUSINESS.

8. Roles and responsibilities of Jetty Owners / Jetty Operators

8.4. Maintenance Obligations

a) Jetty Owner / Jetty Operator, as the case may be, should ensure the following:

- Must notify the JMC of any maintenance issues or damage.

WHY JMC?

- Must not make additions to, or conduct works on, the concerned jetty without the consent of JMC and other relevant authorities such as Captain of Ports.

JMC HAS NOW BECOME COMPETENT AUTHORITY TO GIVE PERMISSION FOR ADDITIONS OR CONDUCT WORK ON JETTY WHICH CLEARLY TRANSGRESSES COP DOMAIN

- Responsible for the installation, maintenance, repair and removal of any additions to the concerned jetty.
- Responsible for maintaining water depth and draft necessary for berthing of a Vessel. The Jetty owner or Jetty Operator must obtain JMC's prior written approval before dredging beneath the existing berthing spaces or for creation of new berthing spaces including floating pontoons.

JMC HAS NOW BECOME COMPETENT AUTHORITY TO GIVE PERMISSION FOR CREATION OF NEW BERTHING SPACES INCLUDING FLOATING PONTOONS.

10. Other terms and conditions 10.1.Penalties

10.2.Emergency Procedures

a) In the case of any fire or explosion, Jetty owner / Jetty operator / Vessel Operators must immediately notify Directorate of Fire and Emergency Services. In the case of fuel spillage or a collision resulting in damage to a jetty complex or surrounding areas it is the responsibility of the relevant Vessel Operators to immediately notify the JMC's Maintenance Coordinator or alternatively report the incident to the Goa Police Department.

COP IS THE DESIGNATED DISASTER MANAGEMENT AUTHORITY IN THE RIVER AND PORT FOR ALL ACCIDENTS, COLLISIONS AND SPECIALLY OIL SPILLAGE.

RIDICULOUS THAT JMC IS BYPASSING THE AUTHORITY AND ROLE OF COP EVEN IN EMERGENCY SITUATIONS.

To conclude :

1/c

It can be seen from above objections of this Department that the GTDC and Tourism Department by using the JMC (which is mandated to be incharge of only of Santa Monica Jetty) has unnecessarily created unpleasantness in trying to usurp the powers of the COP and venture into areas and domain it has no mandate to.

The COP has been constantly receiving objections and unpleasant comments and criticism from stakeholders.

The objections of this Department are very valid and serious. Necessary changes have to be made in the Draft Policy by GTDC for its acceptance.

No policy, however, well made can override the statutory Authority of its jurisdiction.

Thanking you

Yours faithfully,

sd
(Capt. James Braganza)
Captain of Ports

Cc: Principal Secretary (Ports)

Cc: Hon'ble CM / Hon'ble Minister (Ports)

Rejoinder: CoPs comments on Draft Jetty Policy

The Department of Tourism introduced the Draft Jetty Policy to regulate the operations and to upgrade the of Jetties being used for tourism businesses only, thereby regulating the operations of cruise vessels used for tourism purposes at such Jetties. The Policy is currently applicable for regulating the tourism activities only at the **five existing Government Jetties used for tourism purposes viz., Santa Monica Jetty at Panaji, Captain of Ports Jetty at Panaji, Britonna Jetty, Betim Jetty and Old Goa Jetty**. And this shall not be applicable for any other Jetties that are not for tourism purpose.

The Policy mandates creation of basic and necessary infrastructure such as toilets, waiting areas, facilities for tourism related activities with defined points of boarding and disembarking, frisking, national security, accidents, garbage management etc. for seamless experience to the tourists. The Policy standardizes the minimum tourist infrastructure facilities required across the five Jetties catering to tourists, for their safety and better experience. **The Policy does not extend to vessels catering casinos, barges, coal handling vessels etc.** The Policy also stresses upon safety and surveillance aspects to ensure minimum basic standard services. The Policy is an attempt to ensure fair competition among plyers, transparency in ticket pricing and adherence to taxation by all operators at all the said Jetties and implementation of single window system for all said Jetty users. The Policy recommends on streamlining the evening boat cruises and other theme tours to ensure good quality at a reasonable price for the purposes of creating good experience to the tourists.

Jetty Management Committee was formed vide Government order no. 3/1102/IDIHHT (2)/2014-DT/P.F./2460 dated 16.12.2016, wherein Captain of Ports was nominated as one of the members of the Committee.

- During the 4th JMC meeting dated 03.05.2019, upon receipt of grievances from tourists and multiple complaints from several vessel operators plying in Mandovi river, it was deliberated by the Committee that several vessels, operating from Captain of Ports Jetty, are offering tourism services like boat cruises. The Committee noted that:
 - 1) As per Santa Monica Jetty usage guidelines dated 16.12.2016, Santa Monica Jetty is intended to act as single point for any cruise boat operations for tourism purposes in the entire Mandovi stretch. However, the same is not followed.
 - 2) There are several touts in entire Dayanand Bhandarkar Marg stretch especially near Captain of Ports Jetty, often misleading and fleecing tourists leading to total chaos in the manner tourism activities were offered, and ultimately leaving the tourists with a bad experience. Moreover, there is dominant culture of cash sales for tourism activities, especially due to encouraging touts at Captain of Ports jetty, which is leading to heavy losses to the state exchequer.

In view of the above discussion, the Committee unanimously decided to put in place:

- 1) A unified Jetty Policy for the purposes of introduction and operations of cruise vessels for tourism purposes.
 - 2) A "Single Window System" of issuing tickets at COP Jetty, and the tickets shall be inclusive of GST and other taxes as applicable. Further it was also decided to have same prices and rates of commission as being charged at GTDC Jetty.
- During the 5th JMC meeting dated 05.12.2019, which was also attended by representative of Captain of Ports, upon review of operating mechanism of passenger cruise vessels for tourism purposes, the Committee decided to draft a new Jetty Policy to facilitate smooth and efficient operations of cruise vessels for tourism purposes. Further, the Committee also decided to enforce single window computerized ticketing system for all the vessels operating across the entire Mandovi stretch to curb the tax evasion by the operators.
 - The draft Jetty Policy was first discussed during the 7th JMC meeting held on 13.05.2020 and was circulated to Captain of Ports for their inputs and suggestions. Subsequently, Tourism Department had followed up with Captain of Ports on multiple occasions as well as during the subsequent JMC meetings too. Post that at several instances, personnel appointed by DoT had discussed the policy clause by clause with the officials of COP and had re-drafted the policy based on the partial suggestions received from the officials of COP during such interactions. Over a period of five months, continuous interactions had been tried with COP to gather as many inputs as

possible. **Thus the claim that Captain of Ports Department was not consulted during policy formulation is false and, misleading.**

- During the 8th JMC meeting held on 06.10.2020, the draft policy with the modifications had been presented again to the Committee in the presence of the representative of COP and further inputs were to be incorporated suitably.
- Post that meeting, for over the next four months, the several attempts had been tried to receive inputs from COP, however, no inputs/suggestions had been received till then. Following which, the letter No. GTDC/Cruises/2020-2021/3558 dated 27.01.2021 sent from the DOT, clearly evidences that the draft had been presented and the inputs/suggestion for finalization of the policy had been awaited from the COP. In response to the said letter, the COP vide letter No. A-27131/2021/323, had insisted to convene a meeting to finalise the draft Jetty Management Policy on 05.02.2021, pursuant to which, the meeting was conducted on the said date and the inputs had been collected and the draft Jetty Policy had been modified accordingly. The same had been discussed during the 9th JMC meeting held on 18.02.2021, which is evident from the Minutes of the said Meeting circulated to all the committee members.
- Further, during the 10th JMC Meeting on 01.10.2021 where COP was a part of, the committee deliberated and approved the updated Jetty Policy and it was decided to send the policy for cabinet approval.

With evidence of such meticulous discussions and clear sequence of events, the remarks and allegations made by the Captain of Ports are baseless and false.

COP, being one of the members of Jetty Management Committee, has been a party in all the meetings of the JMC in the past including the discussions related to introduction and drafting of this policy. Upon consultation with COP the policy included the roles and responsibilities of COP that does not infringe the statutory powers and administrative requirements of the CoP vide the Indian Ports Act and the Inland Vessels Act and rules.

The clause 6 – Roles and Responsibility of COP, 5.4.1 - Statutory charges to COP and 5.4.2 Mooring License Fee of the said Draft Jetty Policy clearly mentions that **COP will remain the statutory authority for all vessels** including the power of imposing fines, prescribing safety standards, awarding Mooring license and collection of the license fee accordingly. Moreover, all required **approvals for development of a new Jetty shall still be required to be taken from COP and other applicable development authorities.**

Hence, **the Jetty Policy does not infringe the power of Captain of Ports**, provided by the Indian Ports Act and the Inland Vessels Act and rules. And there is **no intention to usurp the powers of the COP** by vested interests. DOT is not overriding the Captain of Port's statutory authority and jurisdictional rights. The Captain of Port's was consulted several times to draft the policy.

Since its creation, the Jetty Management Committee (JMC) has been responsible for supervising activities including resolving any conflicts among the Jetty operators related to the Santa Monica Jetty, Panaji. **The committee has ensured a collaborative approach by committee members being present for every meeting, reviewing, and instructing changes to the DOT.** The COP has been insisting on fair play of business. But at present the fair play of business is actually lacking in majority of the Jetties that handles vessels for tourism purpose. Most of the tourism vessels operating from the Captain of Ports Jetties are **doing cash sales where there is no ticketing** or regulation of prices and no tax is being paid. However, the Santa Monica is providing ticketed entry and paying GST. Single Window ticketing system that is being imposed through the policy on all the tourism Jetties shall introduce fair pricing and reduce any fraud activities with the tourists. The single window ticketing has already been adopted in the Santa Monica Jetty. The Jetty Policy is designed to create equitable business and will immensely benefit the State in the following manner:

- a) Regularization of Jetty and Vessel operations for tourism purposes in the State;
- b) Reducing the leakages in revenue from this segment to the state exchequer;
- c) Creating fair business opportunity for all vessel operators related to tourism.

Hence, the policy clearly doesn't restrict the fundamental rights of free and fair principles of business and enterprise.

The policy was translated in Konkani and has been circulated in written and video format for better understanding of the stakeholders and to clarify the misleading statements being circulated in the media. Also, all the misleading statements such as coal transportation, capturing fishing zones etc. were also clarified by the Hon'ble Tourism Minister on 6th October 2022.

The Policy excludes fishing or coal handling etc. that do not cater to tourism and leisure segments. The **Policy does not envisage construction of any new Jetties** nor it extends any permission for construction of the same. **Captain of Ports will remain the licensing authority for construction of any new jetties in the state in future too.** The Jetty policy does not issue any permission for construction of any jetty on rivers and Khazans of Goa. It only acts as an advisory body for evaluating the carrying capacity of a river, either by itself or through competent entities. Carrying capacity will consider various aspects such as environment, technical, safety and economical aspects of introduction of any new vessel in a river for tourism purposes. **COP will still remain as the licensing authority for approving any new vessel on any rivers in Goa.** The Policy only regulates the tourism related activities that happens at these jetties.

Much of the overcrowding problems which are seen in the Mandovi river have happened due to unregulated permissions given by Captain of Ports Department which have permitted many operators to construct cruise vessels without checking if there are proper arrangements for berthing of vessels, disregarding the carrying capacity of Mandovi River thereby leading to unhealthy competition among operators, providing unpleasant experience to the tourists and causing over reliance on touts and unscrupulous operators which is bringing a bad name to the States Tourism Industry.

The Tourism Department is committed at ensuring proper regulation of all water sports activities including cruise tourism operations and will take all measures to strictly implement the measures which are in the best interest of the State's Tourism Industry.