

Jharkhand Tourist Places (Protection and Maintenance) Act, 2015

JHARKHAND

India

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Act 16 of 2015

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Jharkhand Tourist Places (Protection and Maintenance) Act, 2015(Act 16 of 2015)An Act to protect and maintain the tourist places from deterioration and erosion and to preserve their tourism potential.Be it enacted by the Legislative Assembly of the State of Jharkhand in the Sixty sixth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

- (i) This Act may be called the Jharkhand Tourist Places (Protection and Maintenance) Act, 2015.(ii)It extends to the whole of the State of Jharkhand.(iii)It shall come into force at once.

2. Definition.

- In this Act, unless the context otherwise requires-(a)"Competent authority" means the authority appointed under section 4 of this Act;(b)"Government" means the Government of Jharkhand;(c)"Department" means Department of Tourism, Government of Jharkhand.(d)"Public Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of or plying of vessels or boats or timber, raft or any other floating object in any part of Dam, River, or Lake which causes or is likely to cause injury, danger, annoyance to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property or act define under Cr.P.C 1973. and includes oil spillage;(e)" A Tourist Place or Zone" means a zone, place, site, location, riverbed, beach, water spring, lake, water fall declared by the Government as tourist place or zone under section 3 of this Act and shall also include any place or zone declared by the government as tourist place or zone.(f)"Tourism potentiality" means the number of person or group of persons including pilgrims likely to visit a tourist place.(g)Tourist warden means those persons appointed/deputed by the competent authority either from

ex-servicemen selected through army welfare board or from educated unemployed youth from the local community or any other government servant deputed/authorised for the same purpose.(h)"Act" means the Jharkhand tourist places (protection and maintenance) act, 2015.

3. Declaration of tourist places or zone.

- On and from the date of coming into force of this Act, the Government may, by notification in the Official Gazette, declare any zone place, monument, site, location as a tourist place or zone for the purposes of this Act, including any river bank, riverbed, water spring, lake, water course or land, etc.

4. Appointment of competent authority.

- (i) Government may, by notification in the official Gazette, appoint any gazetted officer of the Government to be a Competent Authority either for the whole of the State of Jharkhand or for each district of the State of Jharkhand for the purpose of the act.(ii)The competent authority can appoint or nominate any officer of the government for the purpose of the act.(iii)The competent authority can delegate some of his powers, obtained from the act, to the officers appointed/nominated under subsection (ii).(iv)Tourist Wardens shall be deputed at all notified tourist place. These tourist wardens shall prevent any harassment happening to tourists and shall act as informant to competent authority regarding any public nuisance made at tourist place.

5. Prevention of Public nuisance.

- Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgement or decree of any court, on and from the date of coming into force of this Act, -(a)No person, company, association or firm or any tourist attraction place run/manage by private body or any other body shall cause any public nuisance or carry out any activity, process, operation, etc, including the operation of or plying of vessels, boats, etc. that causes public nuisance or omit to prevent or remove the public nuisance, which damages or deteriorates or is likely to damage or deteriorate or has damaged or deteriorated the tourism potentiality of any tourist place or zone, declared as such, under section 3 of this Act.(b)The competent authority, either on its own motion or upon a complaint received or upon reference made to it, may, by an order in writing and without giving any prior notice, prohibit any public nuisance being caused or prevent any such activity, process, operation as referred to in clause (a) above being carried out, if in the opinion of the said competent authority, it has damaged or deteriorated or is likely to damage or deteriorate the tourism potentiality of any tourist place, and pass such interim orders as it deems fit to give effect to the objects of this Act.

6. Notice for removing the public nuisance.

- If, in the opinion of the competent authority, a public nuisance is having impact on the tourism potentiality, it shall issue notice to the owner, any tourist attraction place run/manage by private body, occupier, lessee or any person enjoying right of usage or has control of the object which has

contributed to the nuisance and the owner, occupier, lessee or any person enjoying right of usage or has control of the object, as the case may be, shall within a period of 15 days from the date of receipt of such notice, abate or remove the same, and unless the same is removed or abated by the said person within the said period of 15 days or such further time as may be extended by the competent authority, but not exceeding 3 months, the competent authority shall cause removal of such nuisance. The competent authority will follow the principal of natural justice and give the hearing opportunity to the opposition party.

7. Object of Public nuisance shall stand forfeited and vest in the Government.

- On the failure of the owner, occupier, lessee or any person against whom notice of removal of public nuisance is issued, to comply with the order of removal of such public nuisance within the time fixed by the competent authority, the material thing or object of nuisance shall stand forfeited and vest in the Government, except that when such material thing or object is sold in public auction, any sum over and above the cost of removal of public nuisance, shall be payable to its owner. In case the cost of removal exceeds the sale price in auction the balance shall be recovered from the concerned owner, as provided in Section 8.

8. Expenses and costs for removing the public nuisance.

- The expenses and costs incurred, if any, in removing or abating such public nuisance shall be recovered from the person who has caused such public nuisance or from the owner/occupier of the object which has contributed to the public nuisance, in the same manner as arrears of land revenue by the competent authority.

9. Dealing with the property of public nuisance.

- Any property, thing, material or object, which is a public nuisance under this Act, may be disposed off or dealt with by the Government, in the manner it deems fit.

10.

Any construction work at a place declared by the Government as a Tourist Place under the act can only be done after consent of the department/Authority decided by government through official notification. Any person or Society or Company or any other body responsible for any type of construction work at a Tourist Place declared by the government as tourist place without the consent of the department may be charged a fine upto Rs. 25000.00 (Twenty Five Thousand) either by the competent authority or by the officer nominated/appointed for the purpose by the competent authority.

11.

(a) Any Alteration in the existing structure at a place declared by the Government as a Tourist Place under the act can only be done after consent of the department/Authority decided by government through official notification. Any person or Society or Company or any other body responsible for any type of such alteration without the consent of the department may be charged a fine upto Rs. 20000.00 (Twenty Thousand) either by the competent authority or by the officer nominated/appointed for the purpose by the competent authority. (b) The competent authority or the Officer appointed/nominated by the competent authority for the purpose of the act may also charge compensation for the loss occurred due to such alteration, which will be in addition to fine.

12.

(a) No person/body is allowed to, intentionally or deliberately, destroy or damage the structure(s), assets or facilities of the Government at a tourist place. Any Person/body found guilty for the same may be charged a fine upto Rs. 10000 (Ten Thousand) either by the competent authority or by the officer nominated/appointed for the purpose of the act by the competent authority. (b) The competent authority or the Officer appointed/nominated by the competent authority for the purpose of the act may also charge compensation equal to the monetary value of loss due to the damage, which will be in addition to fine.

13.

Consumption of Narcotic Substances or Alcoholic Beverage at A Tourist Place will be treated as an offence. Any person found guilty of consuming Narcotic Substances or Alcoholic Beverage or helping or assisting the other in consuming narcotic substances or alcoholic beverage except for medicinal use may be charged a fine upto Rs. 25000 (Twenty Five Thousand) either by the competent authority or by the officer nominated/appointed for the purpose of the act by the competent authority. Details of offences and their penalties are attached as Schedule I.

14.

Each Tourist Place is being declared as No Smoking Zone. A person found guilty of Smoking at A Tourist Place will be punished with the provisions in The Smoking in Public Places Rules, 2008 and Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 either by the competent authority or by the officer nominated/appointed for the purpose of the act by the competent authority.

15.

(a) Spreading waste (Plates, Plastic wrappers and bags etc.) at a Tourist Place is being prohibited. Waste materials can only be thrown in the Dustbin. Any person found throwing waste, except in the dustbin, at a tourist place may be charged a fine upto Rs. 3000 (Three Thousand) either by the

competent authority or by the officer nominated/appointed for the purpose of the act by the competent authority.(b)The Department will construct/provide dustbin at all tourist place of the state within One year from the date of enactment of the act.

16.

It will be the duty of the visitor(s) to keep the tourist place clean and not to use non-biodegradable materials so far as possible. The visitor(s) should use Biodegradable plates instead of using Plastic or Foam plates, etc. (Non bi. - degradable material) so far as possible.

17. Offences and penalties.

- (i) Whoever contravenes any of the provisions of this Act or fails to comply with any order or directions given under the Act or obstructs any person acting under the orders or directions of the Competent Authority from exercising his powers and performing his functions under this Act, shall be fined upto Rs. 25,000/- (Twenty Five thousand rupees).(ii)The provision of above (Subsection - 17(i)) the penalty will not apply to the sections of the act in which the provision for penalty has been made i.e. in section 10, 11, 12, 13, 14 and 15.(iii)Wherever a person or a company or a firm or a society or any other body is found responsible for any damage of the Government/Public property at a tourist place, the competent authority or the officer appointed/nominated by the competent authority for the purpose of the act may charge fine and compensation for the damage.(iv)If any body fails to deposit the fine or compensation charged either by the competent authority or by the officer nominated/appointed for the purpose of the act by the competent authority within the stipulated time, it shall be recovered by the competent authority under the provision incorporated for recovering in Bihar and Orissa Public demand recovery Act 1914.(v)Any offence committed under this Act shall be cognizable and non-bailable.(vi)All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the First Class specially authorised by the High Court and the provisions of Sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 shall apply to such a trial provided that when at the commencement of or in the course of a summary trial under this section, it appears to the Magistrate that the nature of the case is such that it is for any reason, undesirable to try summarily, the Magistrate shall after hearing the parties record an order to that effect and thereafter recall any witness, who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.(vii)If any person found guilty under this act then the tourism warden/authorised official by department may impose fine as per schedule I of this act on the spot.

18. Appeal.

- (i) An appeal shall lie against the order passed by the competent authority or the officer appointed/nominated for the purpose of the act under this Act to the appellate authority which will be the Secretary, Tourism, Government of Jharkhand, whose decision on appeal shall be final.(ii)The appeal must be done within 30 days from the date of receipt of the order the appeal. In case of appeal received after 30 days from the date of receipt of the order, if the appellate authority thinks that appeal could not be filed within the said 30 days for some specific causes or conditions

(illness or some other condition in which the appeal could not be filed), the appellate authority may accept the appeal after the said 30 days period.(iii)No appeal in any condition can be accepted after 90 day from the date of receipt of the order.

19. Protection for acts done under this Act.

- No suit, prosecution or other legal proceedings shall lie in any court, against the Government, Competent Authority or any of its officers or persons duly appointed/nominated or authorized by it in respect of anything which is done in good faith or is intended to be done in pursuance of or under this Act or the rules made there under.

20. Certain officers to act in aid of Competent Authority.

- All officers of the police force, home guards, person in-charge of Police station shall act in aid of the orders of Competent Authority.

21. Power to make rules.

- The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

22. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty:Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

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1.	Any construction at tourist place without the consent of department/competent authority.	Fine upto Rs. 25,000/-
2.	Any alteration in the existing structure without the consent of department/ competent authority.	Fine upto Rs. 20,000/- Plus compensation for the loss occurred due to such alteration.
3.	Intentionally or deliberately destroy or damage the structure(s), assets or facilities of the government provided at tourist place.	Fine upto Rs. 10,000/- Plus compensation equal to monetary value of loss due to the damage.
4.	Consumption of Narcotic Substances at tourist place except for medicinal use.	Fine upto Rs. 5000/-

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| 5. | Consumption of Alcoholic beverage/Drunkeness. | Fine upto Rs. 1000/- |
| 6. | Maliciously hurting or attempt to hurt touristsat tourist place. | Fine upto Rs. 25000/- |
| 7. | Endangering tourist safety by willfull act. | Fine upto Rs. 20000/- |
| 8. | Molestation of tourists at tourist place | Fine upto Rs. 5000/- |
| 9. | Carrying offensive materials. | Fine upto Rs. 5000/- |