



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Public Gambling (Amendment) Bill, 2012

(Bill No. 21 of 2012)

(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2012**

The Goa Public Gambling (Amendment)

Bill, 2012

(Bill No. 21 of 2012)

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BILL

*further to amend the Goa Public Gambling Act,
1976 (Act No. 14 of 1976).*

5 BE it enacted by the Legislative Assembly of Goa
in the Sixty-third Year of the Republic of India, as
follows:-

1. Short title and commencement.— (1) This
Act may be called the Goa Public Gambling
10 (Amendment) Act, 2012.

(2) It shall come into force on such date as the
Government may, by notification in the Official
Gazette, appoint.

2. Amendment of section 2.— In section 2 of
15 the Goa Public Gambling Act, 1976 (Act No. 14 of
1976) (hereinafter referred to as the "principal
Act"), -

(i) after clause (1), the following clause shall
be inserted, namely :-

20 "(1A) "Five Star Hotel" means a Five Star Hotel
categorized and certified as such by the
Government of India"

(ii) after clause (2), the following clause shall
be inserted, namely :-

(2A) "Gaming Commissioner" means Gaming Commissioner appointed under section 13C;

(iii) after clause (5), the following clauses shall be inserted, namely:-

(6) "prescribed" means prescribed by rules made under this Act; 5

(7) "tourist" means a person or a group of persons, who have attained the age of 21 years, including pilgrims who are on a visit to the State of Goa, and not domiciled or permanently residing in the State of Goa, holding a valid tourist permit issued under this Act; 10

(8) "Tourist permit" means Tourist Permit issued to tourist by Gaming Commissioner, authorizing him to enter the place or area designated under section 13B where the game/games as authorized under section 13A are actually conducted; 15

(9) "Vessel" means and includes any ship, boat, duly registered with the Captain of Ports, Goa, under the Inland Vessels Act, 1917 (Act 1 of 1917), or registered with the Director General of Shipping." 20

3. Amendment of section 5.— In clause (a) of sub-section (1) of section 5 of the principal Act, the words "Gaming Commissioner or "shall be inserted at the end. 25

4. Insertion of new sections.— After section 13A of the principal Act, the following sections shall be inserted, namely:-

"13B. Places or areas for gaming.— (1) Except the places or areas as may be designated by the Government, by a notification issued in this regard in the Official Gazette, for conducting game/games as authorized under sub-section (1) of section 13A, no game/games shall be conducted at any other place or area in the State of Goa or on board in vessel within the territorial waters of the State of Goa. 5

(2) The Government may, in the notification issued under sub-section (1), specify the total number of vessels which may operate in such designated areas. 10

13C. Appointment of Gaming Commissioner.— The Government may, by notification in the Official Gazette, appoint a officer or an authority to be Gaming Commissioner. 15

13D. Powers, duties and functions of the Gaming Commissioner.— The powers, duties and functions of the Gaming Commissioner shall be, 20

(a) to keep a check and exercise overall control over the games conducted in the designated places or areas;

(b) to maintain the register, records, documents in connection with the games conducted in the designated places or areas; 25

(c) subject to such rules as may be framed by the Government in this behalf, to regulate the gaming authorized under sub-section (1) of section 13A; 30

(d) to order closure, to seal any place in a Five Star Hotel or to take custody of any vessel, and

while exercising this power, the Commissioner shall make an inventory of all the items/things of which the custody is taken of;

(e) to issue tourist permit to a tourist desirous of entering the place or area where the game/games as authorized under section 13A are actually conducted; 5

(f) to issue permissions in such form as may be prescribed, to any person, agency, hotel holding valid registration under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act No. 10 of 1982), for issuing tourist permits; and 10

(g) to exercise such other powers, perform such other duties and discharge such other functions, as laid down in this Act or as may be prescribed. 15

13E. Transfer of licence.— (1) Except as provided in sub-section (2), no person shall transfer a licence obtained under provisions of this Act to conduct game/games, to any other person. 20

(2) Subject to such conditions and restrictions as may be laid down in this behalf, the Government may, upon a request of the licensee to that effect, by order, transfer a licence in the name of any other person, on payment of such fees as may be prescribed. 25

13F. Powers of the Government.— (1) The Government may, by notification in the Official Gazette, specify the rates of fee that may be levied for conducting game/games authorized under sub-section (1) of section 13A. 30

(2) Such fee when levied shall be collected in accordance with the rules made under this Act.

(3) The Government may, subject to such conditions and restrictions as may be laid down in this behalf, regulate entry of the persons in a place or area as designated under sub-section (1) of section 13B. 5

(4) The Government may give such directions to the Gaming Commissioner, as it deems fit.

13G. Entry to place or area designated under section 13B.— (1) No person other than a tourist shall have entry to the place or area where the game/games as authorized under section 13A are actually conducted: 10

15 Provided that bonafide staff of a Five Star Hotel or a Vessel, who are engaged in operation and service to guests, shall not be prevented entry.

Provided further that a Government officer, while discharging an official duty, shall also not be prevented entry. 20

(2) Whoever without a valid tourist permit enters any place or area as referred to in sub-section (1), shall be liable to pay fine which is ten times of the amount of fee payable for the tourist permit." 25

13H. Punishment.— Whoever contravenes the provisions of section 13B and/or 13E shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine not less than rupees ten lakhs which may extend to rupees twenty lakhs, or with both. 30

13I. Composition of certain offences.— (1) Any offence punishable under sections 13G and 13H may before the institution of the prosecution, be compounded by the Gaming Commissioner, on payment to the Gaming Commissioner, for the credit to the Government, such sum as may be specified by the Gaming Commissioner, by an order issued in this behalf, not exceeding the maximum amount of fine which may be imposed for that offence:

Provided that the authorization granted under section 13A shall remain suspended till the payment of composition fee is made by the offender.

(2) Where an offence has been compounded under sub-section (1) no proceeding shall be taken against the offender in respect of the offence so compounded and such composition shall not be subject to any appeal.

13J. Attachment/Confiscation.— (1) The premises or the vessel wherein the contravention as mentioned in section 13B and/or 13E has taken place shall be liable for attachment/confiscation, as the case may be.

(2) When anything is confiscated under sub-section (1), it shall thereupon vest in the Government.

13K. Appeal.— (1) An appeal shall lie to the Government against any order passed by the Gaming Commissioner.

(2) All appeals pending before the Goa Administrative Tribunal constituted under the Goa

Administrative Tribunal Act, 1965 (Act No. 6 of 1965) as on the date of commencement of the Goa Public Gambling (Amendment) Act, 2012, shall stand transferred to the Government.

13L. Jurisdiction of Civil Court barred.— No Civil Court shall entertain try, dispose of any matter arising out of any order, direction, rules, issued/framed under this Act.

5. Insertion of new section 17A.— After section 17 of the principal Act, the following section shall be inserted, namely:-

"17A. Power to make rules.— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules,-

(a) under section 13D(c), to regulate the gaming authorized under sub-section (1) of section 13A;

(b) under section 13D(f), the form of permission;

(c) under section 13D(g), other powers, duties and functions of the Gaming commissioner;

(d) under section 13E(2), the fees to be paid for transfer of license;

(e) under section 13F(2), the manner of collection of fees;

(f) any other matter which is required to be or may be prescribed.

(3) All rules made under this Act shall be published in the Official Gazette and shall, as soon as may be after they are made, be laid before the Legislative Assembly of Goa while it is in session for a total period of not less than fourteen days, which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modification or annulment as the Legislative Assembly of Goa may, during the said period, agree to make, so however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done thereunder."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to empower the State Government to notify designated gaming area; to permit only tourist to casinos and restrict entry of youth under the age of 21 years in the gaming area; to incorporate penal provisions for prosecution and fine; provision for compounding of offence; power to frame rules to regulate and control the activity; power to seal and confiscate; provision about appeals under the Act; authorizing Government to prescribe tourist permit fees; and to amend other relevant and incidental provisions.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill seeks to create Statutory Authority of Gaming Commissioner to regulate, administer and enforce the Goa Public Gambling Act, 1976 and hence the payment of salaries and other office administration expenses may arise in future. However, at present, there is no such proposal for creation of this post and hence there is no financial implications involved in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 2(A) empowers the State Government to appoint Gaming Commissioner under section 13 C.

Section 13B (1) empowers the State Government to notify the designated places or areas for conducting games authorized under section 13 A.

Section 13B (2) empowers the State Government to notify the total number of Vessels which may operate in designated area.

Section 13C empowers the State Government to appoint a officer or an Authority as Gaming Commissioner by notification.

Section 13D empowers the State Government to provide powers, duties and functions of the Gaming Commissioner.

Section 13E empowers the State Government to transfer the license to any vessel or Five Star Hotel on payment of prescribed fees.

Section 13F empowers the State Government to have all the powers to fix, levy, and recover any fees by notification that may be levied for conducting games authorized under section 13A.

Section 13G empowers the State Government to restrict entry in designated gaming areas under section 13 B only to Tourist and bonafide staff of the Five Star hotel or vessel engaged in service and Government Officer discharging official duty.

Section 13H empowers the State Government to levy fines, prosecute for contravention of provisions of Section 13B and or 13E.

Section 13I empowers the Gaming Commissioner to compound the offence punishable under sections 13G and 13H in lieu of prosecution by recovering composition fees and to suspend the license till such payment.

Section 13J empowers the State Government to confiscate vessel/attachment of premises.

Section 17A empowers the State Government to make rules to carry out the purposes of this Act under sub section (1) of section 17A, under section 13D (c), to regulate the gaming authorized under sub section (1) of section 13A, under sections 13D(f), 13D(g), 13E(2), 13F(2) and any other matter which is required to be or may be prescribed.

These delegations are of normal character.

Porvorim, Goa
2nd August, 2012

Manohar Parrikar
Minister for Home

Assembly Hall,
Porvorim, Goa
2nd August, 2012

N.B. Subhedar
Secretary to the Legislative
Assembly of Goa

ANNEXURE

BILL NO. 21 OF 2012

EXTRACT OF THE GOA PUBLIC GAMBLING ACT, 1976 (ACT NO. 14 OF 1976)

5. *Power to enter and authorise police to enter and search.*—(1) (a) If a District Magistrate, or a Sub-divisional Magistrate, or a Judicial Magistrate of the First Class, or

(b) the Inspector General or a Superintendent of Police or a Deputy Superintendent of Police or an Assistant Superintendent of Police specially empowered by the Government in this behalf,

upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, room or place is used as a common gaming-house, he may—

(i) either himself enter, or by his warrant, authorise any police officer not below the rank of '[a Head Constable of Police] to enter, by force, if necessary, with such assistance as may be found necessary, by night or by day, any such house, room or place,

(ii) either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein whether or not then actually gaming,

(iii) seize or authorise such officer to seize all instruments of gaming, and all money and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein,

(iv) search or authorise such officer to search all parts of the house, room or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody, and

(v) seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

(2) Notwithstanding anything contained in any other law for the time being in force, no search made under this section shall be deemed to be illegal by reason only of the fact that the witnesses (if any) of the search were not inhabitants of the locality in which the house, room or place searched is situated.

¹[13(A) *Authorised Game.* — (1) Notwithstanding anything contained in this Act, the Government may authorise any game of electronic amusement/slot machines in Five Star Hotels ²[and such table games and gaming on board in vessels offshore as may be notified], subject to such conditions including payment of such recurring and non-recurring fees as may be prescribed.

(2) The provisions of this Act shall not apply to any game authorised under sub-section (1)".

17. *Recovery of fines.*— All fines imposed under this Act may be recovered in the manner specified by section 421 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).