

Goa Public Gambling (Amendment) Act, 2012

18 of 2012

[07 September 2012]

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PREAMBLE

AN

ACT

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

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 (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 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:--
"(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:--

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(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;

(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;

(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;

(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."

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.

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.

(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.

13C. Appointment of Gaming Commissioner.--

The Government may, by notification in the Official Gazette, appoint an officer or an authority to be Gaming Commissioner.

13D. Powers, duties and functions of the Gaming Commissioner.--

The powers, duties and functions of the Gaming Commissioner shall be,--

- (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;
- (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;
- (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;
- (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
- (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.

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.
- (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.

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.
- (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.
- (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:

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.

(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."

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.

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."