



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA PUBLIC GAMBLING
(AMENDMENT) BILL, 2003**

(Bill No.31 of 2003)

As

(~~to be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
SEPTEMBER, 2003**

**THE GOA PUBLIC GAMBLING (AMENDMENT)
BILL, 2003.**

(Bill No. 31 of 2003)

A

BILL

*further to amend the Goa, Daman and Diu Public
Gambling Act, 1976.*

BE it enacted by the Legislative Assembly of
Goa in the Fifty-fourth 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, 2003.

(2) It shall come into force at once.

2. *Amendment of Section 3.*— In section 3 of the
Goa, Daman and Diu Public Gambling Act, 1976
(Act 14 of 1976) (hereinafter referred to as the
“principal Act”),—

(i) for the words “two years”, the words
“three years” and for the words “two thousand
five hundred rupees”, the words “five thousand
rupees” shall be substituted;

(ii) in the proviso;—

(a) in clause (i), for the words “one month”,
the words “two months” and for the
words “two hundred rupees”, the

words "one thousand rupees" shall be substituted;

(b) in clause (ii), for the words "three months", the words "six months" and for the words "three hundred rupees", the words "two thousand rupees" shall be substituted;

(c) in clause (iii), for the words "six months", the words "one year" and for the words "five hundred rupees", the words "three thousand rupees" shall be substituted.

3. *Amendment of Section 4*— In sub-section (1) of section 4 of the principal Act, - (i) for the words "one year", the words "three years" and for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) in the proviso:-

(a) in clause (a), for the words "one month", the words "three months" and for the words "two thousand rupees", the words "two thousand and five hundred rupees" shall be substituted;

(b) in clause (b), for the words "three months", the words "six months" shall be substituted;

(c) in clause (c), for the words "six months", the words "one year" shall be substituted.

4. *Insertion of new Section 4A*.— After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. *cancellation of licence*.— If any place where any business or any other activity is being carried on under a licence granted under any law for the time being in force, and such place is used for the purpose of gaming in contravention of the provisions of this Act and/or the rules made thereunder, then, notwithstanding anything contained in section 3 or in section 4 or in such law, the licensee of such business or other activity may, on conviction, be liable for suspension of such licence for such period as deemed fit or for cancellation of such licence:

provided that no order under this section shall be passed unless the licensee is given an opportunity of being heard in the matter".

5. *Amendment of section 6*:— In section 6 of the principal Act, for the words "four months", the words "one year" and for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

6. *Amendment of section 11*:— In sub-section (2) of section 11 of the principal Act,

(i) for the words "three months", the words "six months" and for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) for the existing provisos, the following provisos, shall be substituted, namely:—

"Provided that:—

(i) (a) for the first offence under clause (a) of sub-section (1), such imprisonment shall not be less than ten days and fine shall not be less than one thousand rupees;

(b) for the second offence under clause (a) of sub-section (1), such imprisonment shall not be less than twenty days and fine shall not be less than two thousand rupees; and

(c) for the third or subsequent offence under clause (a) of sub-section (1), such imprisonment shall not be less than thirty days and fine shall not be less than three thousand rupees;

(ii) (a) for the first offence under clause (b) of sub-section (1), such imprisonment shall not be less than fifteen days and fine shall not be less than one thousand rupees;

(b) for the second offence under clause (b) of sub-section (1), such imprisonment shall not be less than twenty days and fine shall not be less than two thousand rupees; and

(c) for the third or subsequent offence under clause (b) of sub-section (1), such imprisonment shall not be less than thirty days and fine shall not be less than three thousand rupees;

(iii) (a) for the first offence under clause (c) of sub-section (1), such imprisonment shall not be less than one month and fine shall not be less than two thousand rupees; and

(b) for subsequent offence under clause (c) of sub-section (1), such imprisonment shall not be less than fifty days and fine shall not be less than three thousand rupees:—

Provided further that where such gambling consists of wagering or betting or any such transaction as referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited."

Statement of Objects and Reasons

It has been observed that as the punishment specified for offences under sections 3,4,6 and 11 of the Goa, Daman and Diu Public Gambling Act, 1976 (Act 14 of 1976) is very low, the same has failed to act as a deterrent thereby resulting in increase of gambling activities in the State.

With a view to curb the gambling activities in the State, it is proposed to increase the quantum of punishment for offences under sections 3,4,6, and 11 of the Act, 1976, by suitably amending said ~~sanctions~~ ^{sections} 3,4,6 and 11.

It is also proposed to insert a new Section 4A in the Act, 1976, so as to provide for suspension of cancellation of the licence granted to a licensee under any law for the conduct of any business or other activity if the place where such business or activity is being carried on is also used for the purpose of gaming in contravention of the provisions of the Act, 1976, and the rules made thereunder.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji-Goa,
23rd September, 2003.

^R
MANOHAR PARIKAR
Chief Minister

Assembly Hall,
Porvorim-Goa,
23rd September, 2003. Legislative Assembly of Goa

S. A. NARVEKAR
Secretary to the

ANNEXURE

Extract of The Goa Public Gambling (Amendment) Bill, 2003 (Act No. 14 of 1976)

SECTION 3

3. *Punishment for keeping common gaming-house.*—
Whoever—

(a) opens, keeps or uses any house, room or place for the purpose of a common gaming-house,

(b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) has the care or management of, or in any manner assists in conducting the business of, any, such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room of place,

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to two thousand five hundred rupees:

Provided that—

(i) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees,

(ii) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(iii) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

SECTION 4

4. *Punishment for gaming in common gaming-houses.*— (1) Whosoever is found in any common gaming-house gaming or present for the purpose of gaming shall be punishable with imprisonment for a term which may extend to one year and also with fine which may extend to one thousand rupees:

Provided that—

(a) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than ¹[two thousand rupees],

(b) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than ²[three thousand rupees], and

(c) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than ³[five thousand rupees],

(2) Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

SECTION 6

6. *Punishment for giving false names and addresses.*— If any person found in any common gaming-houses, entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, and on being required by such officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall, on conviction, be punishable with imprisonment for a term which may extend to four months or with fine, not exceeding one thousand rupees.

SECTION 11

11. *Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.*—

(1) A police officer may arrest and search without warrant—

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill on any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) any person setting any birds, or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person present there aiding or abetting such public fighting of birds and animals.

¹["(2) Any person who is found gambling under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to ¹[two thousand rupees],

²[Provided that,—

(a) for the first offence under clause (a) of sub-section (1) such fine shall not be less than fifty rupees;

(b) for the second offence under clause (b) of sub-section (1) such imprisonment shall not be less than fifteen days and fine shall not be less than one hundred rupees; and

(c) for the third offence under clause (c) of sub-section (1) such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees:

Provided further that where such gambling consists of wagering or betting or any such transaction as

referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited"]].

(3) Any such police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or on or about the person of those whom he shall so arrest and Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds forfeited.

(4) When anything has been found on or about any person and the Magistrate is satisfied that the police officer has reasonable grounds for suspecting that such a thing was in instrument or gaming, such circumstances shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

Assembly Hall
Porvorim-Goa
23rd September, 2003

S. A. NARVEKAR
Secretary to the
Legislative Assembly