GOVERNMENT OF GOA, DAMAN AND DIU
Legislative Assembly of Goa, Daman and Diu

Legislature Department

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Notification

LD/Bill/6/76

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the President of India on 30th July, 1976 is hereby published for general information.

B. S. Subbanna,

Draftsman. Panaji, 9th

August, 1976.

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The Goa, Daman and Diu Public Gambling Act, 1976

(Act No. 14 of 1976) [30th July, 1976]

AN

ACT

to provide for the punishment of public gambling and the keeping of common gaming houses in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty--seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu Public Gambling Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,—
(1) "common gaming-house" means—
(i) in the case of gaming—

(a) on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price, or

(b) on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(c) on the market price of any stock or share or on the digits of the number used in stating such price, or

(d) on the occurrence or non-occurrence of rain or other natural event, or

(e) on the quantity of rainfall or on the digits of the number used in stating such quantity, or

(f) on the wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

any house, room or any place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming;

(ii) in the case of any other form of gaming, any house, room or place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, keeping such house, room or place whether by way of charge for the use of such house, room or place or instrument or otherwise;

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

(2) "gaming" includes—

(a) wagering or betting and includes wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

(b) any transaction by which a person in any capacity whatever employs another person in any capacity whatever or engages for another in any capacity whatever, to wager or bet with any other person,

(c) the collection or soliciting of bets, receipts or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution, but does not include a lottery;

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

(3) [3]["Government" means the Government of Goa];

(4) "instrument of gaming", includes any article used or intended to be used as a subject, an accessory or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

(5) "place" includes a tent, enclosure, space, vehicle and vessel.

[4][(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 21years, 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. 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 willfully 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 or place,

shall be punishable with imprisonment for a term which may extend to [5][three years] and also with fine which may extend to [6][five thousand rupees]:

Provided that —

(i) for the first offence, such imprisonment shall not be less than [7][two month] and the fine shall not be less than [8][one thousand rupees],

(ii) for the second offence, such imprisonment shall not be less than [9][six months] and the fine shall not be less than [10][two thousand rupees], and

(iii) for the third or subsequent offence, such imprisonment shall not be less than [11] [one year] and the fine shall not be less than [12][three thousand rupees].

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 [13][three years] and also with fine which may extend to [14][five thousand rupees]:

Provided that—

(a) for the first offence, such imprisonment shall not be less than [15][three months] and the fine shall not be less than [16][two thousand and five hundred rupees],

(b) for the second offence, such imprisonment shall not be less than [17][six months] and the fine shall not be less than [18][three thousand rupees], and

(c) for the third or subsequent offence, such imprisonment shall not be less than [19] [one year] and the fine shall not be less than [20][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.

[21][**4 A. 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 licencee 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 licencee is given an opportunity of being heard in the matter.]

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 [22][Gaming Commissioner 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 [23][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.

6. Punishment for giving false names and addresses.— If any person found in any common gaming-house, 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 [24][one year] or with fine, not exceeding [25][two thousand rupees].

7. Presumptive proof of keeping or gaming in common gaming-house.— When any instrument of gaming has been seized in any house, room or place entered under section 5 or about the person of anyone found therein, and in the case of any other thing so seized, if the court is satisfied that the Magistrate or police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence,

until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were there present for the purpose of gaming, although no gaming was actually seen by Magistrate or the police officer or by any person acting under the authority of either of them:

Provided that the aforesaid presumption shall be made notwithstanding any defect in the warrant or order in pursuance of which the house, room or place was entered under section 5, if the court considers the defect not to be a material one.

8. On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed or forfeited.— On conviction of any person for opening, keeping or using a common gaming-house, or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found the rein or on the persons of those who were found therein to be forthwith destroyed or forfeited, and may also order all or any of the securities for money and other articles seized, not being instruments, of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

9. Proof of playing for money not required for conviction.— It shall not be necessary, in order to convict a person of any offence under any of the provisions of section 3 or section 4 to prove that any person found gaming was playing for any money, wager or stake.

10. Indemnification of certain witnesses.— Any person who has been concerned in gaming contrary to this Act, and who is examined as a witness before a Magistrate in the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, makes, in the opinion of the Magistrate, a true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the said Magistrate, a certificate in writing to that effect and shall become free from all liabilities to undergo any punishment for contravention of any provision of this Act, for anything done before that time in respect of such gaming.

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.

[26][(2) Any person who is found gambling under sub-section (1) shall be punishable with imprisonment which may extend to [27][six months] and also with fine which may extend to [28][five thousand rupees]:

[29][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.]

(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 the 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 an instrument of 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.

12. Arrest without warrant for printing, publishing or distributing any news or information.— (1) A police officer not below the rank of a sub-inspector of police may arrest without warrant—

(a) any person who prints, publishes, sells, distributes or in any other manner circulates any newspaper, news sheet or other document or any news or information which aids, encourages or facilitates, gaming;

(b) any person who—

(i) prints, publishes or circulates in any manner, any digits or figures or combination of any digits or figures, relating to gaming, or

(ii) by adopting any other form of device, disseminates or attempts to

disseminate or abets the dissemination of, information regarding such digits or figures or combination of digits or figures.

(2) Any such person shall, on conviction, be punishable to the extent specified in section 3.

13. Saving of games of mere skill.— Nothing in this Act shall be held to apply to any game of mere skill wherever played.

[30]**[13A. Authorised Game.—** (1) Notwithstanding anything contained in this Act, the Government may authorised any game of electronic amusement/slot machines in Five Star Hotels [31][{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).]

[32][**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 a 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]

14. Offences by whom triable.— Offences punishable under this Act shall be triable by a Judicial Magistrate of the first class having jurisdiction in the place where the offence is committed.

15. Offences to be cognizable.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence under this Act shall be cognizable.

16. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done under this Act.

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).

[33] **[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.]

18. Repeal and Savings.—The Public Gambling Act, 1867 (Central Act 3 of 1867) as in force in the Union territory of Goa, Daman and Diu, is hereby repealed:

Provided that such repeal shall not affect—

(a) the previous operation of the Act so repealed, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including authorisations made, powers conferred, orders given and indemnity granted) by or under the Act so repealed shall, in so far it is not inconsistent with any provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Secretariat
Panaji-Goa
9th August, 1976.

K. C. D. GANGWANI,
Secretary to the Government of Goa,
Daman and Diu
Law and Judiciary Department.

1.Inserted vide Amendment Act 18 of 2012.
2.Inserted vide Amendment Act 18 of 2012.
3.Substituted by the Amendment Act 11 of 1992.
4.Clause 6 to 9 inserted vide Amendment Act 18 of 2012.
5.Substituted by the Amendment Act 25 of 2003.
6.Substituted by the Amendment Act 25 of 2003.
7.Substituted by the Amendment Act 25 of 2003.

8.Substituted by the Amendment Act 25 of 2003.
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14. Substituted by the Amendment Act 25 of 2003.
15. Substituted by the Amendment Act 25 of 2003.
16. Substituted by the Amendment Act 25 of 2003.
17. Substituted by the Amendment Act 25 of 2003.
18. Substituted by the Amendment Act 2 of 1994.
19. Substituted by the Amendment Act 25 of 2003.
20. Substituted by the Amendment Act 2 of 1994.
21. Inserted by the Amendment Act 25 of 2003.
22. Inserted vide Amendment Act 18 of 2012.
23. Substituted by the Amendment Act 4 of 1979.
24. Substituted by the Amendment Act 25 of 2003.
25. Substituted by the Amendment Act 25 of 2003.
26. Sub-section 2 Substituted by the Amendment Act 4 of 1979.
27. Substituted by the Amendment Act 25 of 2003.
28. Substituted by the Amendment Act 25 of 2003.
29. Proviso substituted by the Amendment Act 25 of 2003.
30. Inserted by the Amendment Act 11 of 1992.
31. Inserted by the Amendment Act 13 of 1996.
32. Section 13 B to 13 L inserted vide Amendment Act 18 of 2012.
33. Inserted vide Amendment Act 18 of 2012.