

The Goa Public Gambling (Amendment) Bill, 2021
(BILL No. 42 of 2021)

A
BILL

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

BE it enacted by the Legislative Assembly of Goa in the Seventy-second 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, 2021.

(2) It shall come into force at once.

2. Amendment of long title.— In the Goa, Daman and Diu Public Gambling Act, 1976 (Act No.14 of 1976) (hereinafter referred to as the “principal Act), in the long title, for the expression “Union Territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted.

3. Amendment of section 1.— In section 1 of the principal Act, —
(i) in sub-section (1), the expression, “,Daman and Diu” shall be omitted;
(ii) in sub-section (2), for the expression “Union territory of Goa, Daman and Diu”, the expression “State of Goa” shall be substituted.

4. Substitution of section 3.— For section 3 of the principal Act, the following section shall be substituted, namely:-

“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 three years, or with fine which may extend to seven thousand rupees or with both.

Provided that —

(i) for the first offence, such imprisonment shall not be less than two months and the fine shall not be less than three thousand rupees,

(ii) for the second offence, such imprisonment shall not be less than six months and the fine shall not be less than five thousand rupees, and

(iii) for the third or subsequent offence, such imprisonment shall not be less than one year and the fine shall not be less than seven thousand rupees.”.

5. Amendment of section 4.— In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

“ (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 three years or with fine which may extend to seven thousand rupees or with both.

Provided that,-

(a) for the first offence, such imprisonment shall not be less than three months and the fine shall not be less than four thousand rupees,

(b) for the second offence, such imprisonment shall not be less than six months and the fine shall not be less than five thousand and five hundred rupees, and

(c) for the third or subsequent offence, such imprisonment shall not be less than one year and the fine shall not be less than seven thousand rupees.”.

6. Amendment of section 11.— In section 11 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Any person who is found gambling under sub-section (1) shall be punishable with imprisonment which may extend to six months or with fine which may extend to seven thousand rupees or with both.

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 the fine shall not be less than three thousand rupees;

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

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

(b) for subsequent offence under clause (c) of sub-section (1) such imprisonment shall not be less than fifty days and the fine shall not be less than five 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

The Goa, Daman and Diu Public Gambling Act, 1976 (Act No.14 of 1976) (hereinafter referred to as the “said Act”) was enacted by the Legislative Assembly of Goa, Daman and Diu when Goa was part of the Union Territory of Goa, Daman and Diu. On 30th May 1987, Goa was conferred a Statehood and Daman and Diu was made a separate Union Territory consequently, reference of the expressions “Daman and Diu” and “Union Territory” in the said Act became redundant. The Bill seeks to omit such references from the said Act.

The Bill also seeks to amend sections 3, 4 and 11 of the said Act so as to enhance the fine specified therein and to make offences punishable either with imprisonment or fine or with both.

The bill seeks to achieve the above objects.

Financial Memorandum

Financial implications are involved in the Bill and cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim Goa
/ / 2021

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/ / 2021

(NAMRATA ULMAN)
Secretary to the
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