

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

Port Blair, theDecember, 2021

**THE ANDAMAN AND NICOBAR ISLANDS PUBLIC GAMBLING
(AMENDMENT) REGULATION, 2021
No. of 2021**

Promulgated by the President in the seventy fifth year of the Republic of India

A Regulation to amend the Andaman and Nicobar Islands Public Gambling Regulation, 1951 (No II of 1951).

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulations made by him:

- 1 (1) This Regulation may be called the Andaman and Nicobar Islands Public Gambling (Amendment) Regulation, 2021.
(2) It shall extend to the whole of the Andaman & Nicobar Islands.
(3) It shall come into force on such date as the Administrator may, by Notification in the Official Gazette, appoint.
- 2 Sub-section (2) and subsection (4) of Section 2 of the Andaman and Nicobar Islands Public Gambling Regulation, 1951 (hereinafter referred to as the Principal Regulations), shall be substituted as under :-
(2) "the Code" means the Code of Criminal Procedure, 1973 (Act No.2 of 1974),
(4) "District Superintendent of Police" includes as Assistant Superintendent of Police or other person appointed by general or special order of the Government to exercise the powers and to perform the duties of a District Superintendent of Police under this Regulation in any area;
- 3 After sub-section (7) of Section 2 of the Principal regulations, the following sub-sections shall be added as below:
(8) "Five Star Hotel" means a Five Star Hotel categorized and certified as such by the Government of India.
(9) "Gaming Commissioner" means Gaming Commissioner appointed under section 20;
(10) "Government" means the Administrator of the Union Territory of Andaman and Nicobar Islands appointed by the President of India under Article 239 of the Constitution.
(11) "Tourist" means a person or a group of persons, who have attained the age of 21 years, including pilgrims who are on a

*Short title,
extent and
commencement*

*Amendment of
section 2
(Source Goa,
Daman & Diu
Public
Gambling Act,
1976)*

- visit to the Union Territory of Andaman and Nicobar Islands, and not domiciled or permanently residing in the Union Territory of Andaman and Nicobar Islands,
- (12) "Tourist permit" means Tourist Permit issued to tourist by Gaming Commissioner, authorizing him to enter the place or area designated under section 19 where the game / games as authorized under section 18 are actually conducted;
- (13) "Vessel" means and includes any ship, boat, duly registered under Inland Vessel Act, 1917 with the Registering Authority as notified in Andaman and Nicobar Inland Vessels Rules 2016 or registered with the Director General of Shipping."
- 4 Clause (d) of the Section 3 of the Principal Regulations shall be substituted as below :- *Amendment of section 3*
- "(d) advances or furnishes money for the purpose of gaming with persons frequenting any coming gaming-house; Shall be liable for a first offence to a fine not exceeding **ten thousand rupees, or to imprisonment for a term not exceeding three months; and for a subsequent offence to a fine not exceeding twenty thousand rupees; or to imprisonment for a term not exceeding six months."***
- 5 Section 4 of the Principal Regulation shall be substituted as under:- *Amendment of section 4*
- "(4) Penalty for plying or being in a gaming –house. Whoever plays in any common gaming-house or is there present for the purpose of gaming, whether or not actually playing, shall be liable for a first offence to a fine not exceeding **two thousand rupees, or to imprisonment for terms not exceeding one month, and for a subsequent offence to a fine not exceeding four thousand rupees or to imprisonment for a term not exceeding two months.***
- 6 Clause (d) of Section 5 of the Principal Regulations shall be substituted as under :- *Amendment of section 5*
- "(d) in any local area to which the Government may, by notification in the Official Gazette, apply this clause, in any manner invites or encourages any person to wager or bet on any fight, game, or exercise; shall be liable to a fine not exceeding **thousand rupees, or to imprisonment for a term not exceeding one month."***
- 7 The sub section (1) (a) of Section 7 of the Principal Regulations may be substituted as under – *Amendment of section 7*
- "(1) If a District Magistrate, or a Gaming Commissioner or an Officer authorized by the District Magistrate or Gaming Commissioner not below the rank of Assistant Commissioner upon credible information, and after such enquiry as he may think **(Source Goa, Daman & Diu Public Gambling Act,***

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 authorize 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 authorize 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 authorize such officer to seize and take possession of all instruments of gaming found upon such search.”

The sub section (2) of Section 7 of the Principle Regulations may be substituted as under –

“(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.”

- 8
 - i. The word “**Chief Commissioner**”, wherever it occurs in the Principal Regulations, the same may be read as “**Government**”.
 - ii. Sub-section (2) of Section 8 of the Principal Regulation shall be substituted as under :-
“(2) All searches under sub-section (1) shall be made in accordance with the provisions of Section 100 of the said Code.”

- 9 Sub-section (2) of Section 9 of the Principal Regulation shall be substituted as under :-
“(2) All searches under sub-section (1) shall be made in accordance with the provisions of Section 100 of the said Code.”

Amendment of section 8

Amendment of section 9

- 10 Sub-section (2) of Section 11 of the said Code of the Principal Regulation shall be substituted as below:-
“(2) the provisions of Sections 306 and 308 of the Code shall apply to any person to whom a pardon has been tendered under sub-section (1) as they apply to any person to whom a pardon has been tendered under those provisions.” *Amendment of section 11*
- 11 Section 15 of the principal Regulation shall be substituted as below :-
‘15. Power to demand security for good behaviour-whenever a district magistrate or any magistrate of the first class specially empowered in this behalf by the Government receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by unlawful gaming or promoting or assisting in the promotion of unlawful gaming, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in Section 110 of the Code and for the purpose of any proceeding under that section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.’ *Amendment of section 15*
- 12 *After section 15 of the Principal Regulations, the following sections shall be added as below:-* *Insertion of new sections (Source Goa, Daman & Diu Public Gambling Act, 1976)*
- 16. Cancellation of license.** – 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 Regulation and / or the rules made there under, 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. *Provisions for cancellation of License*
- 17. Saving of games of mere skill.**—Nothing in this Regulation shall be held to apply to any game of mere skill wherever played. *Provisions for Skill Games*
- 18. Authorize Game**—Notwithstanding anything contained in this Regulation, the Government may authorize any game of electronic amusement / slot machines in Five Star Hotels and such table games and gaming on board in vessels offshore as may be notified subject to such conditions, including *Provisions for Authorized Games*

payment of such recurring and non-recurring fees, as may be prescribed.

19. 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 18, no game / games shall be conducted at any other place or area in the Union Territory of Andaman and Nicobar Islands or on board in vessel within the territorial waters of the Union Territory of Andaman and Nicobar Islands.

Provisions for places or areas for gaming

(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.

(3) The activity will not be permitted in areas which will be notified as Tribal reserve areas under the Prevention of Aboriginal Tribes (PAT) Regulations by Andaman and Nicobar Administration from time to time.

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

Provisions for Appointment of Gaming Commissioner

21. Powers, duties and functions of the Gaming Commissioner— The powers, duties and functions of the Gaming Commissioner shall be,—

Provisions for Powers, duties and functions of Gaming Commissioner

- 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 section 18;
- 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 18 are actually conducted;
- f) to issue permissions in such form as may be prescribed, to any person, agency, hotel holding valid registration as per the Andaman and Nicobar Administration ; and
- g) to exercise such other powers, perform such other duties and discharge such other functions, as laid down in this Regulation or as may be prescribed.

- 22. Transfer of licence.** — (1) Except as provided in sub-section (2), no person shall transfer a licence obtained under provisions of this Regulation 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.
- Provisions for Transfer of License*
- 23. 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 Section 18.
- (2) Such fee when levied shall be collected in accordance with the rules made under this Regulation.
- (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 19.
- (4) The Government may give such directions to the Gaming Commissioner, as it deems fit.
- Provisions for Powers of the Government*
- 24. Entry to place or area designated under section 19** — (1) No person other than a tourist shall have entry to the place or area where the game / games as authorized under section 18 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.**
- Provisions for entry to designated gaming place*
- 25. Punishment**— Whoever contravenes the provisions of section 19 and / or 22 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.**
- Provisions for punishment*
- 26. Composition of certain offences**— (1) Any offence punishable under sections 24 and 25 may be before the institution of the
- Provisions for composition of*

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:

Offence

Provided that the authorization granted under section 18 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.

27. Attachment / Confiscation—(1) The premises or the vessel wherein the contravention as mentioned in section 19 and / or 22 has taken place shall be liable for attachment / confiscation, as the case may be.

Provisions for attachment/ confiscation of premises

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

Provisions for appeal against order passed by Gaming Commissioner

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

29. 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 Regulation.

Provisions for jurisdiction of civil court

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

Provisions for trials

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

Provisions for making rules by the Government

(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 21 (c), to regulate the gaming authorized under Section 18;
- b. Under section 21 (f), the form of permission;
- c. Under section 21 (g), other powers, duties and functions of the Gaming Commissioner;

- d. Under section 22(2), the fees to be paid for transfer of license;
 - e. Under section 23(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 Regulation shall be published in the Official Gazette and shall, as soon as may be after they are made, be laid before the President of India.

Ram Nath Kovind
President of India

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Secretary to the Govt. of India