

**UT Administration of Daman & Diu
Department of Tourism
DAMAN**

No. 6/2/ADT/2007-08/248

Dated : 5th February, 2008.

NOTIFICATION

In exercise of the powers conferred by section 13A of the Goa, Daman & Diu Public Gambling Act, 1976 (Act 14 of 1976), as in force in the Union Territory of Daman & Diu, the Administrator of Daman & Diu is pleased to authorise games of electronic amusement/slot machines subject to the following terms and conditions :

1. Definitions – In this Notification, unless the context otherwise requires,-

- (i) "Act" means the Goa, Daman & Diu Public Gambling Act, 1976 (Act 14 of 1976);
- (ii) "Authority" means the Director (Tourism), UT of Daman & Diu.
- (iii) "Appellate Authority" means the Secretary (Tourism), UT of Daman & Diu;
- (iv) "Five Star Hotel" for the purpose of section 13A of the Act, shall mean a hotel certified as such by an authority competent to classify hotels in the Government of India
- (v) "games of electronic amusement/slot machines" means all kind of electronic games and slot machines but do not include video games;

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- (vi) "Government" means the Administrator of Daman & Diu,
- (vii) "Inspection Officer" means any officer of the Government duly authorised in writing by the Government to inspect the licensed premises to determine compliance with the provisions of the Act and of this Notification;
- (viii) "licence" means any licence granted pursuant to clause 5 of this Notification;
- (ix) "licensee" means any person who has been granted a licence to install and operate games of electronic amusement/slot machines under clause 5 of this Notification;
- (x) "licensed premises" means any premises where a licensee installs and operates games of electronic amusement/slot machines ["or table games and gaming on board in vessels offshore"] pursuant to licence granted to him under clause 5 of this Notification;
- (xi) "vessel" means and includes any ship, boat, etc. used in navigation and licensed by the Director General of shipping, Ministry of Surface Transport, Government of India.

2. Any person desirous of obtaining a licence for installing and operating games of electronic amusement/slot machines ["or table games and gaming on board in vessels offshore"] shall make an application to the Authority in form 'A' appended hereto as Appendix I.

["Provided that for installing and operating electronic amusement/slot machines {"or table games and gaming on board in vessels off shore on board any vessel, separate area shall have to be set apart within the licensed premises, for the purpose"}]

3. (i) The licence may be applied for by an individual or by a firm or by a body corporate.

(ii) The licensee may allow the benefit of the licence to the firm of which he is a partner or to a body Corporate of which he is a Director, Manager, Secretary or Principal Officer.

4. (i) The application under clause 2 shall be signed and verified, in the case of -

- (a) an individual, by the applicant or a person having due authority to act on behalf of him;
- (b) a firm, by a partner managing the business thereof;
- (c) a body corporate (including a company, cooperative Society, corporation or local authority), by a Director, Manager, Secretary or Principal Officer thereof or by a person duly authorised to act in that behalf.

(ii) The person signing and verifying an application for grant of licence shall specify his status and shall, where ever possible, give particulars of the authority vested, in him for signing and verifying the application.

5. ["(i) An application for licence shall be accompanied by an application fee of Rs. 2 lakh for a set of 20 machines/stages or less for 5 Star Hotels and annual licence fee of Rs. 20 lakhs for a set of 20 machines/stages/tables or less provided on board in vessels offshore and such fee shall be deposited into the Government treasury and copy of the challan shall be attached to the application. The licence fee for renewal of licence shall be the same as indicated above";

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["(ii) If the authority after, making such Inquiry as may be necessary, is satisfied that the application conforms to these terms and conditions shall recommended to the Government to grant a licence in Form 'B' appended hereto as Appendix II in favour of the applicant";]

(iii) Upon receipt of recommendation of the Authority, the Government may approve the grant of licence in favour of the licensee whereupon the licence in Form 'B' appended hereto as Appendix II shall be issued by the Authority in favour of the licensee.

(iv) A licence granted hereunder shall be for a period of five years and may be renewed after five years on payment of the same fees due before the expiry of currency of the licence.

(v) The Government may, for reasons to be recorded in writing, reject an application for grant/renewal of licence as the case may be.

(vi) For renewal of licence, the licensee shall follow the same procedures as specified above - the grant of new licence at least 30 days before the expiry of the licence.

["(vii) A licensee shall be liable to pay annual recurring fee at the rate of *Rs.8,000/- for the mother machine and Rs.6,000/- per additional stage of electronic amusement/slot machines in Five Star Hotels in advance on or before 31st March of every year which amount shall be deposited into Government treasury by means of challan under the head of account specified by the Authority and shall furnish a copy of challan to the Home Department of the Government.}

(viii) Every licensee shall display conspicuously at the licensed premises, the licensee granted under sub-clause (iii). The licensee shall operate these machines only through [Five Star Hotels/Vessels"] taking all necessary steps to keep the premises neat and tidy and shall also ensure that appropriate facilities are made available for proper conduct of the games of electronic amusement/slot machines in the license premises.

["(ix) The licensee shall, at the time of grant of new licence deposit Rs. 3 lakhs, which will be refunded at the expiry of license until the same is forfeited for violation of terms and conditions of license."]

(x) In case of licence is not renewed, an application for refund of fee paid shall be made to the Authority within one month from the date of such refusal or non-renewal, as the case may be. Whenever, the Authority is satisfied that a refund is due, it shall issue a refund voucher to the applicant/licensee which shall be encashed at the Government treasury.

6. In the event of breach of any of the terms and conditions contained thereinabove, the Authority shall after issuing notice and giving the licensee an opportunity to be heard, determine the licence and forfeit the security deposit. In case of such determination/forfeiture, the licensee shall be liable to pay arrears of fees, if any.

7. (i) If an applicant/licensee is aggrieved by the decision of the Authority, an appeal shall lie to the Appellate Authority within a period of 30 days from the receipt of order thereof.

(ii) A Memorandum of Appeal shall presented in duplicate to the Appellate Authority by the Appellant/licensee or his agent or it may be sent to the Appellate Authority by registered post;

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(iii) The Memorandum of appeal shall -

- (a) be in writing;
- (b) specify the name and address of the applicant;
- (c) specify the date of order appealed against;
- (d) contain a clear statement of facts;
- (e) contain all specific grounds of appeal;
- (f) state precisely and in brief the relief prayed for; and
- (g) be signed and verified by the applicant or by the agent duly authorised by him in writing to do so on his behalf in the following form :

"I..... appellant/agent appointed by the appellant, named in the above Memorandum of Appeal, do hereby declare that what is stated hereinabove is true to the best of my knowledge and belief."

(iv) A fee in the amount of Rs. 200/- shall be payable in respect of the memorandum of Appeal. The Memorandum of Appeal shall be accompanied by either the order in original against or a duly authenticated copy thereof unless omission to produce such order or copy thereof is explained at the time of presenting the Memorandum of Appeal to the satisfaction of the Appellate Authority.

(v) The appeal may be summarily rejected by the Appellate Authority if the appellant fails to comply with any of the requirements as stated above despite an opportunity given to rectify any omission or non-compliance.

(vi) The Appellate Authority may after giving the parties to the appeal an opportunity of being heard, pass such orders as it thinks fit either confirming, modifying or annulling the order or decision appealed against and may remand the case to the Government against whose order or decision the appeal is filed for fresh order of necessary or such other action as the Appellate Authority may specify.

(vii) Save as otherwise provided hereinabove, the Appellate Authority may follow the same procedure as laid down in Goa, Daman & Diu Administrative Tribunal Rules, 1965, for the purpose of presentation and disposal of appeal.

8. (i) The Authority or the Inspection Officer or any other officer authorised by him in this behalf, may enter any licensed premises at any reasonable time to inspect compliance with the provisions of the Act and/or these terms and conditions.

(ii) The licensee shall provide every reasonable assistance to the authority or the Inspection Officer in the performance of his duties under sub-clause (i).

(iii) If any person prevents or obstructs the entry of the Authority or the Inspection Officer or any other Officer authorised by him in this behalf, he shall, in addition to any other punishment to which he may be liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees on conviction before a Magistrate.

By order and in the name of the
Administrator of Daman & Diu.

Sd/-
(Ajay Kumar)
Deputy Secretary (Tourism)

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Appendix - I

Form 'A'

Application Form for grant of License/Renewal of License for games of Electronic Amusement/Slot Machines

- (1) Full name of the applicant :
- (2) Address of the applicant :
 - (i) Temporary address
 - (ii) Permanent address
- (3) Age of the applicant :
- (4) Occupation :
- (5) Rates of fees proposed to be charged to the customer, category wise for different types of games :
- (6) No. of machines proposed to be installed
- (7) Whether the application is for grant of fresh license or renewal ? if renewal, previous license number and date of expiry of the said license :
- (8) Whether the relevant fee/tax under any statutory law for the previous period has been cleared and if so, the total amount paid (enclose a copy of the challan under which the amount has been paid) :
- (9) Hours during which the games will be conducted :

Signature of the applicant

Place :

Date :

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Appendix - II

Form 'B'

License for installation of Games of Electronic Amusement/Slot Machines

No.....

District.....

This is to certify that Shri/Messrs.....of.....has been authorised and granted a License for installation of Games of Electronic Amusement/Slot Machines on the terms and conditions as prescribed vide Government Notification No.....dated.....with effect from.....to.....

The Licensee shall be subject to condition as specified hereunder and as prescribed under the Government Notification.....In terms of section 13A of the Goa, Daman & Diu Public Gambling Act, 1976 (Act 14 of 1976).

- (1) The Licensee shall operate the games machines only in.....
- (2) The licensee shall ensure that no inconvenience/disturbance is caused to the other occupants staying in the premises/vicinity of the premises where the games machines will be operated.
- (3) The Licensee shall be responsible for providing appropriate facilities to the customers.
- (4) The Licensee shall pay the requisite fee/tax under any statutory law to the Government before the end of the year and before an application is made for renewal of this Licence.
- (5) The Licensee shall extend co-operation to the Authority and to any Officer authorised by the Government for carrying out inspection of the premises and records maintained by him.
- (6) In case of any contravention of terms and conditions of the License or non-co-operation to the Authority or to any Officer authorised by the Government the licensee shall be liable for cancellation.
- (7) The Licensee shall also observe terms and conditions as prescribed under Section 13A of the Goa, Daman & Diu Public Gambling Act, 1976 (Act 14 of 1976) vide Government Notification No.....dated.....

Place :

Date :

Government Printing Press, Daman - 02/2008 - 250.
[Price Rs.4.00]