



తెలంగాణ రాజపత్రము  
**THE TELANGANA GAZETTE**  
**PART IV-A EXTRAORDINARY**  
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**TELANGANA BILLS**  
**TELANGANA LEGISLATIVE ASSEMBLY**

The following Bill was introduced in the Telangana Legislative Assembly on 7th November, 2017.

**L. A. BILL No.15 OF 2017.**

**A BILL FURTHER TO AMEND THE TELANGANA GAMING ACT, 1974**

Be it enacted by the Legislature of the State of Telangana in the Sixty-eighth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Telangana Gaming (Amendment) Act, 2017.

(2) (i) clause (b) of sub-section (1), and sub-section (3) of section 2, sub-section (1) of section 3, section 4,

Short title and commencement.

[1]

section 5, section 6, section 7 and section 8 shall be deemed to have come into force with effect on and from the 17<sup>th</sup> June, 2017;

(ii) sub-section (2) of section 2 and section 9 shall be deemed to have come into force with effect on and from the 8<sup>th</sup> July, 2017; and

(iii) the remaining provisions shall come into force from the date of publication of this Act.

Amend-  
ment of  
section 2.

2. In the Telangana Gaming Act, 1974 (hereinafter referred to as the principal Act), in section 2,-

(1) in sub-section (1),

(a) in clause (i), in sub-clause (f), after the words “tent, enclosure, vehicle, vessel”, the words “cyber space” shall be inserted;

(b) for clause (ii), the following clause shall be substituted, namely:-

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

**Explanation:-** For the purpose of sub-clause (ii), any premises or place or cyber space belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, which is used or kept for purposes of gaming shall be deemed to be a common gaming house notwithstanding that there is no profit or gain for the club, society, company or other association of persons on account thereof;”.

(2) in sub-section (2),-

(i) after the words “mutka or satta”, the words “or online gaming for money or any other stakes” shall be inserted;

(ii) in the Explanation thereunder, for clause (i), the following clause shall be substituted, namely:-

“(i) Wagering or betting shall include,-

(a) collection or soliciting of bets;

(b) the receipt or distribution of winnings or prizes in money or otherwise in respect of any wager or bet;

(c) any act which is intended to aid, induce, solicit or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(d) any act of risking money, or otherwise on the unknown result of an event including on a game of skill;

(e) any action specified in sub-clause (a) to (d) carried out directly or indirectly by the players playing any game or by any third parties;”;

(3) for sub-section (4), the following sub-section shall be substituted, namely,-

“(4) Instruments of gaming includes cards, dice, gaming tables, or clothes, boards or any other article used or intended to be used as a subject or means of gaming, any document, electronic form or record, digital form or record used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming which includes online electronic transfer of funds or transactions and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming.”

Amend-  
ment of  
section 3.

3. In the principal Act,

(1) in section 3, in sub-section (1), the opening portion with marginal heading, before Explanation, shall be substituted with the following:-

"Penalty.

(1) Any person who opens, keeps, operates, or uses or permits to be used any common gaming house or online gaming or conducts or assists in conducting the business of any common gaming house or advances or furnishes money for gaming therein, shall be punishable-

(i) for the first offence, with imprisonment for a term which may extend to one year and with fine which may extend to five thousand rupees; but in the absence of special reasons to be recorded in writing, the punishment awarded under this clause shall be imprisonment for not less than three months and fine of not less than three thousand rupees;

(ii) for every subsequent offence, with imprisonment for a term which may extend to two years and with fine which may extend to ten thousand rupees; but in the absence of special reasons to be recorded in writing the punishment awarded under this clause shall be-

(a) for a second offence, imprisonment for not less than six months and fine of not less than five thousand rupees;

(b) for a third or subsequent offence, imprisonment for not less than one year and fine of not less than ten thousand rupees.";

(2) after section 3, the following new section shall be inserted, namely:-

“Offences by companies.

3A. Where a person committing a contravention of this section or any other provisions of this Act is a company, every person who, at the time of the contravention was committed, was in charge of, and was responsible to the company, for the conduct of the business of the company as well as the company, its managing directors and other directors, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge of that he exercised all due diligence to prevent such contravention.”.

4. In the principal Act, in section 4, the opening portion with marginal heading before the Explanation, shall be substituted with the following,-

Amendment of section 4.

“Penalty for being found gaming in a common gaming house.

4. Whoever is found gaming, or present for the purpose of gaming in a common gaming house shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to three thousand rupees, or with both.”

5. In the principal Act, for section 5 along with the marginal heading, the following section shall be substituted, namely,-

Amendment of section 5.

“Offences are cognizable and non-bailable.

“5. (1) Every offence under this Act are cognizable and non-bailable.

(2) Any Police Officer not below the rank of Sub-Inspector of Police has got authority-

- i) to enter any place and at any time with such force and with such assistance as may be found necessary;
- ii) to arrest all persons found therein;
- iii) to search all such persons and all parts of such place; and
- iv) to seize-
  - (a) all moneys found with such persons;
  - (b) all investments of gaming; and
  - (c) all moneys, all 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 in such place;
- v) to freeze bank accounts which are used for the purpose of gaming.

Amendment of section 6.

6. In the principal Act, for section 6 alongwith the marginal heading, the following section shall be substituted, namely:-

“Instruments of gaming found in a place entered or searched to be evidence that the place is common gaming house.”

6. Where any instruments of gaming are found in any place entered or searched, on or about the person found therein, it shall be presumed that such place is used as a common gaming house and that the persons found therein were present there for the purpose of gaming although no gaming was actually seen by the police officer or any of his assistants.”.

Amendment of section 7.

7. In the principal Act, for section 7 alongwith the marginal heading, the following section shall be substituted, namely,-

“Provisions of Sections 4, and 6 not to apply in certain cases.

7. Nothing in the Explanation to section 4, or in section 6 shall apply to persons found in a premises or place belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, unless such persons are actually found gaming or facilitating such gaming in any manner in such premises or place.”.

8. In the principal Act, for section 9 alongwith the marginal heading, the following section shall be substituted, namely,-

Amend-  
ment of  
section 9.

“Penalty for gaming or setting birds or animals to fight in a public street or place.

9.(1)Whoever is found gaming or reasonably suspected to be gaming in any public street or thoroughfare or in any place to which the public have, or are permitted to have, access shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2) Whoever is found setting any birds or animals to fight or is reasonably suspected to be aiding or abetting such fighting of birds or animals in any public street or thoroughfare or in any place to which the public have, or are permitted to have, access, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.”.

9. In the principal Act, for section 15 along with marginal heading and Explanation thereunder, the following section shall be substituted, namely,-

Amend-  
ment of  
section 15.

“Power to  
remove  
difficulties.”

15.(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order in the Telangana Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing such difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of the Telangana Gaming (Amendment) Act, 2017.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.”

10. In the Principal Act, after section 15, the following section shall be inserted, namely:-

“15-A. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.”

Repeal of  
Ordi-  
nances  
4 and 6 of  
2017

11. The Telangana Gaming (Amendment) Ordinance, 2017 and the Telangana Gaming (Second Amendment) Ordinance, 2017 are hereby repealed.



## **STATEMENT OF OBJECTS AND REASONS**

The endeavour of the Government of Telangana has been to strictly implement the policy of Zero Tolerance against gambling which has serious impact on the financial status and well being of the common public.

Despite a strong resolve by the Government of Telangana to completely eradicate the menace of gambling, due to its ease of access and wide solicitation, several people, the youth in particular, are being addicted to online gaming when played for stakes etc., and this addiction is affecting various sections of society including students and women, thereby causing threat to the very public order itself. In the recent past, the online gaming with stakes etc., in Cyber Space has exponentially grown in the State of Telangana with offenders setting up corporate entities promoting online gambling in an organised way. Certain organized offenders are going scot free by taking advantage of loop holes in the law. In order to effectively implement the policy of the Government in regard to Zero Tolerance against gambling, it has been felt that there is an imminent need to bring certain amendments to certain provisions of the Telangana Gaming Act, 1974, immediately.

It has therefore been decided to amend the relevant provisions of the said Act, immediately and as the Legislature of the State was not then in session, the Governor of Telangana has promulgated the Telangana Gaming (Amendment) Ordinance, 2017 (Ordinance No. 4 of 2017); and the Telangana Gaming (Second Amendment) Ordinance, 2017 (Ordinance No. 6 of 2017).

This Bill seeks to replace with certain changes, the above said two Ordinances.

**NAINI NARSIMHA REDDY,**

Minister for Home, Prisons, Fire Services,  
Sainik Welfare, Labour and Employment.

## **MEMORANDUM REGARDING DELEGATED LEGISLATIONS**

Clauses 1, 2, 3, 4, 5, 7, 8 and 10 of the Bill authorizes the Government to issue notifications or to make rules in respect of matter specified therein and generally to carry out the purposes of the Act. All such rules do made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by the Legislature.

The above provisions of the Act regarding Delegated Legislation are thus of normal type and are mainly intended to cover matters of procedure.

**NAINI NARSIMHA REDDY,**  
Minister for Home, Prisons, Fire Services,  
Sainik Welfare, Labour and Employment.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF  
PROCEDURE AND CONDUCT OF BUSINESS IN  
THE TELANGANA LEGISLATIVE ASSEMBLY.**

The Bill further to amend the Telangana Gaming Act, 1974, after it is passed by both the houses of the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

**NAINI NARSIMHA REDDY,**  
Minister for Home, Prisons, Fire Services,  
Sainik Welfare, Labour and Employment.

**Dr. V. NARASIMHA CHARYULU,**  
Secretary to State Legislature.