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Office of the Attorney General
ROYAL GOVERNMENT OF BHUTAN



OAG/DoLS/DRD/2023/ 2114

The Honorable Secretary,
Cabinet Secretariat,
Thimphu.

8th February 2023.

Subject: Review of Guidelines on the Management of Game of Skill 2023

Dear Dasho,

This has reference to the letter no. L-18C/23/2033 dated January 19, 2023 regarding the need to review the Guidelines on the Management of Game of Skill 2023 by this Office.

Upon review, the Office recommends that the Guideline must adopt the current format of the legislative drafting adopted by the Office for consistency and uniformity purposes.

Therefore, kindly consider the changes in the format of the aforementioned Guideline. Should there be any clarifications needed, please contact the Drafting and Review Division of this office at 02- 326889 or ulhamo@oag.gov.bt.

Sincerely,

Lungten Dubgyur
Attorney General

Copy to:

1. The Hon'ble Secretary, Ministry of Home Affairs.
2. The Director, Department of Law and Order. MoHA.

Guidelines on the Management of Game of Skills 2023



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RATIONALE

Recognizing that the gambling is a crime under section 393 of the Penal Code of Bhutan 2004, the need to differentiate the games as the Game of Skill and Game of Chance is imperative.

The Game of Chance as gambling, where the outcome is not under control or influence of the player is controlled and prohibited, the Game of Skill, where the outcome is under control or influence of the player is permitted and regulated.

Accordingly, the Department of Law and Order, Ministry of Home Affairs hereby adopts the Guidelines on the Management of Game of Skills 2023 as follows:

CHAPTER I PRELIMINARY

Title

1. This Guideline is the Guidelines on the Management of Game of Skills 2023.

Effective Date

2. This Guideline on the Management of Game of Skills shall come into effect on....day of the...month of the... year..... corresponding to..... 2023

Purpose

3. The purpose of these Guidelines are:



- (1) prevent and control proliferation of activities involving betting or game of chance and avoid opportunities for crime and dishonesty;
- (2) ensure fairness and integrity in the game of skills; and
- (3) maintain public order and safety.

CHAPTER II

GENERAL CLAUSE

Game of Chance

4. For the purpose of this Guideline, the Games of Chance is prohibited as per section 393 of the Penal Code of Bhutan.
5. The Department of Law and Order, Ministry of Home Affairs shall implement the prohibition of Game of Chance.

Game of Skill

6. The Department of Law and Order, Ministry of Home Affairs or the Dzongkhag administration may allow an organizer to conduct the Game of Skill as listed under Annexure-I of this Guideline.
7. The Department of Law and Order shall maintain and update the list of Game of Skills listed under Annexure-I of this Guideline from time to time.

Basic determinant of the Game of Skill

8. To be qualified as a Game of Skill, following are, amongst others, basic determinants:
 - (1) The probability of winning the game should not be determined by a third party player;
 - (2) Every player must play and given the opportunity to play and have influence or control over the probability of winning the game;

- (3) The target of the game should not spin or move or be modified or manipulated whatsoever and distort the influence or control of the player in the game;
- (4) The target should be clearly visible; and
- (5) The influence or control over the game should not be distorted by any other means.

Approval Process for organizing the Game of Skill

- 9. The concerned Dzongkhag Administration shall be the competent authority to accept and issue approval to organize Game of Skills in the Dzongkhag.
- 10. Where there are Thromde(s), approval for space shall be issued by the concerned Thromde based on the approval issued by the concerned Dzongkhag Administration.
- 11. If the Game of Skill is organized for the purpose of fund raise by a registered CSO, the concerned Dzongkhag Administration shall remain guided by the CSO Authority, which shall act according to the existing law.
- 12. If the purpose of organizing the Game of Skill is to raise fund for the construction or restoration of religious facilities, the concerned Dzongkhag Administration shall remain guided by the Department of Culture or Choedey Lhentshog, which shall act according to the Religious Organization Act.

New Game of Skill

- 13. The Organizer may propose to the Department of Law and Order, Ministry of Home Affairs, a new Game of Skills along with detailed description of how it is played through the concerned Dzongkhag Administration.
- 14. The Department of Law and Order may allow a new Game of Skill if it fits within the definition of the Games of Skill as defined under clause 7 of this Guideline.

15.The organizer shall conduct a new Game of Skill in the manner it has been described and approved and Department of Law and Order.

CHAPTER III MANAGEMENT OF GAME OF SKILL

Organizer and Game Handler

16.The Organizer and Game Handler shall not accept playing the Games of Skills on credit or use of credit cards or property or anything in kind as the payment of the game.

17.The Organizer and Game Handler shall not charge more than Nu. 500 per game per player as the bet for the Game of Skill. This provision is not applicable to formal tournament of games such as, amongst others, football, basketball, archery, khuru and such other similar games.

18.The Organizer and Game Handler shall display the bet of the game transparently at all the times at the stall board.

19.The Organizer and Game Handler, on receiving the approval, to organize the Game of Skill shall:

- (1) maintain the public order in the premise;
- (2)protect the lives and health of the participants or other persons or their property; and
- (3)maintain smooth public traffic and the clean environment.

20.The Organizer and Game Handler shall not serve or sell Alcohol in the premises or as part of Game of Skill.

21.The Organizer shall arrange security at the venue to ensure public order.

22. The Organizer and Game Handler shall immediately report any breach of law and order at the venue to the nearest police station.
23. The Organizer and Game Handler shall ensure that the activity is conducted within the framework for the permit issued.
24. The Organizer and Game Handler shall ensure that use of sound amplification and other equipment, which produce noise, do not result in sound pollution.
25. The Organizer or Game Handler shall ensure that stalls are built safe and avoid untoward incidents.
26. The Organizer or Game Handler shall keep the venue clean and manage waste appropriately.

Administrator

27. The Administrator shall allow Organizer to conduct the Game of Skill only if they possess a valid approval from the concerned Dzongkhag Administration.
28. The Administrator shall ensure that the Organizer organize the Game of Skill within the framework of the permit issued.
29. The Administrator, on receiving the approval, to organize the Game of Skill shall:
 - (1) maintain the public order in the premise;
 - (2) protect the lives and health of the participants or other persons or their property; and
 - (3) maintain smooth public traffic and the clean environment.
30. The Administrator shall consider safety and security while issuing permit to organize the Game of Skills.

Participant

31. The participant shall not carry dangerous object to the venue.

32. The participant shall support and cooperate with security personnel while doing security check and frisking.
33. The participant shall not bet beyond the permissible amount as prescribed by this Guideline.
34. If the permit is revoked, participants shall disperse peacefully on the command of the police on duty or competent security personnel.

CHAPTER IV COMPLIANCE AND REVOCATION

Inspection by RBP and local government official

35. The Law Enforcement Personnel is expected have clear understanding on the section 393 of Penal Code of Bhutan 2004 and have the ability to differentiate between the Games of Skills and Games of Chance.
36. The Royal Bhutan Police shall sensitize the police personnel and ensure uniform enforcement across the country.
37. The organizer shall conduct the game of skill in any premise during the normal business hours.
38. The Organizer shall make the premise available for inspection by the Royal Bhutan Police or local government official to determine compliance with the laws.

Ground for revocation of approval for the Game of Skill

39. The approval for the Game of Skill shall be revoked if:

- (1) it creates public nuisance and breach public safety and order;
- (2) the Organizer has concealed, failed to disclose, or otherwise attempted to mislead the approving authority with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant;
- (3) the organizer uses devices designed for the purpose of cheating or manipulating the outcome of the game;
- (4) the Organizer fails to cooperate with any law enforcement personnel on duty;
or
- (5) have failed to observe the obligations provided in this Guidelines.

CHAPTER IV MISCELLANEOUS

Revision

40. The Department of Law and Order will revise the guideline from time to time.

Definition

41. In this Guidelines, unless the context otherwise requires:

“Game of Skill” includes those games, for which outcome are under the control or influence of the person involved and is listed under Annexure-I of this Guideline.

“Games of Chance” includes those games, for which outcome are not under the control or influence of the person involved.

“Organizer” means a natural person or legal entity on account of whom the event is performed and anyone who publicly proclaims themselves to be an organizer or functions as an organizer before the competent authority.

“Game Handler” means is a natural person who operates the Game of Skill at a designated stall or space.

“Administrator” means a natural person or legal entity who owns or manages the space where Game of Skill takes place or is organized.

“Dangerous Object” is an object which can cause bodily harm or jeopardize the life or health of a person or their property.



Annexure-I

Sl.No	List of Game of Skill
1.	Short range Archery
2.	Short range Khuru
3.	Zeko (throwing the ring)
4.	Scoring the ball (Football or Basketball)
5.	Bowling
6.	Fishing the bottles
7.	Hitting the cans or objects
8.	Hammering the running ball
9.	Shooting the balloons or other appropriate targets

