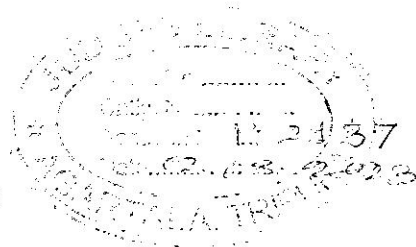


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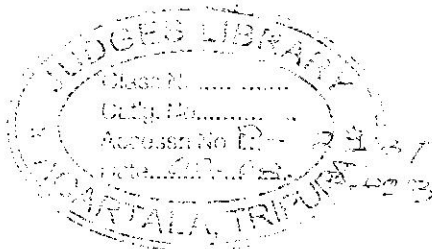


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# The Public Gambling Act, 1867<sup>1</sup>

[Act 3 of 1867]<sup>2</sup>

[25th January, 1867]

*An Act to provide for the punishment of public gambling and  
the keeping of common gaming-houses in the*

<sup>3</sup>*[United Provinces, East Punjab, Delhi]*

<sup>4</sup>*[and the Central Prsvinces]*

Whereas it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses <sup>5</sup>[in the United Provinces, East Punjab, Delhi and the Central Provinces];

It is hereby enacted as follows:—

## STATE AMENDMENT

**Himachal Pradesh.**—In the Preamble after the words ‘Central Provinces’ insert the words ‘and Himachal Pradesh’. [Vide H.P.A.L.O., 1948, Clause 3 and Sch., Item 2 (w.e.f. 25-12-1948).]

**1. Interpretation-clause.**—In this Act—

<sup>6</sup>[\* \* \*]

**“Common gaming-house”.**—“Common gaming-house” means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge

1. Short title given by the Repealing Amending Act, 1897 (5 of 1897) and Sch. III (w.e.f. 25-2-1897).
2. The Act was declared to be in force in the tract of land lying between the railway station at Satna and the eastern boundary of the Jubbulpore District in the Central Provinces (now Madhya Pradesh) by the Scheduled Districts Act, 1874 (14 of 1874), Section 10 and in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), Section 2.  
It has been declared by notification under the Scheduled District Act, 1874 (14 of 1874), to be in force in—  
Coorg ... .. See Gazette of India, 1878, Part I, p. 373.  
The Tarai Parganas ..... Ditto 1876, Part I, p. 505.  
The Act has been amended in Madhya Pradesh by C.P. Acts 3 of 1927, 25 of 1950, in the Punjab by Punjab Act, 1 of 1929, and in U.P. by U.P. Acts 1 of 1917, 5 of 1919, 1 of 1925, 10 of 1938 and 34 of 1952.  
The Act as extended to Ajmer-Merwara was *repealed* by Ajmer Act, 6 of 1953.  
Made applicable to the Union Territory of Jammu and Kashmir and Union Territory of Ladakh by Act 34 of 2019, Sc. 95, 96 and Sch. V (w.e.f. 31-10-2019).
3. *Subs.* by the A.O. 1948 (w.e.f. 23-3-1948) for “North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh”.
4. *Subs.* by Act, 1 of 1903, S. 3 and Sch. II (w.e.f. 6-3-1903) for “the C.P. and British Burma”.
5. *Subs.* by the A.O. 1948 (w.e.f. 23-3-1948) for “in the territories, respectively, subject to the Govts. of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William and of the Lieutenant-Governor of the Punjab, and to the administrations of the Chief Commissioner of Oudh, and of the Chief Commissioner of the Central Provinces”. The last nine words had been *Subs.* by Act, 1 of 1903 (w.e.f. 6-3-1903) for “of the Chief Commissioner of the C.P. and of the Chief Commissioner of British Burma”.
6. Definitions of “Lieutenant-Governor” and “Chief Commissioner” *omitted* by the A.O. 1937 (w.e.f. 1-4-1937).

for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise however:

<sup>7</sup>[\* \* \*]

### STATE AMENDMENTS

**Assam.**—Assam Game and Betting Act, 1970 (18 of 1970) extends this Act to the whole of Assam, excluding the autonomous State of Meghalaya but including the City of Shillong. Section 2 gives definition of “bet”, “acceptance of bet”, “Betting House”, “instruments of betting”, “records of betting”, “District Magistrate”, “District Superintendent of Police”, “person” ‘valuable security’, ‘the Act’ and ‘invitation for betting’ for the purposes of this Act in its application to Assam. [Vide Assam Act, 18 of 1970, S. 2]

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 1, the following definitions shall be deemed to be *substituted*—

“Gaming” includes wagering or betting on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event, or in any other manner whatsoever except wagering or betting upon a horse race, when such wagering or betting upon a horse race takes place—

- (a) on the day on which such race is to be run, and
- (b) in an enclosure which the stewards controlling such race have, with the sanction of the State Government, set apart for the purpose, but does not include a lottery;

“Instrument of gaming” includes any article used as a means or an appurtenance of, or for the purpose, of carrying on or facilitating gaming and any document used as a register or record or evidence of any gaming and, in particular, satta papers that is to say, any document wherein may be recorded any words and/or figures evidencing bets and used or intended to be used for in connection with gaming;

*Explanation.*—If any document is recovered from the possession of any person containing words and, or figures, which prima facie appear to evidence bets, it shall be presumed that the words and figures evidence bets and the document was used or intended to be used for gaming unless the person aforesaid proves to the contrary;

‘Common gaming house’ means any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes—

- (a) with a view to the profit or gain of any person owning, occupying, or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, enclosure, vehicle, vessel, place or instrument or otherwise howsoever,
- (b) with or without a view to such profit or gain if the gaming for the purpose of which such instruments are so kept or used in gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event.” [Vide H.P. Act 30 of 1976, S. 2]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 1—

(1) Before the definition of “common gaming-house” the following definitions shall be *inserted*—

“‘Gaming’ includes wagering or betting but does not include a lottery.”

---

7. The clauses relating to “Number” and “Gender” omitted by Act, 17 of 1914, S. 3 and Sch. II (w.e.f. 16-9-1914).

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet with another person shall be deemed to be 'gaming'.

The collection or soliciting of bets receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall also be deemed to be 'gaming' and

*"Instrument of gaming".*—The expression instruments of gaming' includes any article used or intended to be used as a subject or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming the proceeds of any gaming and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.

(2) For the definition of 'common gaming-house', the following shall be *substituted*, namely—

"Common gaming-house means—

(i) in the case of gaming—

- (a) on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price; or
- (b) on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or
- (c) on the market price of any stock or share or on the digits of the number used in stating such price, or
- (d) on the occurrence or non-occurrence of rain or other natural event, or
- (e) on the quantity of rainfall or on the digits of the number used in stating such quantity, any house, room, tent, enclosure, space, vehicle, vessel or any place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming;

(ii) in the case of any other form of gaming, any house, room, tent, enclosure, space, vehicle, vessel 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, space, vehicle, vessel, place or instrument or otherwise howsoever." [Vide C.P. Act 3 of 1927, S. 2, and M.P. Acts 12 of 1954, S. 2 (w.e.f. 26-3-1954); 23 of 1958, S. 3 and Sch.]

(3) In the definition of "Common Gaming House" in clause (i),—

- (a) in item (e), insert the word 'or' at the end, and
- (b) after item (e), insert the following item, namely—

(f) on the digits or figures or signs or symbols or pictures used in stating the opening, middle or closing digits or figures or signs or symbols or pictures declared for or in connection with Worli Matka gaming or any other form of gaming. [Vide M.P. Act 47 of 1976, S. 2 (6-10-1976)]

**Manipur.**—In its application to the State of Manipur, in Section 1—

- (I) after the word 'enclosure', insert the words "Test, Space, Vehicle" and
- (II) add the following definitions after the definition of "common gaming house", namely—
  - "instrument of gaming" includes any article used as a means or appurtenance to or for the purpose of carrying on or facilitating gaming
  - "gaming" includes wagering or betting but not include a lottery."

*Note.*—Act as amended in Uttar Pradesh, Punjab and Madhya Pradesh, subject to certain modifications and restrictions, had been extended to the Union territory of Manipur. Manipur is now a State and the said amendments would continue to be in force thereat by virtue of Section 77 of Act,

81 of 1971. [Vide S.R.O. 168, dated 30-1-1952, Gazette of India 1952, Pt. II, S. 3, p. 149; Act 81 of 1971, S. 3.]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, for the definition of ‘common gaming-house’ in Section 1, the following definitions shall be deemed to be *substituted*, namely—

“‘Gaming’ includes wagering or betting on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event, or in any other manner whatsoever except wagering or betting upon a horse-race when such wagering or betting upon a horse-race takes place—

- (a) on the day on which such race is to be run, and
- (b) in any enclosure where such race is to be run, and sanction of the Provincial Government set apart from the purpose, but does not include a lottery.

‘Instrument of gaming’ includes any article used as a means of appurtenance of, or for the purpose of carrying on or facilitating gaming, and any document used as a register or record or evidence of any gaming.

‘Common gaming-house’ means any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes—

- (a) with a view to the profit or gain of any person owning, occupying or keeping such house, room, tent, enclosure, vehicle, vessel, place whether by way of charge for the use of such house, room, tent, enclosure, vehicle, vessel, place or instrument or otherwise howsoever;
- (b) with or without a view to such profit or gain if the gaming for the purpose of which such instruments are so kept or used in gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event.” [Punjab Act, 1 of 1929, S. 3; 18 of 1958, S. 3, and 9 of 1960, S. 2 (w.e.f. 28-1-1960), 31 of 1966, S. 88.]

**Uttar Pradesh.**—If its application to the State of Uttar Pradesh—

(i) The definition of ‘gaming’ is same as that of Punjab. The definition of ‘instruments of gaming’ is same as that of Punjab, except the last words in that definition, namely, ‘and any document.....of any gaming’ which do not occur. [Vide U.P. Act 1 of 1917, S. 2]

(ii) In Section 1, for the definition of ‘common gaming-house’ substitute the following, namely—

“‘Common gaming-house’ means—

- (1) in the case of gaming on the digits of the sale price of any commodity, for example, opium or cotton, or on the digits of papers or bales manipulated from within jars or other receptacles, or on the occurrence or non-occurrence of any natural event, for example, rainfall or the quantity of rainfall, any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever in which instruments of gaming are kept or used for such gaming;
- (2) in the case of any other form of gaming, any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owing, occupying, using or keeping such house, room, tent, enclosure, space, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, enclosure, space, vehicle, vessel, place or instrument, or otherwise howsoever.” [Vide U.P. Act 1 of 1917, S. 2 and later by U.P. Act 1 of 1925, S. 2.]

(iii) In the definition of “instruments of gaming”, colon at the end shall be deleted and the following shall be *added*—

"and, in particular, satta, papers, that is to say, any document wherein may be recorded any words and/or figures evidencing bets and used or intended to be used for or in connection with gaming;" and

(iv) After the definition of 'instruments of gaming' add the following as explanation, thereto,—

"*Explanation.*—If any document is recovered from the possession of any person containing words and/or figures, which *prima facie* appear to evidence bets, it shall be presumed that the words and figures evidence bets and the document was used or intended to be used for gaming, unless the person aforesaid proves to the contrary." [Vide U.P. Act 21 of 1961, S. 2 (w.e.f. 7-9-1961).]

**2. Power to extend Act.**—<sup>8</sup>[Sections 13 and 17] of this Act shall extend to the whole of the <sup>9</sup>[said States] and it shall be competent to the <sup>10</sup>[State Government] whenever it may think fit, to extend, by a notification to be published in three successive numbers of the Official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station, house and place being not more than three miles distant from any part of such station-house within the <sup>11</sup>[States], and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time to alter the limits so defined.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

#### STATE AMENDMENTS

**Assam.**—In its application to the State of Assam, for Section 2, the following shall be *substituted*, namely—

"2. The Act shall extent to the whole of Assam excluding the autonomous State of Meghalaya but including the municipality of Shillong." [Vide Assam Act, 18 of 1970, S. 3 (19-12-1970)]

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, for the first paragraph of Section 2, the following paragraph shall be deemed to be *substituted*, namely—

"Sections 13 and 17 of this Act shall extend to the whole of the State of Himachal Pradesh, and it shall be competent to the State Government, whenever it may think fit, to extend by a notification to be published in the Official Gazette, all or any of the remaining sections, of this Act to any area within the territory of Himachal Pradesh." [Vide H.P. Act 30 of 1976, S. 3]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 2—

- (a) omit the words "three successive numbers of". [Vide M.P. Act 25 of 1950, S. 2 (w.e.f. 3-11-1950)]
- (b) for the words "and place being not more than three miles distant from any part of such station house" substitute the words "or local area"; [Vide C.P. Act 3 of 1927, S. 3.]
- (c) for the words "within the State" substitute the words "within the Mahakoshal region"; [Vide M.P., A.L.O., 1956.]

8. Subs. by Act, 12 of 1891, S. 2(2) and Sch. II (w.e.f. 21-3-1891) for "Sections 13, 17 and 18".

9. Subs. by the A.O. 1950 (w.e.f. 26-1-1950) for "said Provinces".

10. Subs. by the A.O. 1950 (w.e.f. 26-1-1950) for "said Provincial Government".

11. Subs. by the A.O. 1950 (w.e.f. 26-1-1950), for "Provinces" which had been Subs. by the A.O. 1948 (w.e.f. 23-3-1948) for "territories subject to its govt. or administration".



- (d) for the words "within the Mahakoshal region" *substitute* the words "within the State"; [Vide M.P. Act 23 of 1958, S. 3(z), Sch., Part A, Item 3.]
- (e) for the words "or station-house" *substitute* a comma and the words "station-house or local area". [Vide C.P. Act 3 of 1927, S. 3.]

**Manipur.**—In its application to the State of Manipur, for Para 1, *substitute* the following,—

"Sections 13 and 17, as amended by this notification, of this Act shall extend to the whole of Manipur and it shall be competent to the Chief Commissioner whenever he may think fit to extend, by notification to be published in three successive numbers of the Official Gazette, all or any of the remaining sections of this Act to any local area subject to his administration and in such notification to define, for the purposes of this Act limits of such area, and from time to time to alter the limits so defined." [Vide S.R.O. 168, dated 30-1-1952, Published in the Gazette of India, Pt. II, S. 3, p. 149, dated 2-2-1952.]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, for the first paragraph of Section 2, the following paragraph shall be *substituted*, namely—

"Sections 13 and 17 of this Act shall extend to the whole of the said territories, and it shall be competent to the State Government whenever it may think fit, to extend by notification, all or any of the remaining sections of this Act to any area within the territories administered by the State Government." [Vide Punjab Acts 1 of 1929, S. 3; 18 of 1958, S. 3 and Sch.; 31 of 1966, S. 88]

Sections 3, 4, 4-A, 5 to 11, 13-A, 13-B, 14, 15, 15-A, 15-B and 18 of the said Act have been extended to the whole of Punjab. [See Punjab Gazette, Pt. III (L.S.), p. 121, dated 27th January, 1964.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, for the first paragraph of Section 2, the following paragraph shall be *substituted*, namely—

"Sections 13 and 17 of this Act shall extend to the whole of the said territories, and it shall be competent to the State Government whenever it may think fit to extend, by a notification to be published in the Official Gazette, all or any of the remaining sections of this Act to any area within the Uttar Pradesh." [Vide U.P. Act 5 of 1919, S. 2.]

**3. Penalty for owning or keeping, or having charge of a gaming-house.**—Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place;

shall be liable to a fine not exceeding two-hundred rupees, or to imprisonment of either description<sup>12</sup>, as defined in the Indian Penal Code (45 of 1860), for any term not exceeding three months<sup>13</sup>.

12. See Section 53 of the Code.

13. As to enhanced punishment for a second conviction of an offence under Section 3 or Section 4, see Section 15 of this Act.

## STATE AMENDMENTS

**Assam.**—In its application to the State of Assam, in Section 3, for the words “two hundred rupees” *substitute* the words “five hundred rupees”. [*Vide* Assam Act, 18 of 1970, S. 4 (w.e.f. 19-12-1970).]

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 3, for the words “house, walled enclosure, room or place” wherever they occur the words “house, room, tent, enclosure, vehicle, vessel or place”, shall be deemed to be *substituted*. [*Vide* Himachal Pradesh Act, 30 of 1976, S. 4.]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 3—

- (i) for the words “house, walled enclosure, room or place” wherever they occur substitute the words “house, room, tent, enclosure, space, vehicle, vessel or place”; [*Vide* C.P. Act 3 of 1927, S. 4.]
- (ii) for the last paragraph the following shall be *substituted*, namely—  
“shall be punished—

- (a) for a first offence with imprisonment which may extend to six months or with fine which may extend to one thousand rupees;
- (b) for a second offence with imprisonment which may extend to one year and, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, shall not be less than fourteen days, either with or without fine which may extend to two thousand rupees; and
- (c) for a third or subsequent offence with imprisonment which may extend to one year and, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, shall not be less than four months, together with fine which may extend to two thousand rupees”. [*Vide* C.P. Act 3 of 1927, S. 5, and M.P. Act 25 of 1950, S. 3 (w.e.f. 3-11-1950).]

**Manipur.**—In its application to the State of Manipur, in Section 3, after the words ‘walled enclosure, insert the words “tent, space, vehicle.”. [*Vide* S.R.O. 168, dated 30-1-1952; Act 81 of 1971, S. 3.]

**Punjab: Haryana: Chandigarh.**—Same as that of Madhya Pradesh. [*Vide* Punjab Acts 1 of 1929, S. 4; 18 of 1958; 31 of 1966, S. 88.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 3—

- (i) For the words “house, walled enclosure, room or place” wherever they occur the words “house, room, tent, walled enclosure, space, vehicle, vessel or place” shall be *substituted*. [*Vide* U.P. Act 1 of 1917, S. 3.]
- (ii) For the words “two hundred rupees” *substitute* the words “five hundred rupees”. [*Vide* U.P. Act 34 of 1952, S. 2 (w.e.f. 5-12-1952).]
- (iii) For the words “two hundred rupees” *substitute* the words “five hundred rupees”. [*Vide* U.P. Act 34 of 1952, S. 2 (w.e.f. 5-12-1952).]
- (iv) Delete the last paragraph and *substitute* therefor the following paragraph, namely—  
“Shall be liable—

in case of first offence to fine not exceeding five hundred rupees not less than two hundred rupees and to rigorous imprisonment for a term not exceeding three months; and in the case of any subsequent offence to fine not exceeding two thousand rupees nor less than five hundred rupees and to rigorous imprisonment for a term not exceeding twelve months nor less than three months.”. [*Vide* U.P. Act 21 of 1961, S. 3 (w.e.f. 7-9-1961).]

**CASE LAW ▶ Common gaming house.**—If instruments of gaming are kept in a house with the purpose that profit or gain would in all probability result from the use of the instruments by the user or keeper

of the house, the house would be a 'common gaming house' within Section 3(ii) of Bombay Prevention of Gambling Act, 1887. Accrual of profit or gain need not be a certainty and even an expectation for the same would attract Section 3(ii). As soon as the seizure of the instruments from the premises is established, the peremptory presumption under Section 7 regarding profit or gain and other requirements of Section 3(ii), held, would be raised by the Court, *Jagat Singh Kishor Singh Darbar v. State of Gujarat*, (1979) 4 SCC 307 : 1979 SCC (Cri) 1046.

**4. Penalty for being found in gaming-house.**—Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description<sup>14</sup>, as defined in the Indian Penal Code (45 of 1860), for any term not exceeding one month<sup>15</sup>,

and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

#### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 4—  
Same as that of under Section 3. [*Vide* Himachal Pradesh Act, 30 of 1976, S. 4.]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 4,—

- (i) for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, enclosure, space, vehicle, vessel or place" shall be *substituted*. [*Vide* C.P. Act 3 of 1927, S. 4.]
- (ii) for the words "one hundred rupees", the words "five hundred rupees" and for the words "one month", the words "four months" shall be *substituted*. [*Vide* M.P. Act 25 of 1950, S. 4 (w.e.f. 3-11-1950).]

**Manipur.**—In its application to the State of Manipur, in Section 4,—  
Same as in Madhya Pradesh (ii). [*Vide* S.R.O. 168, dated 30-1-1952]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab,

Same as that of Madhya Pradesh (i). [*Vide* Punjab Act, 1 of 1929, S. 4; 18 of 1958, S. 3 and Sch.; 31 of 1966, S. 88.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 4, —

- (i) for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, walled enclosure, space, vehicle, vessel or place" shall be *substituted*. [*Vide* U.P. Act 1 of 1917, S. 3.]
- (ii) for the words "one hundred rupees" substitute the words "three hundred rupees". [*Vide* U.P. Act 34 of 1952, S. 3 (w.e.f. 5-12-1952).]
- (iii) in Section 4 in the marginal note, between the words 'found in' and 'gaming house', add the words 'or in the immediate vicinity of'.
- (iv) (a) in Para 1 of Section 4, between the words "is found there present" and "for the purpose of", add the words "or in the immediate vicinity thereof"; and

14. See Section 53 of the Code.

15. As to enhanced punishment for a second conviction of an offence under Section 3 or Section 4, see Section 15 of this Act.

(b) words beginning with “shall be liable to a fine” and ending with “exceeding one month” shall be deleted and the following shall be *substituted* thereof—

“shall be liable—

in the case of a first offence to a fine not exceeding three hundred rupees nor less than one hundred rupees or to rigorous imprisonment for any term not exceeding one month, and in the case of any subsequent offence to a fine not exceeding five hundred rupees not less than two hundred rupees and to rigorous imprisonment for a term not exceeding six months nor less than one month.”.

- (v) in Para 2, between the words “common gaming house” and “during any gaming”, add the words “and any person found in the immediate vicinity thereof with any instrument of gaming”. [Vide U.P. Act 21 of 1961, S. 4 (w.e.f. 7-9-1961).]

#### SECTION 4-A

✓ **Himachal Pradesh.**—In its application to the State of Himachal Pradesh, insert Section 4-A. Same as that of Punjab, Haryana and Chandigarh.

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, after Section 4, *insert* the following Section 4-A—

“4-A. *Punishment for printing or publishing digits, figures, signs, symbols or pictures relating to Worli Matkas or other form of gaming.*—(1) Whoever prints or publishes in any manner whatsoever any digits or figures or signs or symbols or pictures or combination of any two or more of such digits or figures or signs or symbols or pictures or relating to Worli Matka or any other form of gaming under any heading whatsoever or by adopting any form of device, or disseminates or attempts to disseminate or abets dissemination of information relating to such digits or figures or signs or symbols or pictures or combination of any two or more of them shall be punishable with imprisonment which may extend to six months and with fine which may extend to one thousand rupees.

(2) Where any person is accused of an offence under sub-section (1), any digits or figures or signs or symbols or pictures or combinations of any two or more of such digits or figures or symbols or pictures in respect of which the offence is alleged to have been committed shall be presumed to relate to Worli Matka gaming or some other form of gaming unless the contrary is proved by accused.” [Vide M.P. Act 47 of 1976, S. 3 (w.e.f. 6-10-1976).]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, after Section 4, *insert* the following section, namely—

“4-A. *Enhanced punishment if offence under Section 3 or 4 relates to gaming with figures, etc.*—Where an offence committed by any person under Section 3 or Section 4 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such person shall, notwithstanding anything contained in those sections,—

- (a) in the case of an offence under Section 3, be liable to fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding one year, or to both; and
- (b) in the case of an offence under Section 4, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both.”. [Vide Punjab Act, 9 of 1960, S. 3 (w.e.f. 28-1-1960); Act 31 of 1966, S. 88.]

**5. Powers to enter and authorise police to enter and search.**—If the Magistrate of a district<sup>16</sup> or other officer invested with the full powers of a

16. Read District Magistrate and Magistrate of the first class, respectively, see Code of Criminal Procedure, 1898 (5 of 1898), Section 3.

Magistrate<sup>17</sup>, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house,

he may either himself enter, or by his warrant authorise any officer of police, not below such rank as the State Government shall appoint in this behalf to enter with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may 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;

and may seize or authorise such officer to seize all instruments of gaming, and all moneys 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;

and may search or authorise such officer to search all parts of the house, walled enclosure, 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 may seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

#### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 5, same as that of under Section 3. [*Vide* Himachal Pradesh Act, 30 of 1976, S. 4.]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 5,—

- (i) for the words “house, walled enclosure, room or place” wherever they occur, the words “house, room, tent, enclosure, space, vehicle, vessel or place” shall be *substituted*; [*Vide* C.P. Act 3 of 1927, S. 4.]
- (ii) in the first paragraph, after the words “or the District Superintendent of Police; insert the words “or the Deputy or the Assistant Superintendent of Police”; and
- (iii) in the fourth paragraph, add at the end the following words, namely—

“and also all moneys and securities for money found on the person of such persons as are found playing or gaming or found there present for the purpose of gaming within the meaning of Section 4”. [*Vide* M.P. Acts 25 of 1950, S. 5 (w.e.f. 3-11-1950); 23 of 1958.]

**Manipur.**—In its application to the State of Manipur, in Section 5, in Paragraph 1,—

- (i) for the words “Magistrate of a District”, substitute the words “District Magistrate”;
- (ii) after the words “walled enclosure”, insert the words “tent, space, vehicle,”;
- (iii) as in M.P. (iii). [*Vide* S.R.O. 1168, dated 30th January, 1952, published in the Gazette of India, Pt. II, S. 3, p. 149, dated 2nd February, 1952.]

**Punjab: Haryana: Chandigarh.**—Same as that of Madhya Pradesh (i). [*Vide* Punjab Act, I of 1929, S. 4; 18 of 1958, S. 3; 31 of 1968, S. 88.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 5,—

17. *Read* District Magistrate and Magistrate of the first class, respectively, *see* Code of Criminal Procedure, 1898 (5 of 1898), Section 3.

- (i) for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, walled enclosure, space, vehicle, vessel or place" shall be *substituted*; [Vide U.P. Act 1 of 1917, S. 3.]
- (ii) in Para 1, between the words "the District Superintendent of Police" and the words "upon credible information", add the words "or any police officer of gazetted rank especially empowered in this behalf by the State Government";
- (iii) in Para 3, delete the semi-colon and add the following words at the end: "and all persons found in the immediate vicinity thereof with any instruments of gaming". [Vide U.P. Act 21 of 1961, S. 5 (w.e.f. 7-9-1961).]

### Section 5-A

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, after Section 5, *insert* the following Section 5-A—

"5-A. *Seizure of register, record or writing.*—If the District Magistrate or the Additional District Magistrate or a Police Officer not below the rank of Assistant Superintendent of Police is of the opinion that any register, record or writing of any kind whatsoever which contains digits or figures or signs or symbols or pictures or combination of any two or more of such digits, figures, signs, symbols or pictures relates to worli matka gaming or some other form of gaming, he shall be entitled to seize the same and such register, record or writing shall be presumed to be an instrument of gaming unless it is shown by the person from whom it is seized that it is a register, record or writing of any transaction in connection with a lawful trade industry, business, profession or vocation of any lawful personal transaction of any person or it is otherwise not an instrument of gaming." [Vide M.P. Act 47 of 1976, S. 4 (w.e.f. 6-10-1976).]

**6. Finding cards, etc., in suspected houses, to be evidence that such houses are common gaming-houses.**—When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place, is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police-officer, or any of his assistants.

### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 6, same as that of under Section 3. [Vide Himachal Pradesh Act, 30 of 1976, S. 4.]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 6, for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, enclosure, space, vehicle, vessel or place" shall be *substituted*. [Vide C.P. Act 3 of 1927, S. 4.]

**Manipur.**—Same as in Madhya Pradesh, Uttar Pradesh and Punjab. [Vide S.R.O. 168, dated 30th January, 1952, published in the Gazette of India, 1952, Pt. II, S. 3, p. 149.]

**Punjab: Haryana: Chandigarh.**—Same as that of Madhya Pradesh (i). [Vide Punjab Act, 1 of 1929, S. 4; 18 of 1958, S. 3; 31 of 1966, S. 88.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh—

(i) In Section 6, for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, walled enclosure, space, vehicle, vessel or place" shall be *substituted*. [Vide U.P. Act 1 of 1917, S. 3.]

(ii) Between the words and comma “who are found therein,” and the words “it shall be evidence”, add the words and comma “found in the immediate vicinity thereof”. [Vide U.P. Act 21 of 1961, S. 6 (w.e.f. 7-9-1961)]

**CASE LAW ▶ Conviction for gambling.**—Merely because some money playing cards and carpet were recovered, no presumption can be drawn under Section 6 of the Act that the house was being used as gambling house and accused persons were gambling, *Rambharti v. State of M.P.*, (2006) 3 MP LJ 64.

**7. Penalty on persons arrested for giving false names and addresses.**—If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested, by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

#### STATE AMENDMENTS

**Assam.**—In its application to the State of Assam, in Section 7, for the words “five hundred rupees” substitute the words “one thousand rupees”. [Vide Assam Act, 18 of 1970, S. 5 (w.e.f. 19-12-1970).]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 7, for the words “five hundred rupees”, the words “one thousand rupees” and for the words “one month”, the words “four months” shall be substituted. [Vide M.P. Act 25 of 1950, S. 6 (w.e.f. 3-11-1950).]

**Manipur.**—Same as in Madhya Pradesh. [Vide S.R.O. 168, dated 30-1-1952]

**Punjab.**—In its application to the State of Punjab, in Section 7, for the words “before the same or any other Magistrate”, substitute the words “before any Judicial Magistrate”. [Vide Punjab Act, 25 of 1964, S. 2 and Sch., Pt. II (w.e.f. 2-10-1964).]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 7, between the words “person found in” and the words “any common gaming house”, add the words and commas “on in the immediate vicinity of”. [Vide U.P. Act 21 of 1961, S. 7 (w.e.f. 7-9-1961).]

**8. On conviction for keeping a gaming-house, instruments of gaming to be destroyed.**—On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

#### STATE AMENDMENT

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 8,—

- (i) for the word “may”, occurring between the word “and” and the words “also order”, substitute the word “shall”;



- (ii) delete the words 'or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled' and for semi colon, after 'forfeited', substitute a full stop. [*Vide* U.P. Act 21 of 1961, S. 8 (w.e.f. 7-9-1961).]

**9. Proof of playing for stakes unnecessary.**—It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

**10. Magistrate may require any person, apprehended to be sworn and give evidence.**—It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorised as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refused to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in Section 178 or Section 179 (as the case may be) of the Indian Penal Code (45 of 1860).

#### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, in Section 10,—

Same as that of under Section 3. [*Vide* H.P. Act 30 of 1976, S. 4.]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 10, for the words "house, walled enclosure, room or place" wherever they occur, the words "house, tent, enclosure, space, vehicle, vessel or place" shall be *substituted*. [*Vide* C.P. Act 3 of 1927, S. 4.]

**Manipur.**—In its application to the State of Manipur, in Section 10, after the words "walled enclosure", *insert* the words "tent, space, vehicle". [*Vide* S.R.O. 168, dated 30-1-1952]

**Punjab: Haryana: Chandigarh.**—Same as that of Madhya Pradesh. [*Vide* Punjab Act, 1 of 1929, S. 4; 18 of 1958, S. 3; 31 of 1966, S. 88.]

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 10, for the words "house, walled enclosure, room or place" wherever they occur, the words "house, room, tent, walled enclosure, space, vehicle, vessel or place" shall be *substituted*. [*Vide* U.P. Act 1 of 1917, S. 3.]

**11. Witnesses indemnified.**—Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this



Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

**12. Act not to apply to certain games.**—Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.

#### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, Section 12, shall be deemed to be *repealed*. [*Vide* Himachal Pradesh Act, 30 of 1976, S. 6.]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, Section 12 is *repealed* by Punjab Act, 1 of 1929, S. 5; 13 of 1958, S. 8; 31 of 1966, S. 88.

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, Section 12 is *repealed*. [*Vide* U.P. Act 1 of 1917, S. 4.]

**Manipur.**—Same as in Punjab and Uttar Pradesh. [*Vide* S.R.O. 168, dated 30th January, 1952, Gazette of India, dated 2nd February, 1952, Pt. II, S. 3, p. 149; Act 81 of 1971, S. 3.]

**CASE LAW ► Carrom and chess.**—As the games of carrom and chess require skill, in view of Section 12, the Act do not apply. Club cannot be prohibited from charging money from persons for playing carrom and chess, *Manakadu Elainger Nala Sports Narpani Mandram v. State of T.N.*, (2005) 2 AP LJ 52 (DNC) (Mad).

**13. Gaming and setting birds and animals to fight in public streets.**—A police-officer may apprehend without warrant—any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month;

**Destruction of instruments of gaming found in public streets.**—Any such police-officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

#### STATE AMENDMENTS

**Assam.**—In its application to the State of Assam, in Section 13, for the words “fifty rupees”, substitute the words “one hundred rupees”. [*Vide* Assam Act, 18 of 1970, S. 6 (w.e.f. 19-12-1970).]

**Himachal Pradesh.**—(1) Same as that of Punjab. [*Vide* Himachal Pradesh Act, 30 of 1976, S. 7 (w.e.f. 5-8-1976).]

**Sections 13-A and 13-B**

(2) In its application to the State of Himachal Pradesh, after Section 13, *insert* the following Sections 13-A and 13-B—

“13-A. *Enhanced punishment if offence under Section 13 relates to gaming with figures, etc.*—Where an offence committed by any person under Section 13 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such person shall, notwithstanding anything contained in that section, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months; or to both.

13-B. *Power to arrest without warrant.*—Any police officer may arrest without a warrant any person committing in his view any offence made punishable by Section 13 or Section 13-A.”. [Vide Himachal Pradesh Act, 30 of 1976, S. 7 (w.e.f. 5-8-1976).]

**Madhya Pradesh.**—In its application to the State of Madhya Pradesh, in Section 13—

- ✓ (i) for the first three paragraphs, substitute the following, namely—  
“A Police Officer may apprehend and search without warrant—
  - (a) any person 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;
  - (b) any person setting any birds or animals to fight in any public street, thoroughfare, or in any place to which the public have or are permitted to have access;
  - (c) any person there present aiding and abetting such public fighting of birds and animals.”. [Vide M.P. Act 12 of 1954, S. 3 (w.e.f. 26-3-1954).]
- (ii) in the fourth paragraph, for the words “fifty rupees”, the words “one hundred rupees” and for the words “one calendar month”, the words “four calendar months” shall be *substituted*; and
- (iii) in the fifth paragraph, for the words “may seize”, the words “all moneys and” and after the words “order such”, the words “moneys to be forfeited and such” shall be *inserted*. [Vide M.P. Act 25 of 1950, S. 7 (w.e.f. 3-11-1950).]

**Manipur.**—In its application to the State of Manipur, in Section 13, in Para 5, after the words “such police officer may seize” *insert* the words “all birds and animals and” and at the end of the same paragraph, after the word “destroyed”, *add* the words “such birds and animals to be sold”. [Vide S.R.O. 168, dated 30-1-1952; Act 81 of 1971, S. 3.]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, for Section 13, *substitute* the following section, namely—

“13. *Penalty for gaming in public street, etc.*—Whoever is found gaming in any public street, place or thoroughfare or setting any bird or any animal to fight in any such street, place or thoroughfare shall be punishable with fine not exceeding fifty rupees or with imprisonment of either description for a term not exceeding one month.

13-B. *Power to arrest without warrant.*—Any police officer may arrest without a warrant any person committing in his view any offence made punishable by Section 13 of Section 13-A.”. [Vide Punjab Act, 9 of 1960, S. 4 (w.e.f. 28-1-1960; Act 31 of 1966, S. 88).]

**Uttar Pradesh.**—(1) In its application to the State of Uttar Pradesh, In Section 13,—

- (a) for the words “playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill”, *substitute* the words “gaming”. [Vide U.P. Act 1 of 1917, S. 5.]
- (b) between Paras 1 and 2, *add* the following new paragraph as follows—  
“any person found in any public street, place or thoroughfare within the limits aforesaid with any instruments of gaming; or;

- (c) for the words, in Para 2, “or any person there present aiding and abetting such public fighting of birds and animals”, substitute the words “or any person there present making preparation for or aiding or abetting such gaming or public fighting of birds or animals”; and
- (d) in the last para the semi-colon after the words “shall be liable” shall be deleted and a dash substituted therefor and clauses (a) and (b) after the said words “shall be liable” shall be deleted and the following *substituted* therefor—

“in the case of a first offence to a fine not exceeding two hundred and fifty rupees nor less than fifty rupees; or to rigorous imprisonment for a term not exceeding one month; and

in the case of any subsequent offence to a fine not exceeding five hundred rupees nor less than one hundred rupees and rigorous imprisonment for a term not exceeding six months nor less than one month.” [Vide U.P. Act 21 of 1961, S. 9 (w.e.f. 7-9-1961).]

#### Section 13-A

“(2) In its application to the State of Uttar Pradesh, after Section 13, *insert* the following new section, namely—

“13-A. *Exemption of games of mere skill.*—Nothing in this Act shall apply to any game of mere skill, as distinguished from a game of chance or a game of chance and skill combined, unless it is carried on in a common gaming-house;”. [Vide U.P. Act 10 of 1938, S. 2.]

**CASE LAW ► Terrace of building.**—Terrace of Court is as much a public place as its rooms and corridors. Trial court was not justified in holding that terrace of Court building was not a public place and stopping proceedings under Section 258 of the Criminal Procedure Code against respondents who were found gaming on terrace of Court building under Section 13 of Public Gambling Act and also discharging the respondents, *State of M.P. v. J.P. Yadav*, (2001) 3 MP LJ (NOC 8) 6.

**14. Offences by whom triable.**—Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

#### STATE AMENDMENT

**Uttar Pradesh.**—In its application to the State of Uttar Pradesh, in Section 14, *insert* the following new paragraph between Paras 1 and 2—

“Offence under Section 3 of this Act shall be non-bailable, anything contained to the contrary in any other law notwithstanding.” [Vide U.P. Act 21 of 1961, S. 10 (7-9-1961)]

#### Section 14-A

After Section 14, *insert* the following section, namely—

“14-A. *Compounding of offences.*—An officer specially empowered in this behalf by the State Government by notification may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act, either before or after the institution of the prosecution, on realisation of such amount of composition fees as he thinks fit, not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded—

- (i) before the institution of the prosecution the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;

- (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender:

Provided that nothing contained in this section shall authorise the composition of any subsequent offence committed by an offender who has once been convicted for any offence punishable under this Act." [Vide U.P. Act 35 of 1979, S. 6 (w.e.f. 21-12-1979)]

**15. Penalty for subsequent offence.**—Whoever, having been convicted of an offence punishable under Section 3 or Section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description:

Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

**16. Portion of fine may be paid to informer.**—The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

**17. Recovery and application of fines.**—All fines imposed under this Act may be recovered in the manner prescribed by Section 61 of the <sup>18</sup>Code of Criminal Procedure <sup>19</sup>[\* \* \*].

#### STATE AMENDMENT

**Manipur.**—In its application to the State of Manipur, for Section 17, *substitute* the following—

"17. All fines imposed under this Act may be recovered in the manner prescribed under the existing laws of the State for the realisation of fines." [Vide S.R.O. 168, dated 30-1-1952]

**18. Offences under this Act to be "offences" within the meaning of Penal Code.**—[*Repealed by the Repealing Act, 1874 (16 of 1874), Section 1 and Schedule, Part I.*]

#### STATE AMENDMENTS

**Himachal Pradesh.**—In its application to the State of Himachal Pradesh, after Section 17, the following new section shall be deemed to be *inserted*, namely—

"18. *Exemption of games of mere skill.*—Nothing in this Act shall apply to any game of mere skill wherever played." [Vide Himachal Pradesh Act, 30 of 1976, S. 9.]

**Manipur.**—Same as in Punjab. [Vide S.R.O. 168, dated 30-1-1952]

**Punjab: Haryana: Chandigarh.**—In its application to the State of Punjab, after Section 17, the following new section shall be deemed to be *inserted*, namely—

"18. *Exemption of games of mere skill.*—Nothing in this Act shall apply to any game of mere skill wherever played." [Vide Punjab Act, 1 of 1929, S. 9; 18 of 1958, S. 3; 31 of 1966, S. 88.]

18. See now the Code of Criminal Procedure, 1973 (2 of 1974).

19. The words "and such fines shall (subject to the provisions contained in the last preceding section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct" omitted by the A.O. 1937 (w.e.f. 1-4-1937).