

Rajasthan Public Gambling Ordinance, 1949

RAJASTHAN

India

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Act 48 of 1949

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Rajasthan Public Gambling Ordinance, 1949 Ordinance No. 48 of 1949, Published in the Rajasthan Gazette (Raj-Patra), No. 134, dated 24.12.1949. (Promulgated by His Highness the Rajpramukh on the 14th day of December, 1949.) An Ordinance to provide for the punishment of public gambling and the keeping of common gaming houses in [the State of Rajasthan]. [Substituted by Act 28 of 1957.] Whereas it is expedient to make provisions for the punishment of public gambling and the keeping of common gaming houses in [the State of Rajasthan]. [Substituted by Act 28 of 1957.] Now, therefore, in exercise of the powers conferred by paragraph (3) of Article X of the covenant, His Highness the Rajpramukh is pleased to make and promulgate the following Ordinance:-

1. Short title and extent.

(1) This Ordinance may be called the Rajasthan Public Gambling Ordinance, 1949. (2) Section 13 and 17 of this Ordinance extend to the whole of 2 [the State of Rajasthan] and it shall be competent to the [the State of Rajasthan] [Substituted by Act 28 of 1957.] whenever, it may think fit, to extend, by notification in the [Official Gazette] [Substituted by Act 28 of 1957.] all or any of the remaining section of this Ordinance to any city, town, suburb, railway station house or local area within [the State of Rajasthan]. [Substituted by Act 28 of 1957.] and in such notification to define for the purposes of this Ordinance, the limits of such city, town, suburb, station-house or local area and from time to time to alter the limits so defined. From the date of any such extension, so much of any law or rule having the force of law, which shall be in operation in the city, town suburb, station-house or local area 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 therein.

2. Definitions.

- In this Ordinance, unless there is anything repugnant in the subject or context, -(1) [---] [Omitted by Act 28 of 1957.] (2) 'gaming' includes wagering or betting but does not include a lottery; Explanation. - 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'.(3)'Instrument of gaming' includes any article used as a subject or means or 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(4)'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 shares or on the digits of the number used in stating such price, or(d)On the digits of papers or bales manipulated from within jars or other receptacles, or(e)on the occurrence or non-occurrence of rainfall or other natural event, or(f)on the quantity of rainfall or on the digits of number used in stating such quantity or on any other sign or symbol denoting the extent of such quantity, or(g)on the extent of the occurrence of any other natural event, 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; and(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 any such instrument, or such house, room, tent, enclosure, space, vehicle, vessel or any place, whatever by way of charge for the use of the same or otherwise howsoever.

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, room, tent, enclosure, space, vehicle, vessel or place, situate within the limits to which this Ordinance applies, opens, keeps or uses the same as a common gaming house; andWhoever, being the owner or occupier of any such house, room, tent, enclosure, space, vehicle, vessel 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; andWhoever has the care of management of, or in any manner assists in conducting, the business of any house, room, tent, enclosure, space, vehicle, vessel or place, as aforesaid and opened, occupied, used or kept for the purpose aforesaid; andwhoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room tent, enclosure, space, vehicle, vessel or place; shall be punished-(a)for a first offence, with imprisonment which may extend to [six months] [Substituted by Act 17 of 1982.] or with fine which may extend to five hundred rupees] or with both;(b)for a second offence, with imprisonment which may extend to [one year] [Substituted by Act 17 of 1982.]and, in the absence of special reasons to the contrary to be mentioned in the judgement of the Court, shall not be less than [one month] [Substituted by Act 17 of 1982.], either with or without fine which may extend to one thousand rupees, and(c)for third or subsequent offence, with imprisonment which may extend to [one year] [Substituted by Act 17 of 1982.] and in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, shall not be less than [six months] [Substituted by Act 17 of 1982.] together with fine which may extend to [two thousand rupees.] [Substituted by Act 17 of 1982.]

4. Penalty for being found in gaming house

- Whoever to be found in any such house, room, tent, enclosure, space, vehicle, vessel 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 [five hundred rupees] [Substituted by Act 17 of 1982.], or to imprisonment for any term not exceeding [six month]; [Substituted by Act 17 of 1982.] 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.

5. Powers to enter and authorise police to enter and search

- If the District Magistrate or a Magistrate of the first class 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, room, tent, enclosure, vehicle, space, vessel or place is used as a common gaming house; he may either himself enter, or by his warrant authorise any officer or police, not below such rank as the [State Government] [Substituted by Act 17 of 1982.] shall appoint in this behalf, to enter with such assistance as may be found necessary be night or by day, and by force, if necessary, any such house, tent, room, enclosure, vehicle, space, vessel or place; and may either himself take into custody, or authorise such officer to take into custody, all person whom he or such officer find 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, room, tent, enclosure, vehicle, space, vessel or place, with he such officer shall have so entered when he or such officer has reason to believe that any instrument 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.

6. Finding cards, etc. in suspected house, to be evidence that such houses are common gaming house.

- When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, room, tent, enclosure, vehicle, space, vessel 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, room, tent, enclosure, vehicle, space, vessel 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.

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 Ordinance, 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 no such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one months.

8. On conviction for keeping a common 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.

9. Proof of playing for stake 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 person shall be brought, who have been found in any house, room, tent, enclosure, vehicle, space, vessel or place, entered under the provisions of this Ordinance, to require any such persons to be examined on oath or solemn affirmation and give evidence touching any unlawful gaming in such house, room, tent, enclosure, vehicle, space, vessel or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room, tent, enclosure, vehicle, space, vessel 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 way relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matter aforesaid, on the ground that his evidence will tend to criminate himself. Any such person so required to be examined as a witness, who refuses 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 on section 178 or section 179 (as the case may be) of the Indian Penal Code, 1860 of the Central Legislature. [- - -] [Omitted by Act 27 of 1957.]

11. Witnesses indemnified

- Any person who shall have been concerned in gaming contrary to this Ordinance, 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 Ordinance, relating to gaming and who upon such examination, shall in the opinion of the Magistrate, make true and faithful discovery, to the best of the 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 Ordinance for anything done before that time in respect of such gaming.

12. Ordinance not to apply to certain games

- Nothing in this Ordinance shall be held to apply to any game of mere skill, as distinguished from a game of chance and shall combined, unless it is carried on in a common gaming house.

13. Gaming and setting birds and animals to fight in Public streets; Destruction of instruments of gaming found in public streets

- A police officer may apprehend without warrant any person found gaming in any public street, place, or thoroughfare; or Any person setting any birds or animals to fight in any public street, or thoroughfare; 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 month] [Substituted by 17 of 1982.]; And 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.

14. Offences by whom triable

- Offences punishable under this Ordinance 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.

15. Penalty for subsequent offence under section .

- Whoever, having been convicted of an offence punishable under section 4 of this Ordinance shall again be guilty of any offence punishable under that section, 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 such offence.

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 section 3 and 4 of this Ordinance, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Ordinance, to be paid to an informer.

17. Recovery and application of fines

- All fines imposed under this Ordinance may be recovered in the manner prescribed by section [386 of the Code of Criminal Procedure, 1898] [Now see the section 421 of Code of Criminal Procedure 1973 (2 of 1974).] of the Central Legislature [---] [Omitted by Act 27 of 1957.]

18. [-----] [Omitted by Act 27 of 1957.]

19. [---] [Omitted by Act 27 of 1957.]

Notifications under Rajasthan Public Gambling Ordinance, 1949 Home 'A' Department [Notification [Published in Rajasthan Raj-patra Part 4 (a) dated 12-7-1962 at pages 1.] Jaipur, June 25, 1962 No. F. 3 (2) Home (A-Gr. 11)/61- In pursuance of sub-section (2) of section 1 of the Rajasthan public Gambling Ordinance, 1949 (Ordinance No. XLVIII of 1949), the State Government hereby extends with immediate effect, all the remaining section of the said Ordinance to the following towns in Jhunjhunu District, namely:-

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| 1. Pilani (including Vidyabihar) | 5. Mandawa |
| 2. Khetri | 6. Bissau |
| 3. Surajgarh | 7. Bagar |
| 4. Udaipur | |

By Order of the Governor, Shivshanker Secretary to the Government. Home 'A' Department [Notification] [Published in Rajasthan Raj-patra Part 4 (c) at page 20] Jaipur, February 7, 1961 No. F. 3 (2) Home (A-Gr. II)/61- In pursuance of Sub-section (2) of section 1 of the Rajasthan Public Gambling Ordinance, 1949 (Ordinance No. XLVIII of 1949), the State Government hereby extends with immediate effect, all the remaining section of the said Ordinance to the following towns and villages in Alwar District, namely:-

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| 1. Rajgarh | 10. Agra (P.S. Partapgarh) |
| 2. Lachhmangarh | 11. Behror |
| 3. Govindgarh | 12. Ramgarh |
| 4. Kathumar | 13. Tijara |
| 5. Kherli | 14. Kishanagarh |
| 6. Thanagazi | 15. Khairthal |

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| 7. Narainpur | 16. Tapukra |
| 8. Tehla | 17. Kotkasim |
| 9. Pratapgarh | 18. Mundawar |

By Order of the GovernorD.V. HandaSecretary to the Government.