

# The Maharashtra Race-Courses Licensing Act, 1912

MAHARASHTRA

India

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### Act 3 of 1912

- Published on 6 June 1912
- Commenced on 6 June 1912
- [This is the version of this document from 6 June 1912.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Race-Courses Licensing Act, 1912 Act No. 3 of 1912 [6th June, 1912] For Statement of Objects and Reasons, see Bombay Government Gazette, 1912, Part VII, page 131 for Report of Select Committee, see *ibid*, 1912, Part VII, page 132; and for Proceedings in Council, see *ibid*, 1912, Part VII, pages 221 and 471.\* This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bombay 48 of 1958, it did not extend (vide Bombay 48 of 1958, Section 2). An Act to provide for the licensing of race-courses in the [State of Bombay] [These words were substituted for the words 'Bombay Presidency' by Bombay 48 of 1958, Section 3(a).] Whereas it is expedient to make provision for the [regulation, control and management of horse racing and all matters directly or indirectly connected therewith] [These words were substituted for the original by Bombay 10 of 1938, Section 2.] in the [State of Bombay] [These words were substituted for the words 'Bombay Presidency' by Bombay 48 of 1958, Section 3(a).]; It is hereby enacted as follows:-

### 1. Short title and extent.

(1) This Act may be called [the Maharashtra Race-courses Licensing Act] [This Short title was substituted for the Short title 'The Bombay Race-courses Licensing Act, 1912' by Maharashtra 24 of 2012, Schedule Entry No. 12 (w.r.e.f. 1-5-1960).] (2) [This section extends to the whole of the State of Bombay.] [This sentence was substituted for the original by Bombay 48 of 1958, Section 3(b).] The rest of the Act extends only to such areas as the [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government] may by notification in the [Official Gazette] [The words 'Official Gazette' were substituted for the words 'Bombay Government Gazette' by the Adaptation of Indian Laws Order in Council.] direct: [Provided that on the commencement of the Bombay Race-courses Licensing and the Bombay Betting Tax Acts (Extension and Amendment) Act, 1958, the rest of the Act shall extend to those areas in which the Hyderabad Horse Racing and Betting Tax Regulation, 1358F, was in force immediately before such commencement.] [This Proviso was added by Bombay 48 of 1958, Section 3(b).]

## 2. Definitions.

- In this Act-(a)"horse-race" means any race in which any horse, mare or gelding runs or is made to run in connection with any other horse, mare or gelding for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;(b)"race-course" means any ground on which a horse-race can be held.

## 3. Prohibition against horse-racing on unlicensed race-courses.

(1)No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act is in force.(2)The terms of such licence shall be published in the [Official Gazette.] [The words 'Official Gazette' were substituted For the words 'Bombay Government Gazette' by the Adaptation of Indian Laws Order in Council]

## 4. Application for licence for horse racing.

(1)The owner, lessee or occupier of any race-course may apply to the [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order In Council.] Government] for a licence for horse-racing on such race-course.Grant of licence for horse-racing.(2)The [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order In Council.] Government] may withhold such licence or grant it subject to such conditions and for such period as [it] [The word 'it' was substituted for the word 'he' by the Adaptation of Indian Laws Order in Council.] may think fit, [such conditions may provide for-(a)the payment of a licence fee;(b)the amount of stakes which may be allotted for the different kinds of horses;(c)the measures to be taken for the training of persons to become jockeys;(d)such other matters, whether directly or indirectly connected with horse-racing, for which, in the opinion of the [State] Government, it is necessary or expedient to make provision in the licence.](3)[ The [ [State] [This sub-section and the word 'and' were inserted by Bombay 4 of 1931 Section 9(a)(i).] Government] [This portion was inserted by Bombay 10 of 1938, Section 3.] may by such licence authorise the licensee to grant, subject to such conditions as shall be specified by the [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order In Council.] Government] in such licence, a licence or permit [to any bookmaker to carry on his business or vocation or to act as a book-maker or turf commission agent in respect of horse-races held on a race-course, being a race-course which is situate in this State or outside it. The licence may be granted for such period] [These words were deemed always to has been substituted with effect from the 1st day of May 1973 for the words 'to any book-maker for such period' by Maharashtra 44 of 1974, Section 2.] not exceeding the period of the licence granted to the licensee as the licensee may think fit;]Cancellation of licence.(4)[[Sub-section (3) was renumbered as sub-section (4) by Maharashtra 44 of 1974, Section 9(a)(11).] The [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government] may at any time cancel any licence granted under this section in the event of any breach of the conditions subject to which it was granted.

## **5. Penalty for taking part in horse-race on unlicensed race-course.**

- Whoever takes part in any horse-race on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force shall be punishable with fine which may amount to two hundred rupees.

## **6. Penalty for owner, etc., allowing racing in unlicensed place.**

- If any horse-race is held on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force, any person being the owner, lessee or occupier of such race-course shall be punishable with fine which may amount to one thousand rupees.

## **7. Penalty for contravening conditions of licence.**

- [(1)] [Section 7 was renumbered as 7(1) by Maharashtra 44 of 1974, Section 9(b).] If any person to whom a licence has been granted in accordance with the provisions of section 4 contravenes any of the conditions subject to which such licence was granted, such person shall be punishable with fine which may amount to one thousand rupees.(2)[] [Sub-section (2) was inserted by Bombay 4 of 1931, Section 9(b).] If any person to whom a licence or permit has been granted by a license in pursuance of the provisions of sub-section (3) of section 4 contravenes any of the conditions subject to which such licence or permit was granted he shall be punishable with fine which may extend to one thousand rupees.]

## **8. Cognise of offer under Act.**

- No Court inferior to that of a presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

## **9. Exemptions**

- The [ [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government] may from time to time by general or particular order published in the [Official Gazette] [The words 'Official Gazette' were substituted for the words 'Bombay Government Gazette' by the Adaptation of Indian Laws Order in Council.] exempt any horse-race from the operation of this Act. Notifications G.N.H.D. (Special) No. RAC.2596/CR.14, Sec. P.I., dated 2nd July, 1996 (M.G. Part IV-B, page 963) - Following licence which the Government of Maharashtra has granted to Royal Western India Turf Club Ltd., under sub-section (2) of section 4 of the Bombay Race Courses Licensing Act, 1912 (Bombay III of 1912), is published for general information as required by sub-section (2) for section 3 of the said Act:- Licence granted subject to the provisos of the Bombay Race Course Licensing Act, 1912 (Bombay III of 1912) (hereinafter referred to as "the said Act") on the 1996 to the Committee of the Royal Western India Turf Club Limited (hereinafter referred to as "the Licensees"). Whereas the Licensees have applied to the Government of Maharashtra (hereinafter referred to as "the

Government") for a licence for horse racing on the race courses at Mahalaxmi, Mumbai and the Cantonment of Pune (hereinafter referred to as the said "race courses"); Licence is hereby granted to the Licensees for the period of one month commencing from the 1st day of July 1996 and ending on the 31st of July 1996 to hold horse races on the said race courses on the conditions hereinafter specified. Conditions

**1. Subject to the licence hereby granted, the Licensees shall pay to the Government in advances licence fee of Rs. 5 lakhs (Rupees Five lakhs only) for the period commencing from the 1st day of July 1996 and ending on the 31st July, 1996.**

**2. During the period of this licence, the Licensees shall be permitted to hold horse races on the said race course, provided however, that the number of horse races held/to be held should not exceed fifty five days in the aggregate in the current racing year i.e. from July 1996 to June 1997 excluding those days the net receipt whereof are to be handed over by the Licensees to the Charitable Institutions and or Fund as provided hereinafter. If the Licensees intend to hold horse races over and above fifty five days in the current racing year, the Licensees shall make an application to that effect in writing seeking permission for the same to the Additional Chief Secretary (Home) to the Government of Maharashtra, Home Department, well in advance by giving reasons in support thereof. After considering the application, Government may refuse the permission or grant it on such terms and conditions as it may consider necessary including the condition for payment of additional licence fee for additional races for which permission is granted at such rate per race to be decided by the Government which amount of additional licence fee shall be paid by the Licensees to the Government in advance:**

Provided that the Licensees shall held horse races on days for which the Licence is in force, the net receipt whereof shall forthwith thereafter be handed over by the Licensees to such Charitable Institutions and/or Funds as may be determined by the Government in consultation with the Licensees.

**3. Subject to the following conditions, licences or permits may be granted to book makers to register bets on the said race courses:-**

(1)that number of such licensed book makers shall not exceed seventy;(2)that no licence/permit shall be granted to any book maker without the prior approval in writing of Government;(3)Government may at any time, without assigning any reasons require the Licensees to suspend or cancel the Licence/permit of any or all the book makers;If a licence/permit granted to

any book maker is suspended or cancelled by the Licensees, the Licensees shall send a written intimation thereof to the Government within seven days from the date of such suspension or cancellation. If the Government so directs the Licensee shall within the time fixed by the Government revoke any such suspension or cancellation.(4)out of the said seventy book-makers, at least 5 (five) book makers shall be allowed to register bets within the limits of the members enclosure and remaining book makers shall be allowed to register bets within the limits of the first enclosure only.(5)that the period of licence or permit to be granted to any book maker by the Turf Club shall be for one month commencing from 1st July 1996 to 31 July 1996.(6)that the licence or permit to any book maker shall contain a provision fixing the minimum limit of Rupees forty during the Pune and Bombay Racing Seasons for a cash bet and one hundred rupees for a credit bet for "win" or "place".(7)that the book maker shall be required to keep betting books in the manner in which the prescribed Officers may require and all bets accepted shall be required to be recorded in legible in these betting books;(8)that each book maker shall have within him in his box not more than three Assistants;(9)that the book maker shall be required to issue cards supplied by the Licensees in serial order for each cash bet accepted and shall be required to record the serial number of the card issued against the relative bet in the betting book, entries in the betting book shall be legible written and no erasing shall be permitted;(10)that all cancelled and unused cards for the day shall be handed over to the Prescribed Officers within one hour after the last race and receipt obtained for them;(11)that only one bet shall be recorded on each card;(12)that in the event of a book maker, he shall note in his betting book the name of the book maker with whom the bet is made and shall enter the number of the card issued by him;(13)that no book maker shall either directly or indirectly have dealings with a jockey or with any of the agents of the jockey or trainer or owner with a view to interfere with fair racing;(14)that each book maker shall stop taking bets immediately after the bail has sounded announcing the start of the race and the entries in the books shall be stamped by the Auditors. After the cash bets for the races are paid and not later than ten minutes after the announcement of the results, the total of the bets shall be made up and handed over to the Prescribed Officers to be initialled;(15)that bets shall be accepted by a book maker only on the race day and in the special enclosure on the said race courses for book makers and every bet accepted prior to the advertised time of the commencement of the race shall be accepted in the special enclosure only between the hours of 8.00 a.m. to 10.00 a.m. and shall be immediately recorded in his betting book and a card shall be issued against each such cash bet;(16)that the "Prescribed Officers" shall be the Collector of Mumbai or other Subordinate Officer deputed by him in respect of races hold at the Mahalaxmi Race Course, Mumbai or bets accepted on Off-course betting at the aforesaid Race Course and the Collector of Pune or other subordinate officer deputed by him in respect of races held on the Pune Race Course or bet accepted of Off-course betting at the aforesaid Race Course.(17)Such other conditions as may from time to time framed by the Licensee with the approval of Government:Provided always that Government may at any time during the current licence period add to, amend vary or, rescind any of the conditions framed under this clause:Provided, however, that no such addition, amendment, variation or rescission shall be made except after consultation with the Licensees:Provided further that, the Club shall not change any of the terms and conditions of the grant of licence or permits to book-makers, including operations of book-makers at Mumbai during the Pune Racing Season, except with the prior concurrence of Government.On any day on which horse races are being held on the premises within which the race course/s on which such horse races are being held on where betting is accepted is included, the

Licences may work or cause to be worked, under their Supervision, the contrivance, known as the totalisators subject to the following conditions:-(a)The Unit of stakes shall not be less than rupees five or more than rupees ten, provided that in the members, enclosure and in the first enclosure, tickets for amounts which are multiples of rupees five but not exceeding rupees one hundred, may be sold and in the second enclosure, tickets for amounts which are multiples of rupees five but not exceeding rupees fifty may be sold.(b)totalisators shall not be worked in more than two enclosures in addition to the members' enclosure:Provided that the totalisators may also be worked in any two enclosures in the premises within which the race course at Mahalaxmi, Mumbai, is included, when horse race are being held at the race course in Pune:Provided further that the totalisators may also be worked in the first enclosure and the members' enclosure in the premises within which the race course at Pune is included; when horse races are being held at the race course at Mahalaxmi, Mumbai:Provided also that, as and when necessary, the totalisators may also be worked on the days immediately prior to the race day:Provided also that, the totalisators may also be worked in any other places approved by Government under the Bombay Prevention of Gambling Act, 1887, and tickets for amounts which are multiples of rupees five but not exceeding rupees one hundred, may be sold in which places:Provided also that, the totalisator may also be worked, in the first and members' enclosures at the Pune and Mumbai Race Courses on races run at any other centre in the country; andProvided also that, book-makers may also be permitted to operate at the Pune and Mumbai Race Courses or races run at any other centre in the country; and(c)Such other conditions as may from time to time be framed by the Licensees with the approval of the Government provided always that the Government may at any time during the currency of the licence and to, amend, vary or rescind any of the conditions framed under this clause;Provided, however, that such addition, amendment, variation or rescission shall not be made except after consultation with the Licensees.

**5. The Licensees shall during the period of the licence allot as many races as possible for Indian Jockeys and in any case, not less than 50 (fifty) per cent of the race shall be so allotted.**

**6. (i) The Licensees during the period of licence shall provide that races carrying not less than 65 (sixty five) per cent for the total stakes in Pune and Mumbai shall be reserved exclusively for Indian-bred horses;**

(ii)The Licensees shall fix the total amount of stake money after obtaining prior approval of Government,

**7. The Licensees shall fix the total amount of concessions and subsidies to be given to owners and trainers after obtaining the prior approval of Government.**

**8. The licensees shall not allow children under 18 years (eighteen years) to be admitted to the race course on race days.**

**9. The Licensees shall not keep on this premises any automatic gambling machines.**

**10. Government shall have the right to audit the Club accounts at any time.**

**11. Articles 10, 21 (i) and (ii) 69, 87, 102 and 104-A in the Articles of Association of the Royal Western India Turf Limited, made at the instance of Government and in force only the date of the grant of this Licence shall not be altered without the prior approval of Government.**

**12. The maximum charges to be made for the first and second enclosures shall be as follows:-**

First enclosure      Rs. 8 (Rupees eight only per gentleman).

Rs. 6 (Rupees six only per lady).

Second enclosures   Rs. 6 (Rs. six only)

**13. Arabs imported geldings and rigs and imported horses of Class V and below shall not be allowed to race, and the stake money allotted for races in Class V shall be deemed to be reserved only for Indian horses, provided that the Licensees shall be at liberty to allow imported horses of Class IV to race in Class IV, subject to the condition that for every one open in that class, one race is reserved exclusively for Indian breeds. Government, however, reserves itself the right to amend, add, vary or rescind this condition at any time, during the currency of the licence, after consultation with the Licensees.**

**14. The Licensees shall duly comply with all the directions that may be given from time to time by the Government to the Licensees either in connection with any of the activities carried on by the Licensees or otherwise howsoever.**

**15. In the event of the breach by the Licensees of any of the conditions of this licence, Government may cancel the licence at any time.**

In witness whereof, the Governor of Maharashtra hath caused the Additional Chief Secretary

(Home) to the Government of Maharashtra, Home Department, to set his hand and affix his official seal hereto this 2nd day of July, 1996.