

Tamil Nadu Gaming Act, 1930

TAMILNADU

India

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Act 3 of 1930

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Tamil Nadu Gaming Act, 1930(Tamil Nadu Act 3 of 1930)Statement of Objects and Reasons - Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930). - The Madras City Police (Amendment) Act, 1929, was designed to deal with bucket shops in the City of Madras. There is increasing evidence of the fact that bucket shops are springing up outside the municipal limits. In order to deal with them effectively and to consolidate the law on gaming and keeping common gaming-houses throughout the province, the Bill extends to the Presidency, with the exception of Madras City, those provisions of the Madras City Police Act, 1888, as amended by the Madras City Police (Amendment) Act, 1929, which deal with bucket shops. It also combines in the same Bill, the provisions of the Madras City Police Act, 1888 and the Towns Nuisances Act, 1889, which relate to gaming and the keeping of a common gaming-house. Published in Part IV of the Fort St. George Gazette, dated 21st January 1930, page 186; for Report of Select Committee, see Proceedings of the Madras Legislative Council, Volume LI, pages 1002-1006; for Proceedings in Council, see ibid, Volume LI, pages 496-497 and 952-957. Received the assent of the Governor on the 23rd April 1930, and that of the Governor-General on the 1st June 1930; the assent of the Governor-General was first published in the Fort St. George Gazette on the 24th June 1930. An Act to provide for the punishment of gaming and the keeping of common gaming houses in the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970.]. Preamble - Whereas it is expedient to make provision for the punishment of gaming and the keeping of common gaming-houses in the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970.]; and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:-

1. Short title.

- This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1970.] Gaming Act, 1930.

2. Extent.

- This Act extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970.] with the exception of the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] as defined in the Chennai City Police Act, 1888 [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1970.] Act III of 1888).

3. [Definition. [Substituted for the original section by section 4 of the Madras Gaming (Amendment) Act, 1946 (Madras Act IV of 1946), re-enacted permanently by section 2 of and the First Schedule to the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).]

- In this Act, unless there is anything repugnant in the subject or context, -"common gaming-house" means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever 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, room, tent, enclosure, vehicle, vessel or place, whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming; "gaming" does not include a lottery, but includes wagering or betting. Explanation. - For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt, or distribution; "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.]

4. [Penalty for opening etc., for certain forms of gaming. [Substituted by section 3(i) of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955) for section 4 which was substituted for the original section by section 3 of the Madras Gaming (Amendment) Act, 1946 (Madras Act IV of 1946), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIM of 1948). Section 3 of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955) was extended to the added territories by section 10 of the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961).]

(1)Whoever-(a)being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming -(i)on a horse-race, or(ii)on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or(iii)on the amount or 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(iv)on the market price of any stock or share or on the digits of the number used in stating such price, or(v)on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or(vi)on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance; or(b)being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or willfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or(c)has the care or management of, or in any manner assists in, conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or(d)advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place,[shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court -(i)such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees for a first offence;(ii)such imprisonment shall not be less than six months and such fine shall not be less than seven hundred and fifty rupees for a second offence; and(iii)such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees for a third and subsequent offences].(2)Whoever is found in any house, room, tent, enclosure, vehicle, vessel or place referred to in sub-section (1), gaming on any of the objects specified in that sub-section, or present, for the purpose of gaming on any such object shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.Any person found in any such house, room, tent, enclosure, vehicle, vessel or place Coring any gaming therein on any of the objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.(3)Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public have or are permitted to have access shall be punishable with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both.]

4A. [Presumption of offence. [Inserted by section 3 of the Tamil Nadu Gaming (Amendment) Act, 1975 (Tamil Nadu Act 18 of 1975).]

(1)Where in any trial of an offence punishable under sub-section (1) of section 4, it is proved that-(i)slips containing certain digits showing the market price of cotton, bullion or other commodity; or(ii)accounts which appear to relate to cash received or disbursed for the purpose of wagering or betting on the market price of cotton, bullion or other commodity; or(iii)news-papers containing publication of such price,are found in any house, room, tent, enclosure, vehicle, vessel or place, it shall be presumed unless the contrary is proved that such house, room, tent, enclosure, vehicle, vessel or place is used for the purpose of gaming within the meaning of sub-section (1) of

section 4.(2)Where in any trial of an offence punishable under sub-section (2) or subsection (3) of section 4, it is proved that the accused person is found in possession of any of the materials specified in sub-section (1), it shall be presumed unless the contrary is proved that the accused has committed the offence of gaming within the meaning of sub-section (2) or sub-section (3), as the case may be, of section 4.]

5. Power to grant warrant to enter a common gaming-house.

- [(1)] [Section 5 was re-numbered as sub-section (1) of that section and to the section as so re numbered, sub-section (2) was added by section 2 of the Madras Gaming (Amendment) Act, 1953 (Madras Act VII of 1933).] [If any Judicial Magistrate not inferior to a Judicial Magistrate of the second class] [Substituted for the words 'If any salaried Magistrate not inferior to a Magistrate of the second class' by section 4 of the Tamil Nadu Gaming (Amendment) Act, 1975 (Tamil Nadu Act 18 of 1975).] or any Police Officer not below the rank of a Deputy Superintendent of Police has reason to believe that any place is used as a common gaming-house/ he may, by his warrant, give authority to any Police Officer, not below the rank of a Sub-Inspector, to enter with such assistance as may be found necessary, by night or by day, any such place, and to arrest all persons found therein and 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 to search all parts of such place and also persons found therein.(2)Any Police Officer having power to issue a warrant under sub-section (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant.

6. Cards, dice, etc., found in search under last section to be evidence that the place is a common gaming-house.

- Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any place entered or searched under the provisions of the last preceding section, or on any person found therein shall be evidence that such 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 Police Officer or any of his assistants.

7. 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, bet or stake

8. Penalty for opening, etc., a common gaming-house.

- Whoever opens, keeps or uses, or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes, money for gaming therein, shall be liable on conviction to fine house, not exceeding five hundred rupees, or

to imprisonment not exceeding three months, or to both.

9. Penalty for being found gaming in common gaming-house.

- Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall, on conviction, be liable to fine not exceeding two hundred rupees or to, imprisonment not exceeding one month; 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.

10. Instruments of gaming may be ordered to be destroyed on conviction.

- On conviction of any person for keeping a instruments common gaming-house or being present therein for purpose of gaming, all the instruments of gaming ordered to found therein may be destroyed by the order of the [Judicial Magistrate] [Substituted for the word 'Magistrate' by section 5 of the Tamil Nadu Gaming (Amendment) Act, 1975.], and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

11. Saving of games of skill.

- Nothing in sections 5 to 10 of this Act shall be held to apply to games of mere skill wherever played.

11A. [Payment of portion of fine to informants and Police officers. [Substituted for the original section by section 3 of the Madras City Police and Gaming (Amendment) Act, 1950 (Madras Act XXXV of 1950).]

(1)The [Judicial Magistrate] may direct any portion not exceeding one-half, of any fine which shall be levied under sections 4,8 or 9, and of the moneys informants or proceed of articles seized and ordered to be forfeited under section 10, to be paid to such informants and Police officers as may have assisted in the detection of the offender.A direction under this sub-section may also be made by any Court of appeal, reference or revision.(2)Where a direction is made under sub-section (1), the [Judicial Magistrate] [Substituted for the word 'Magistrate' by section 5 of the Tamil Nadu Gaming (Amendment) Act, 1975.] concerned shall send the amount to be paid under that sub-section, to the District Superintendent of Police, who shall distribute it among such of the informants and Police officers aforesaid as may be chosen by him and in such proportions as he thinks fit.(3)The amount aforesaid shall not be sent to the District Superintendent of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of.]

11B.

[Section 11-B which was inserted by section 5 of the Madras City Police and Gaming (Amendment) Act, 1949 (Tamil Nadu Act VII of 1949) was omitted by section 3(ii) of the Madras City Police and

Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955).]

12. Penalty for gaming in public street, etc..

- Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place or thoroughfare or publicly fighting cocks, shall be liable on conviction to fine not exceeding [one hundred rupees] [Substituted for the words 'fifty rupees' and 'one month' respectively by section 7 of the Tamil Nadu Gaming (Amendment) Act, 1975 (Tamil Nadu Act 18 of 1975).] or to imprisonment not exceeding [three months] [Substituted for the words 'fifty rupees' and 'one month' respectively by section 7 of the Tamil Nadu Gaming (Amendment) Act, 1975 (Tamil Nadu Act 18 of 1975).]; and such instruments of gaming and moneys shall be forfeited.

13. [Offences under the Act to be cognizable. [Substituted for the original section 13 by section 8, of the Tamil Nadu Gaming (Amendment) Act, 1975 (Tamil Nadu Act 18 of 1975).]

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences punishable under this Act shall be cognizable.]

13A. Indemnification of witness.

- Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Judicial 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 make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

14. Repeal.

- Clause (10) and the last paragraph of section 3 and sections 6, 7 and 9 of the [Towns Nuisances Act, 1889] [Now the Tamil Nadu Towns Nuisances Act, 1889.] [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act III of 1889), are hereby repealed.