

The Meghalaya Prevention Of Gambling Act, 1970

MEGHALAYA

India

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Act 8 of 1970

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The Meghalaya Prevention Of Gambling Act, 1970An Act to provide for the prevention of gambling and for matters connected therewithBe it enacted by the Legislature of Meghalaya in the Twenty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement

(1)This Act may be called the Meghalaya Prevention of Gambling Act, 1970.(2)It extends to the whole of the State of Meghalaya.(3)It shall come into force at once.

2. Definitions.

In this Act,-(a)“common gaming house” means any house in which any instrument of gaming is kept or used for the profit or gain of the person owning, occupying, using or keeping the house, whether by way of charge for the use of the house or instrument of gaming or otherwise howsoever.(b)“gambling” or “gaming” means a play or game for money, including betting and wagering, by which a person intentionally exposes money to the risk or hazard of loss by chance; but does not include-(i)a lottery; or(ii)wagering or betting upon a horse race, when such wagering or betting takes place-(a)on the date on which the race is to be run;(b)in an enclosure which the stewards controlling the race have, with the permission of the Government, set apart for the purpose, and(c)with a licensed book maker or by means of a totalisator as defined in the Assam Amusements and Betting Tax, 1939.(c)“house” includes any room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever;(d)“instrument of gaming” includes cards, dice, darts, arrows, table, board or any other article used or intended to be used as a means or appurtenance of, or for the purpose of carrying on or facilitation or in connection with, gambling, and any book, licence, ticket, form or other document use or intended to be used as a register or record or evidence thereof;(e)“magistrate” means any person exercising the powers of a magistrate of the first class under the Code of Criminal Procedure, 1893 or under any other valuable security or

thing.(f)“money” includes a cheque or any other negotiable instrument, a postal or money order or any other valuable security or thing;(g)“police officer” means any such member of the police force as the Government of Meghalaya may, by general or special order, notify as a police officer for the purposes of this Act;(h)“printing” includes writing or other modes of representing or reproducing words, letters or figures in a visible form. Central Act 5 of 1898.

3. Penalty for owning, keeping or having charge of a common gaming house.

Whoever, being the owner or occupier or having the use of any house, opens, keeps or uses the same as a common gaming house, or knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming house, shall be punishable with imprisonment which may extend to six months or with fine which may extend to six months or with fine which may extend to one thousand rupees or with both.

4. Penalty for assisting gambling.

Whoever has the care or management of, or in any manner assists in conducting the business of, any house as a common gaming house or advances or furnishes money for the purpose of gaming with persons frequenting such common gaming house, shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

5. Penalty for being found in common gaming house.

(1)Whoever is found in any house playing or gaming with any instruments of gaming or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.(2)Any person found in a common gaming house during any gaming or playing therein shall be presumed until the contrary is proved, to have been there for the purpose of gaming.

6. Power of police officer to enter and search.

If a magistrate of the first class or a Superintendent of Police, upon credible information and after such inquiry as he may consider necessary, has reason to believe that any house is being used as a common gaming house, he may either himself or by his warrant authorise an officer of police not below the rank of Sub-Inspector of Police to enter and to-(a)take into custody all persons whom he finds therein, whether or not such persons may be then actually gaming;(b)seize all instruments of gaming and all money reasonably suspected to have been used or intended to be used for the purposes of gaming which are found therein.(c)search all parts of the house which he shall have so entered when he has reason to believe that nay instruments of gaming are concealed therein and also the persons of those whom he so takes into custody; and(d)seize and take possession of all instruments of gaming found upon such search.

7. Finding instruments of gaming in suspected houses to be evidence that they are common gaming houses.

When any instruments of gaming are found in any house entered or searched under section 6 or about the persons of any of those who are found therein, it shall be evidence, until the contrary is proved, that such house is used as a common gaming house and that the persons found therein were present there for the purpose of gaming although no gaming or playing was actually seen by the police officer.

8. Penalty for giving false name and address.

If any person found in any common gaming house entered by any police officer under section 6, upon being arrested by such police officer or upon being brought before any magistrate refuses or neglects to give his name and address or gives any false name or address on being so required by any such magistrate or police officer, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

9. Destruction of instruments of gaming and payment of reward to informers.

(1) On the conviction of any person for keeping or using any common gaming house, or being present there for her 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 monies 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 entitled thereto. (2) The magistrate may also order that a portion not exceeding one-fourth of any fine levied under section 3 or section 4 or section 5 or any portion of the monies or proceeds of articles seized and ordered to be forfeited under this section shall be paid as a reward to any person whose information and assistance have contributed to the detection of the offence and seizure of the monies and articles aforesaid.

10. Proof for 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 managements of any common gaming house, to prove that any person found playing therein at any game was playing for any money, wager and stake.

11. Gaming in Public places.

(1) A police officer may arrest without warrant any person—(a) found gaming in any public market, fair, street or thoroughfare or any place to which the public have or are permitted to have access; (b) arranging for the purpose of gaming, the game of teer (thoh team) in any public market, fair, street or thoroughfare or in any place to which the public have or are permitted to have

access;(c)setting, for the purpose of gaming, any birds or animals to fight in any public market, fair, street or thoroughfare or in any place to which the public have or are permitted to have access;(d)present at any such place as is mentioned above aiding and abetting any such game as is referred to in clause (b) or clause (c).(2)Any person arrested under sub-section (1), shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.(3)Any such police officer may also seize all instruments of gaming, birds or animals found in such public market, fair street or thoroughfare or place or from the persons of those arrested and the magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds thereof to be forfeited.

12. Power of police officer to enter premises an arrest persons printing, etc., matters relating to gambling.

(1)A police officer may arrest without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, new-sheet or other document or any news or information with the intention of aiding or facilitating gaming and any police officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to be used or intended to be used for the purpose aforesaid.(2)Any person arrested under sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

13. Exemptions.

(1)Nothing in this Act shall apply to any game of mere skill wherever played:(2)Without prejudice to the provisions contained in sub-section (1), the Government of Meghalaya may, by notification, exempt any game or sport from the operation of this Act in respect of which it is satisfied that, having regard to its nature, the skill involved and the customs connected therewith in vogue in the community, nothing connected with such game or sport is likely to encourage gambling or otherwise defeat the objects of this Act; and any such notification may be issued either in relation to the whole of the territories to which this Act extends or to any part thereof, and may also specify the circumstances in which and the conditions subject to which such game or sport may be played or undertaken.(3)If any person contravenes the circumstances in which and conditions subject to which any game or sport is exempted under the provisions of sub-section (2), he shall be punishable with fine which may extend to two hundred rupees.

14. Indemnity of witnesses.

Any person who shall have been concerned in gaming leading to, and who shall be examined as a witness before a magistrate in respect of, the trial of any person for a breach of any of the provisions of this Act and who upon such examination shall make a 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 to that effect, shall be freed from all prosecution, under the

provisions of this Act for anything done before that time in respect of such gaming.

15. Penalty for subsequent offences.

Whoever having been convicted of an offence punishable under this Act shall again be guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishable with which he would otherwise have been punishable for the same: Provided that the minimum amount of punishment under this section for an offence under section 3 or 4 shall not be less than one month's imprisonment with or without fine: Provided further that he shall not be punishable in any case with imprisonment for a term exceeding one year or with fine exceeding two thousand rupees or with both.

15A. Offences under sections 3 and 4 non-bailable

All offences under sections 3 and 4 of this Act shall be non-bailable, and no person accused of an offence under any of the aforesaid sections shall be released on bail by any Court without hearing the prosecution of which due notice shall be given and every order granting bail shall give reasons thereof.

16. Searches how to be made.

All searches under this act shall be conducted as far as may be, in accordance with the provisions of the Code of Criminal Procedure, 1898.

17. Protection of action taken.

No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act.

18. Recovery of fines.

Any fine imposed under this act shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines or in such other manner as the Government of Meghalaya, may specify.

19. Power to make rules.

(1) The Government of Meghalaya may, by, notification, make rules to carry out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for – (a) the police officers of and above such rank as may be specified who alone may perform the functions of police officers under this Act; (b) the precautions to be observed by a police officer before entering any premises or making any searches or taking any other action under this Act; (c) the manner in which fines under this manner provided in the Code of Criminal Procedure,

1898.

20. Repeal of Central Act 3 of 1867.

The Public Gambling Act, 1867, is hereby repealed.

21. Amendment of Assam Act 6 of 1939.

The Assam Amusements and Betting Tax Act, 1939, shall stand amended as follows:-(1)For the word 'Assam' wherever it occurs, the word "Meghalaya" shall be substituted; and for the words "State Government", "Government of Assam", and "State Government of Assam" wherever they occur, the words "Government of Meghalaya" shall be substituted(2)For sub-sections (2) and (3) of section 1, the following sub-section shall be substituted, namely:-“(2) Is extends to the whole of Meghalaya except Shillong.”(3)In section 14, clauses (3A) and (7) shall be omitted.(4)In section 18, sub-sections (3), (4) and (5) shall be omitted.