

Telangana Gaming (Amendment) Act, 2017

TELENGANA

India

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Act 29 of 2017

- Published on 17 June 2017
- Commenced on 17 June 2017
- [This is the version of this document from 17 June 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Gaming (Amendment) Act, 2017(Act No. 29 of 2017)An Act further to amend the Telangana Gaming Act, 1974.Be it enacted by the Legislature of the State of Telangana in the Sixty-eighth Year of the Republic of India, as follows :

1. Short title and commencement.

(1)This Act may be called the Telangana Gaming (Amendment) Act, 2017.(2)(i)clause (b) of sub-section (1), and sub-section (3) of Section 2, sub-section (1) of Section 3, Section 4, Section 5, Section 6, Section 7 and Section 8 shall be deemed to have come into force with effect on and from the 17th June, 2017;(ii)sub-section (2) of Section 2 and Section 9 shall be deemed to have come into force with effect on and from the 8th July, 2017; and(iii)the remaining provisions shall come into force from the date of publication of this Act

2. Amendment of Section 2.

- In the Telangana Gaming Act 1974 (hereinafter referred to as the principal Act), in Section 2,-(1)in sub-section (1),(a)in clause (i), in sub-clause (f), after the words tent, enclosure, vehicle, vessel, the words "cyber space" shall be inserted;(b)for clause (ii), the following clause shall be substituted, namely :-(ii)in the case of any other form of gaming, any house, room, tent, enclosure, vehicle, vessel, cyber space 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, vehicle, vessel, cyber space or any place, whether by way of charge, for the use of such house, room, tent, enclosure, vehicle, vessel, cyber space or any place or instruments of gaming or otherwise howsoever;Explanation. - For the purpose of sub-clause (u), any premises or place or cyber space belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, which is used or kept for purposes of gaming shall be deemed to be a common gaming house notwithstanding that there is no profit or gain for the club, society, company or other association of persons on account thereof.(2)in sub-section (2),-(i)after the words "mutka

or satta", the words "or online gaming for money or any other stakes" shall be inserted;(ii)in the Explanation thereunder, for clause (i), the following clause shall be substituted, namely :
 (i)Wagering or betting shall include,-(a)collection or soliciting of bets;(b)the receipt or distribution of winnings or prizes in money or otherwise in respect of any wager or bet;(c)any act which is intended to aid, induce, solicit or facilitate wagering or betting or such collection, soliciting, receipt or distribution;(d)any act or risking money, or otherwise on the unknown result of an event including on a game of skill;(e)any action specified in sub-clauses (a) to (d) carried out directly or indirectly by the players playing any game or by any third parties;(3)for sub-section (4), the following sub-section shall be substituted, namely,-(4)Instruments of gaming includes cards, dice, gaming tables, or clothes, boards or any other article used for intended to be used as a subject or means of gaming, any document, electronic form or record, digital form or record used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming which includes online electronic transfer of funds or transactions and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming.

3. Amendment of Section 3.

- In the principal Act,(1)in Section 3, in sub-section (1), the opening portion with marginal heading, before Explanation, shall be substituted with the following :Penalty. - (1) Any person who opens, keeps, operates, or uses or permits to be used any common gaming house or online gaming or conducts or assists in conducting the business of any common gaming house or advances or furnishes money for gaming therein, shall be punishable-(i)for the first offence, with imprisonment for a term which may extend to one year and with fine which may extend to five thousand rupees; but in the absence of special reasons to be recorded in writing, the punishment awarded under this clause shall be imprisonment for not less than three months and fine of not less than three thousand rupees;(ii)for every subsequent offence, with imprisonment for a term which may extend to two years and with fine which may extend to ten thousand rupees; but in the absence of special reasons to be recorded in writing the punishment awarded under this clause shall be-(a)for a second offence, imprisonment for not less than six months and fine of not less than five thousand rupees;(b)for a third or subsequent offence, imprisonment for not less than one year and fine of not less than ten thousand rupees.(2)after Section 3, the following new section shall be inserted, namely,-

3A. Offences by companies. - Where a person committing a contravention of this section or any other provisions of this Act is a company, every person who, at the time of the contravention was committed, was incharge of, and was responsible to the company, for the conduct of the business of the company as well as the company, its managing directors and other directors, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge of that he exercised all due diligence to prevent such contravention.

4. Amendment of Section 4.

- In the principal Act, in Section 4, the opening portion with marginal heading before the Explanation, shall be substituted with the following,-

4. Penalty for being found gaming in a common gaming house. - Whoever is found gaming, or present for the purpose of gaming in a common gaming house shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to three thousand rupees, or with both.

5. Amendment of Section 5.

- In the principal Act, for Section 5 alongwith the marginal heading, the following section shall be substituted, namely-

5. Offences are cognisable and non-bailable. - (1) Every offence under this Act are cognizable and non-bailable.

(2) Any Police Officer not below the rank of Sub-Inspector of Police has got authority-(i) to enter any place and at any time with such force and with such assistance as may be found necessary; (ii) to arrest all persons found therein; (iii) to search all such persons and all parts of such place; and (iv) to seize-(a) all moneys found with such persons; (b) all investments of gaming; and (c) all moneys, all 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 in such place; (v) to freeze bank accounts which are used for the purpose of gaming.

6. Amendment of Section 6.

- In the principal Act, for Section 6 alongwith the marginal heading, the following section shall be substituted, namely :-

6. Instruments of gaming found in a place entered or searched to be evidence that the place is common gaming house. - Where any instruments of gaming are found in any place entered or searched, on or about the person found therein, it shall be presumed that such place is used as a common gaming house and that the persons found therein were present there for the purpose of gaming although no gaming was actually seen by the police officer or any of his assistants.

7. Amendment of Section 7.

- In the principal Act, for Section 7 alongwith the marginal heading, the following section shall be substituted, namely,-

7. Provisions of Sections 4 and 6 not to apply in certain cases. - Nothing in the Explanation to Section 4, or in Section 6 shall apply to persons found in a premises or place belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, unless such persons are actually found gaming or facilitating such gaming in any manner in such premises or place.

8. Amendment of Section 9.

- In the principal Act, for Section 9 alongwith the marginal heading, the following section shall be substituted, namely,-

9. Penalty for gaming or setting birds or animals to fight in a public street or place. - (1) Whoever is 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, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

(2)Whoever is found setting any birds or animals to fight or is reasonably suspected to be aiding or abetting such fighting of birds or animals 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 for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.

9. Amendment of Section 15.

- In the principal Act, for Section 15 alongwith marginal heading and Explanation thereunder, the following section shall be substituted, namely,-

75. Power to remove difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order in the Telangana Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing such difficulty :

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of the Telangana Gaming (Amendment) Act, 2017.(2)Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.

10. Insertion of Section 15-A.

- In the principal Act, after Section 15, the following section shall be inserted, namely,-

15A. Overriding effect. - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

11. Repeal of Ordinances 4 and 6 of 2017.

- The Telangana Gaming (Amendment) Ordinance, 2017 and the Telangana Gaming (Second Amendment) Ordinance 2017 are hereby repealed.