

The Andhra Pradesh Gaming Act, 1974

ANDHRA PRADESH

India

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Act 27 of 1974

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The Andhra Pradesh Gaming Act, 1974[Act No. 27 of 1974][23rd August 1974]An Act to consolidate and amend the law relating to the punishment of gaming and the keeping of common gaming houses in, the State of Andhra Pradesh.Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty fifth Year of the Republic of India as follows:

1. Short title, extent and commencement

(1)This Act may be called the Andhra Pradesh Gaming Act, 1974.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires:(1)'common gaming house', means-(i)in the case of gaming-(a)on a horse-race except in the manner provided in clause (2) or(b)on the market price of cotton, bullion or other commodity or on the digits of the number used for stating such price; or(c)on the ground of variation in the market price of any commodity specified in item (b) or on the digits of the number used for stating the amount of such variation, or(d)on the market price of stock or share or on the digits of the number used for stating such price; or(e)on the number of registration or on the digits of the number of registration of any motor vehicle using a public place; or(f)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, any house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which the gaming takes place or in which the horses or other instruments of gaming, are kept or used for such gaming;(ii)in the case of any other form of gaming, any house, room, tent, enclosure, 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 such house, room, tent, enclosure, vehicle, vessel or place, whether by way of

charge for the use of such house, room, tent, enclosure, vehicle, vessel or place or instruments of gaming or otherwise howsoever; Explanation.-For the purposes of sub-clause (ii), any premises or place belonging to or occupied by a club, society 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 or other association of persons on account thereof; (2) 'gaming' means playing a game for winning of prizes in money or otherwise and includes playing a game of mutka or satta and lucky board and wagering or betting; except where such wagering or betting takes place upon a horse race-(i) on the day on which the horse-race is to be run: (ii) in an enclosure which the stewards controlling the horserace or race meeting have, with the sanction of the Government set apart for the purpose; and (iii)-(a) with a licensed book maker; or (b) by means of a totalisator; but does not include a lottery; Explanation.-For the purpose of this clause-(i) 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 receipt 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; (ii) 'totalisator' means a totalisator in an enclosure which the stewards controlling a horse race or race meeting have set apart in accordance with sub-clause (ii) and includes any instrument, machine or contrivance known as the totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles; (iii) 'race meeting' means a meeting held for the purpose of horse racing at a race course within the State of Andhra Pradesh and includes a meeting held at such race course for the purpose of betting on any horse race at any of other race course outside the State. (3) 'Government' means the State Government; (4) 'Instruments of gaming' includes cards, dice, gaming tables, or cloths, boards or any other 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.

3. Penalty for opening, etc., a common gaming house

(1) Any person who 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 punishable-(i) for the first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one 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 one month and fine of not less than five hundred rupees; (ii) for every subsequent offence, with imprisonment for a term which may extend to one year and with fine which may extend to two 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 three months and fine of not less than one thousand rupees; (b) for a third or subsequent offence, imprisonment for not less than six months and fine of not less than one thousand rupees. Explanation.-□ For the purpose of this section, the expression -"person" includes the owner, or as the case may be the occupier of the place used as a common gaming house and where such place belongs to or is occupied by a club, society or other association of persons, the person having the care or management of such place. (2) It shall not be necessary, in order to convict

any person for opening, keeping or using or permitting the use of common gaming house or of being concerned with the care or management of a common gaming house, to prove that any person found therein was gaming for money, wager, bet or stake.

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 one month or with fine which may extend to five hundred rupees, or with both. Explanation.-□For the purpose of this section, any person found in any common gaming house during gaming therein shall be presumed to have been present there, for the purpose of gaming.

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

(1) If any salaried judicial or executive Magistrate, or any police officer not below the rank of an Assistant Commissioner of Police, within the area under jurisdiction of the Commissioner of Police Hyderabad and a Deputy Superintendent of Police elsewhere 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, □(i) to enter with such assistance as may be found necessary, at any time and by force, if necessary any such place; (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. (2) Any police officer having the 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. Instruments of gaming found in a place entered or searched under Section 5 to be evidence that the place is common gaming house

Where any instruments of gaming are found in any place entered or searched under the provisions of Section 5, 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. Provisions of Sections 4, 5 and 6 not to apply in certain cases

Nothing in the Explanation to Section 4, or in clause (ii) of sub-section (1) of Section 5 or in Section 6 shall apply to persons found in a premises or place belonging to or occupied by a club, society or other association of persons, whether incorporated or not, unless such persons are actually found gaming in such premises or place.

8. Instruments of gaming etc., found in a common gaming house may be ordered to be destroyed or forfeited on conviction

On conviction of any person for opening, keeping or using or permitting the use of a common gaming house, or gaming therein or being present for the purpose of gaming, the convicting magistrate, (i) may order all the instruments of gaming found therein or on or about the person found therein, to be forthwith destroyed or forfeited: and (ii) may order - (a) all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof with all moneys seized to be forfeited; or (b) any part of such proceeds, and other moneys to be paid to any person appearing to be entitled thereto.

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 three months or with fine which may extend to three hundred 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 one month or with fine which may extend to fifty rupees or with both.

10. Power to arrest without warrant for gaming or setting birds or animals to fight in public street or place and to seize moneys, instruments of gaming birds and animals

(1) Any police officer may arrest and search without warrant any person referred to in Section 9. (2) Any such police officer may seize all moneys, all instruments of gaming and all things reasonably suspected to be instruments of gaming found in the public street, thoroughfare or place or found with the persons arrested by him and all birds or animals found with persons arrested by him or are reasonably suspected to have been kept for being set to fight in the public street, thoroughfare or place.

11. Presumptive proof of gaming

When anything is seized under sub-section (2) of Section 10, and if the magistrate is satisfied that the police officer who seized it has reasonable grounds for suspecting that the thing so seized was an instrument of gaming, it shall be presumed that such thing was an instrument of gaming and that the person on or about whom the thing was found was present in the public street, thoroughfare or place for the purpose of gaming.

12. Instruments of gaming etc., found in public street or place may be ordered to be destroyed or forfeited on conviction

On conviction of any person under Section 9, the convicting magistrate may order that-(i)all the instruments of gaming seized, shall forthwith be destroyed or forfeited (ii)all birds or animals seized, shall be sold and the proceeds thereof with all the moneys seized shall be forfeited.

13. Indemnification of persons concerned who are examined as witnesses

Any person who is concerned in gaming contrary to the provisions of this Act, and who is examined as a witness before a magistrate on the trial of any person for a breach of any of the provisions of this Act and who upon such examination, makes true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the said magistrate a certificate in writing to that effect and shall be freed from any prosecution under this Act for any thing previously done in respect of that particular gaming.

14. Payments of portion of fine to informants

(1)The convicting magistrate may direct any portion, not exceeding one half of any fine which is imposed under Section 4 or Section 9 and of the moneys or the proceeds of articles seized and ordered to be forfeited under Section 8 or Section 12 to be paid to such informants as may have assisted in the detection of the offenders.(2)A direction under sub-section (1) may also be made by any court of appeal, reference or revision.(3)Where a direction is made under sub-section (1) or subsection (2), the magistrate or court concerned shall send the amount to be paid under sub-section (1), or sub-section (2) as the case may be, in the area within the jurisdiction of the Commissioner of Police, Hyderabad to the said Commissioner and elsewhere to the Superintendent of Police, who shall distribute it among such of the informants aforesaid as may be chosen by him in such proportion as he thinks fit.(4)The amount to be paid as aforesaid shall not be sent to the Commissioner of Police or the Superintendent of Police until the expiration of three months from the date of the direction under subsection (1) or if an appeal, reference or revision is made within the period, until the same is disposed of

15. Savings of games of skill

Nothing in this Act shall apply to games of skill only wherever played.

16. Power to make rules

(1)The Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in

which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. Repeals and savings

The Andhra Pradesh (Andhra Area) Gaming Act, 1930, Act III of 1930 and the Andhra Pradesh (Telangana Area) Gaming Act, 1305 F. Act II of 1305 F are hereby repealed: Provided that such repeal shall not affect the previous operation of the said Acts and subject thereto, anything done or any action taken in the exercise of any powers conferred by or under the Acts so repealed shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing was done or action was taken.