

# The Public Gambling Act, 1977

JAMMU & KASHMIR

India

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### Rule THE-PUBLIC-GAMBLING-ACT-1977 of 1977

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The Public Gambling Act, 1977(Act No. 18 of Svt. 1977)[Sanctioned by His Highness the Maharaja Sahib Bahadur Per Chief Minister s endorsement No. 8372, dated 11th September, 1920 read with the State Council Resolution No. 1 dated 8th April, 1925. (notification No. 14-1-81).]An Act to provide for the punishment of public gambling and the keeping of common gaming houses in the State.Preamble. - Whereas it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the State.It is hereby enacted as follows:-

#### 1. Short title, extent and commencement.

(1)This Act may be called the Public Gambling Act, 1977.(2)It extends to the whole of Jammu and Kashmir State. It shall come into force on the 1st day of Baisakh, 1978.

#### 1A. Interpretation clause.

- In this Act-"Common gaming-house" means any house, walled enclosure, room, tent, space, vehicle, vessel or place 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, enclosure, room, tent, space, vehicle, vessel or place,whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room, tent, space, vehicle, vessel or place, or otherwise howsoever:"Instrument of gaming" Includes any article used as a means or appurtenance of or for the purpose of carrying on or facilitating gaming.

#### 2. Power to extend Act.

- [The Government may, whenever it deems fit] [In section 2 words within brackets substituted for the words 'His Highness whenever he may think fit, may' by Act X of 1996.], extend by a notification to be published in [x x x] [Words 'three successive members of' deleted by Act X of 2010.] the Jammu and Kashmir Government Gazette, all or any of the sections of this Act to any city, town or

suburb subject to the Government or administration, and in such notification define, for the purposes of this Act, the limits of such city, town or suburb, and, from time to time, alter the limits so defined. From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories, to which such extension shall have been made, as shall be inconsistent with or repugnant to any section, so extended, shall cease to have effect in such territories. Any such extension here to force made under the provisions of the State Gambling Regulation, 1961, shall be deemed to have been made under this Act.

### **3. Penalty for owning or keeping, or having charge of a gaming houses.**

- Whoever, being the owner or occupier or having the use, of any house, walled enclosure, room, tent, space, vehicle, vessel or place situate within the limits to which this Act applies opens, keeps or uses the same as a common gaming house; and whoever, being the owner or occupier of any such houses, walled enclosure, room, tent, space, vehicle, vessel or place as aforesaid, knowingly, or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room, tent, space, vehicle, vessel, or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room, tent, space, vehicle, vessel or place shall be liable to a fine not exceeding [seven hundred] [Substituted by Act V of 1970.] rupees, or to imprisonment of either description, as defined in the Ranbir Penal Code, for any term not exceeding [six months.] [Substituted by Act V of 1970.]

### **4. Penalty for being found in gaming house.**

- Whoever is found in any such house, walled enclosure, room, tent, vehicle, vessel or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding [five hundred] [Substituted by Act V of 1970.] rupees, or to imprisonment of either description, as defined in the Ranbir Penal Code, for any term not exceeding [three months] [Substituted by Act V of 1970.]. 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.

### **5. Power to enter and authorise police to enter and search.**

- If the Magistrate of a district or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, [or a Police Officer higher in rank] [Added by Notification 28-L/88 published in Government Gazette dated 12th Chet. 1988.], upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room, tent, space, vehicle, vessel or place, is used as a common gaming house; he may either himself enter, or by his warrant authorise any officer of police, not below such rank as [the government] [Substituted for 'His Highness' by Act X of 1996.] shall appoint in this behalf to enter with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house,

walled enclosure, room, tent vehicle, vessel or place;and may either himself take into custody, or authorise such officer to take into custody, all person whom he or such officer finds therein, whether or not then actually gaming;and may seize or authorise such officer 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 my search or authorise such officer to search all parts of the house, walled enclosura, room, tent, space, vehicle, vessel or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaining are concealed therein, and also the persons of those whom he are such officer so takes into custody;and may seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

## **6. Finding cards, etc., in suspected houses, to be evidence that such houses are common gaming-houses.**

- When any cards, dice, gaming-tables, clothes, boards or other instruments of gaming are found in any house, walled enclosure, room,tent, space, vehicle, vessel or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house,walled enclosure, room, tent, space, vehicle, vessel or 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 Magistrate or police officer, or any of his assistants.

## **7. Penalty on persons arrested for giving false names and addresses.**

- If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested, by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction [before a Judicial Magistrate] [Substituted by Act XL of 1966 for 'before the same or any other Magistrate'.] be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

## **8. On conviction for keeping a gaming-house, instruments of gaming to be destroyed.**

- On conviction of any person for keeping or using and such common gaming-house, or being present therein for the 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 moneys, 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 there unto

entitled.

## **9. 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 person found playing at any game was playing for any money, wager or stake.

## **10. Magistrate may require any person apprehended to be sworn and give evidence.**

- It shall be lawful for the [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] be force whom any persons shall be brought, who have been found in any house, walled enclosure room, tent, space, vehicle, vessel or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation and give evidence touching any unlawful gaming in such house, walled enclosure, room, tent, space, vehicle, vessel or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room, tent, space, vehicle, vessel or place or any part thereof, of any [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] or officer authorised as aforesaid. No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other [Judicial Magistrate,] [Substituted by Act XL of 1966 for before the same or any other 'Magistrate'.] or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself. Any person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respect as any person committing the offence described in sections 178, 179 and 180 of the Ranbir Penal Code.

## **11. Witnesses indemnified.**

- 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] [Substituted by Act XL of 1966 for '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 in the opinion of the [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall their upon receive from the said [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] a certificate in writing to that effect and shall be freed from all prosecutions under this Act, for anything done before that time in respect of such gaming.

## **12. Act not to apply to certain games.**

- Nothing in this Act contained shall be held to apply to any game of mere skill wherever played.

## **13. Gaming and setting birds and animals to fight in public streets.**

- A police officer may apprehend without warrant. -any person found playing for money or other valuable thing with cards, dice, counters or other instruments, of gaming used in playing any game not been a game of mere skill in any public street, place or thoroughfare situated within the limits aforesaid, or any person setting any birds, or animals, to fight in any public street, place or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of buds and animals. Such a person when apprehended shall be brought without delay before a [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] and shall be liable to a fine not exceeding [five hundred] [Substituted by Act V of 1970.] rupees, or to imprisonment, either simple or rigorous, for any term not exceeding [six months] [Substituted by Act V of 1970.]; Destruction of instruments of gaming found in public streets. - Any such police officer may seize all instruments of gaming found in such public place or on the person of whose whom he shall so arrest, and the [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] may on conviction of the offender order such instruments to be forthwith destroyed.

## **14. Offences by whom triable.**

- Offences punishable under this Act shall be triable by a [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] of the first class having jurisdiction in the place where the offence is committed. But such [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

## **15. Penalty for subsequent offence.**

- Whoever, having been convicted of an offence, punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such section, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description: Provided that he shall not be liable in any case to a fine exceeding [one thousand] [Substituted by Act V of 1970 'for six hundred'.] rupees, or to imprisonment for a term exceeding one year.

## **16. Portion of fine may be paid to informer.**

- The Magistrate trying the case may direct any portion of any fine which shall be levied under section 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

## **17. Recovery and application of fines.**

- All fines imposed under this Act may be recovered in the manner prescribed by sections 386, 387 and 389 of the Code of Criminal Procedure, and such fines shall (subject to the provisions contained in the last proceeding section) be applied as [the Government] [Substituted by Act X of 1996 for 'His Highness'.] shall, from time to time, direct.