

Arunachal Pradesh Gambling (Prohibition) Act, 2012

ARUNACHAL PRADESH

India

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Act 8 of 2012

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Arunachal Pradesh Gambling (Prohibition) Act, 2012(Act No. 8 of 2012)Last Updated 18th February, 2020(Received the assent of the Governor on 26th May, 2012 and Published in the Arunachal Pradesh E.O. Gazette No. 101, Vol-XIX, dated 30th May, 2012)An Act to provide for punishment of Public gambling and keeping of common gaming house in the State of Arunachal Pradesh.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-third Year of the Republic of India as follows, -

1. Short title, extent and commencement.

(1)This Act may be called the Arunachal Pradesh Public Gambling (Prohibition) Act, 2012.(2)It shall extend to the whole of the State of Arunachal Pradesh(3)It shall come into force on such date, as the State Government, by notification appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires, -(i)"Gambling" means and includes wagering or betting, except wagering or betting upon a horse race, when such wagering or betting takes place on the day on which such race is to be run and in an enclosure which the Stewards controlling such race have with the section of the State Government set apart for the purpose, but does not include a lottery. The gambling also includes game like "Boli" which is played among a group of people for a certain tenure in which equal amount of money is first collected at one lot and the part of that collected money is taken by one member on "Boli" (bid) and subsequently this game rotates in like manner or any kind of such similar other game;(ii)"Instrument 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 such as a register or record or evidence of any gaming, the proceeds of any gaming and any winning or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;(iii)"Common gaming-house" means, any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming

purpose;(a)with a view to profit or gain of any person owning, occupying 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, place or instruments or otherwise however;(b)with or without a view to such profit or gain if the gaming for the purpose of which such instruments are kept or used, is gaming on any figures or numbers or dates to be subsequently ascertained or disclosed or on the occurrence or non-occurrence of the quality or extent of natural event;(2)The Arunachal Pradesh Interpretation and General Clauses Act, 1982 (Act No.3 of 1982) shall apply for interpretation of this Act as it applies for interpretations of other Acts of the State.

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

(1)Whoever, being the owner or occupier or having the use of any house, room, tent, enclosure, space, vehicle or place in the State of Arunachal Pradesh, opens, keeps, or uses the same as a common gaming house; and(2)Whoever, being the owner or occupier of any such house, room, tent, enclosure, space, vehicle, vessel or place as aforesaid, knowing or willfully permits the same to be opened, occupied, used or kept by any other person as a common gaming house, and;(3)Whoever, has the care or management of or in any manner assists in conducting the business of any house, room, tent, enclosure, space, vehicle, vessel or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and(4)Whoever, advances or furnishes money or enters into "Boli" for the purpose of gaming with persons frequenting such house, room, tent, enclosure, space, vessel or place, shall be liable to imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to ten thousand rupees or with both. Provided that offences under this section shall be a cognizable offence and the court shall take cognizance of offence under section 190 (1) (b) of the Code of Criminal Procedure on the report of a Police Officer.

4. Penalty for being found in gaming house.

(1)Whoever, is found in any such house, room, tent, enclosure, space, vehicle, vessel or place, playing or gaming with cards, dice counters, money or other instruments of gaming, or is found there present for the purposes of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to imprisonment for a term which may extend to three months and shall also be liable to fine which may extend to five thousand rupees or with both.(2)Whoever, is found in any 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. Provided that, offence under this section shall be a cognizable offence under section 3 of this Act and no court shall take cognizance of such offence under section 190(1) (b) of the Code of Criminal Procedure, except on the report of a Police Officer.

5. Powers to enter and authorize police to enter and search.

(1)If the District Magistrate or any other Officer invested with the powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry, as he may think necessary, has reason to believe that any house, room, tent, enclosure, space, vehicle, vessel or place, is used as a common gaming house, may enter either by himself or by his warrant authorized any officer of police, not below the rank of Sub-Inspector to enter with such assistance, as may be

necessary, by night or by day, and by force, if necessary, any such house, room, tent, enclosure, space, vehicle, vessel or place;(2)and either by himself take into custody, or authorize such officer to take into custody ail persons whom he or such officer finds therein whether or not the actually gaming;(3)and may seize by himself or authorize such officer to seize all instruments of gaming, and all monies and securities of money and article of value, which are found therein, and which are reasonably suspected to have been used or intended to be used for the purpose of gaming;(4)and may search by himself or authorize such officer to search all parts of the house, room, tent, enclosure, vehicle, vessel, space or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;(5)and may seize by himself or authorize such officer to seize and take possession of all instruments or 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, cloths, boards or other instruments of gaming are found in any house, room, tent, enclosure, space, vehicle, vessel or place entered or searched under the provisions of section 5 of this Act 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, room, tent, enclosure, space, vehicle, vessel or place is used as a common gaming-house and that the persons found and present therein were for the purpose of gaming, although no play was actually seen by the Magistrate or the police officer or any of their assistants,

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

- If any person is found in any common gaming-house entered by any Magistrate or police officer 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 Magistrate or officer to give his name and address, refuse or neglect to give the same, or give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay penalty not exceeding five thousand rupees, together with such costs as to such Magistrate which my appear reasonable, and on non-payment of such penalty and costs, or in the first instances, if to such Magistrate it shall deem fit, may imprisoned for a term which may extend to one month.

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

- On conviction of any person for keeping or using any such common gaming-house or being present therein for the purpose of gaming, the convicting Magistrate may order ail the instruments of gaming found therein to be destroyed, and may also order all or any of the securities of money and other articles seized, not being instruments of gaming, to be sold and converted into money, and may 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 thereunto 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 any person found playing at any gaming was playing for any money, wager stake.

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

(1)It shall be lawful for the Magistrate, before whom any persons shall be brought, who have been found in any gaming house, room, tent, enclosure, 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 lawful gaming in such gaming-house, room, tent, enclosure, space, vehicle, vessel or place or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such gaming-house, room, tent, enclosure, space, vehicle, vessel or place or any part thereof, of any Magistrate or officer authorized as aforesaid.(2)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 or by or 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 incriminate himself.(3)Any such person so required to be examined as a witness who refuse to take oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to dealt with all respects as person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code (45 of 1860).

11. Witness indemnified.

- Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a 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 Magistrate make true and faithful discovery to the best of his knowledge of the things as to which he shall be examined, shall thereupon, receive from the 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. Gaming and setting birds and animals to fight in public street.

(1)A police officer may, apprehend without warrant any person gaming in public street, place or thoroughfare situated within the State of Arunachal Pradesh, or any person setting birds or animals

to fight in any public street, place or thoroughfare situated within the State of Arunachal Pradesh; or(2)any person present therein, aiding and abetting such public gaming or fighting of birds and animals, such person when apprehended shall be brought without delay before a Magistrate and shall be liable to imprisonment for a term which may extend to three months and shall also be liable to a fine which may extend to ten thousand rupees or with both; and(3)such police officer may seize all instruments of gaming found in such public street, place or thoroughfare of the person of those whom he shall so arrest and the Magistrate may, on conviction of the offender, order such instruments to be destroyed forthwith.

13. Exemption of games of mere skill.

(1)This Act does not include any game which is being played occasionally without involving any money and merely for the sake of entertainment or any game played for specific period on the eve of any festival after obtaining due permission from the competent authority. Provided that the District Magistrate may, taking into account the provisions of this Act, dispose of the application seeking permission for a game to be played within their jurisdiction.

14. Offences by whom triable.

- Offences under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. However, such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1973 as to the amount of fine or imprisonment he may inflict.

15. Penalty for sub-sequent offence.

- Whoever, having been convicted of an offence punishable under sections 3 and 4 of this Act, again is found guilty of any offence punishable under either sections 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.

16. Portion of fine may be paid to the informer.

- The Magistrate trying the case may direct any portion of any fine which shall be levied under section 3 or section 4 or section 15 of this Act, or any part of the monies or proceeds or articles seized and ordered to be forfeited under this Act, to be paid to the informer.

17. Recovery of fines.

- All fines imposed under this Act may be recovered in the manner prescribed in the Code of Criminal Procedure, 1973.

18. Power to make rules.

(1)The State Government may, by notification in the Official Gazette make rules for carrying out the provisions of this Act.(2)Every rule made by the Government under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of ten days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session in which it is so laid, immediately following the session or the successive sessions aforesaid, the Legislative Assembly make any modification in the rule or resolves that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.