

# The Bombay Prevention of Gambling Act, 1887

GUJARAT

India

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### Act 4 of 1887

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The Bombay Prevention of Gambling Act, 1887 Bombay Act No. 4 of 1887 [Dated 5th January, 1888] This Act was extended to and by such extension shall be in force in that part of the State of Bombay to which immediately before the commencement of Bombay 14 of 1959, it did not extend (vide section 2 of Bombay 14 of 1959). For Statement of Objects and Reasons, see Bombay Government Gazette, 1887, Part IV, p. 12; for Report of the Select Committee, see, Bombay Government Gazette, p. 239; and for Proceedings in Council, see Bombay Government Gazette, pp. 215 and 244. This Act was re-enacted by Bombay 37 of 1947, section 2. This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act has been continued in force by Bombay 52 of 1947, section 2. An Act to consolidate and amend the law for the prevention of Gambling in the [State] [This word was substituted for the word 'Presidency' by Bombay 14 of 1959, section 3(a).] of Bombay. Preamble Whereas it is expedient to consolidate and amend the law for the prevention of gambling in the [State] [This word was substituted for the word 'Presidency' by Bombay 14 of 1959, s.3(a).] of Bombay; It is enacted as follows:-

#### 1. Short title.

- This Act may be cited as the Bombay Prevention of Gambling Act, 1887. Extent: - [It extends to the whole of the [State of Gujarat] [This portion was substituted for the last two paras, by Bombay 14 of 1959, section 3(b).].

#### 2. [Repeal of enactments.].

- Rep. Act XVI of 1895.

#### 3. "Gaming" defined.

- [In this Act "gaming" include wagering or betting except wagering or betting upon a horse-race when such wagering or betting takes place-(a) on the day on which such race is to be run, and (b) in

an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the [Bombay Race-Courses Licensing Act, 1912] (Bombay III of 1912), in respect of such race-course, and(c)[ between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand [or between] [Clause (c) was substituted for the original clause by Bombay 3 of 1931, section 2.] any number of individuals in person in such manner and by such contrivance as may be permitted by such licence; but does not include a lottery.]Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever the wager or bet whether with such licensee or with any other person shall be deemed to be "gaming": Provided, nevertheless, that such licensee may employ, servants and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence. [The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be "gaming".] [These words were inserted by Bombay 1 of 1936, section 2(i).] [This definition was substituted by Bombay 5 of 1922, section 2.]Instruments of gaming defined: - [In this Act the expression "instruments of gaming" includes any article used [or intended to be used] [This definition was inserted by section 1 of the Act to amend the Bombay Prevention of Gambling Act, 1890 (Bombay 1 of 1890).] as a subject or means of gaming [ [\*] [These words were added by Bombay 6 of 1919, section 2.] any documents used [or intended to be used] [These words were inserted by Bombay 1 of 1936, section 2(i).] 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.] [These words were added, by Bombay 1 of 1936, section 2 (2)(iii).]Common gaming house defined: - [In this Act, 'common gaming-house' means-(i)in the case of gaming-(a)on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price, or(b)on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or(c)on the market price of any stock or share or on the digits of the number used in stating such price, or(d)on the occurrence or non-occurrence of rain or other natural event, or(e)on the quantity of rainfall or on the digits of the number used in stating such quantity, [or](f)[ on the pictures, digits or figures of one or more playing cards or other documents or objects bearing numbers, or on the total of such digits or figures, or on the basis of the occurrence or nonoccurrence of any uncertain future event or on the result of any draw, or on the basis of the sequence or any permutation or combination of such pictures, digits, figures, numbers, events or draws;] [Item (f) substituted by Gujarat 20 of 1990, dated 19th December 1990]any house, room or place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming;(ii)in the case of any other form of gaming, any house, room or place whatsoever in which any instruments of gaming arc kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room or place by way of charge for the use of such house, room or place or instrument or otherwise howsoever. 'Place' defined: - In this Act, "place" includes a tent, enclosure, space, vehicle and vessel.] [This portion was substituted for the original by Bombay 14 of 1959, section 3(c).]

**3A. [ Punishment for printing or publishing [pictures, digits or figures]  
[Section 3A was inserted, by Gujarat 16 of 1972, section 3.] relating to Worli Matka or other form of gaming.**

(1)Whoever prints or publishes in any manner whatsoever any [pictures, digits or figures or combination of pictures, digits or figures] [Substituted for 'digits or figures or combination of digits or figures' by Gujarat 20 of 1990, dated 19th December 1990] relating to Worli Matka or any other form of gaming under the heading "Shubha Rashi" or by adopting any other form or device, or disseminates or attempts to disseminate or abets dissemination of information relating to such [pictures, digits or figures or combination of pictures, digits or figures] [Substituted for 'digits or figures or combination of digits or figures' by Gujarat 20 of 1990, dated 19th December 1990] shall be punishable with imprisonment which may extend to six months and with fine which may extend to one thousand rupees.(2)Where any person is accused of an offence under sub-section (1), any digits or figures or combination of digits or figures in respect of which the offence is alleged to have been committed shall be presumed to relate to Worli Matka gaming or some other form of gaming unless the contrary is proved by the accused.]

**4. Keeping common gaming house.**

- [(1)] [Renumbered by Gujarat 20 of 1990, dated 19th December 1990] Whoever-(a)[opens, keeps or uses any house, room or place] [These words were substituted by Bombay 2 of 1941, section 3 read with Bombay 37 of 1947, section 2.], for the purpose of a common gaming house,(b)being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,(c)has the care or management of, or in any manner assists in conducting the business of, any such house, room, or place opened, occupied, kept or used for the purpose aforesaid,(d)advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,[shall, on conviction, be punishable with imprisonment [which may extend to two years] [This portion was substituted by Bombay 37 of 1947, section 3.] and with fine:Provided that-(a)for a first offence such imprisonment shall not be less than [three months and fine shall not be less than five hundred rupees] [Substituted for 'one month and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990];(b)for second offence such imprisonment shall not be less than [six months and fine shall not be less than one thousand rupees] [Substituted for 'three months and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990]; and(c)for a third or subsequent offence such imprisonment shall not be less than [one year and fine shall not be less than two thousand rupees] [Substituted for 'six months and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990].](2)[ Nothing contained in the provisions of the Probation of Offenders Act, 1958 (XX of 1958), or in sub-sections (1), (4), (5) and (6) of section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to any person convicted under this section.] [Sub-section (2) inserted by Gujarat 20 of 1990, dated 19th December 1990]

## **5. Gaming in common gaming houses.**

- [Whoever is found in any common gaming-house gaming or present for the purpose of gaming, [shall, on conviction, be punishable with imprisonment [which may extend to nine months] [This paragraph was substituted by Bombay 6 of 1919, section 3.] and with fine: Provided that-(a) for a first offence such imprisonment shall not be less than [two months and fine shall not be less than three hundred rupees] [Substituted for 'one month and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990]; (b) for a second offence such imprisonment shall not be less than [four months and fine shall not be less than three hundred rupees] [Substituted for 'three months and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990]; and (c) for a third or subsequent offence such imprisonment shall not be less than [nine months and fine shall not be less than three hundred rupees] [Substituted for 'six months and fine shall not be less than two hundred rupees' by Gujarat 20 of 1990, dated 19th December 1990].] Any person found in common gaming-house during any gaming [\*\*\*] [The words 'or playing' were repealed by Bombay 6 of 1919, section 3.] therein shall be presumed, until the contrary [is proved] [These words were substituted for the words 'be made to appear' by Bombay 1 of 1936, section 4 (3).], to have been there for the purposes.

### **5A. [ Seizure of register, record or writing by certain police officers. [Section 5A was inserted by Gujarat 16 of 1972, section 4.]**

- Where-(i) in any area for which a Commissioner of Police has been appointed, a police officer not below the rank of a Deputy Commissioner of Police, and (ii) elsewhere, a police officer not below the rank of a Deputy Superintendent of Police, is of the opinion that any register, record or writing of any kind whatsoever which contains [pictures, digits or figures or combination of pictures, digits or figures] relates to Worli Matka gaming or some other form of gaming, he shall be entitled to seize the same, and such register, record or writing shall be presumed to be an instrument of gaming unless it is shown by the person from whom it is seized that it is a register, record or writing of any transaction in connection with a lawful trade, industry, business, profession or vocation or of any lawful personal transaction of any person or it is otherwise not an instrument of gaming.]

## **6. [ Entry, search, etc. by police officers in gaming. [Section 6 substituted for the original section by Bombay 1 of 1936, section 5.]**

- [(1)] It shall be lawful for a Police Officer-(ia) [ in any area of the State, not below the rank of Sub-Inspector of Police, authorised in each case by special warrant issued by the Additional Director General of Police (Law and Order) or whoever is holding that post in any rank or Additional Director General of Police C.I.D. (crime); and (ib) in any area of police range not below the rank of Sub-Inspector of Police, authorised in each case by special warrant issued by the Special Inspector General of Police or Deputy Inspector General of Police appointed for the respective police range; and] [Clauses (ia) and (ib) inserted by Gujarat 4 of 2003, dated 3rd March 2003] (i) [in any area for which a Commissioner of Police has been appointed] [These words were substituted for the words 'in the Greater Bombay' by Bombay 56 of 1959, section 3. Schedule] not below the rank of a [\*\*\*]

[These words 'Sergeant or' were deleted by Bombay 14 of 1959, section 3(d).] Sub-Inspector and either empowered by general order in writing [by the Commissioner of Police or authorised in each case by special warrant issued by any police officer not below the rank of Deputy Commissioner of Police or, as the case may be, Superintendent of Police] [Substituted for 'or authorised in each case by special warrant issued by the Commissioner of Police' by Gujarat 20 of 1990, dated 19th December 1990], and(ii)elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case [by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] [These words were substituted for the words 'by a Magistrate of the First Class or' by Bombay 60 of 1954, section 82.] [a District, Additional, Assistant or Deputy Superintendent of Police] [These words were substituted for the portion beginning with the words 'a District Superintendent of Police' and ending with the words 'in this behalf' by Gujarat 32 of 1964, section 2(1) (a).], [and] [This word was inserted by Bombay 14 of 1959, section 3(d).](iii)[ without prejudice to the provision in clause (ii) above, in such other area as the State Government may, by notification in the Official Gazette, specify in this behalf, not below the rank of a Sub-Inspector and empowered by general order in writing issued by the District Magistrate.] [This clause was inserted by Bombay 14 of 1959, Section 3(d).](a)to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,(b)to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,(c)to take into custody and bring before a Magistrate all such persons,(d)to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming and which are found therein:Provided that no officer shall be authorised by special warrant [unless the authority competent to so authorise under sub-section (1) is satisfied] [Substituted for 'unless the Commissioner of Police, the Magistrate, the District or Additional or Deputy Superintendent of Police concerned is satisfied' by Gujarat 20 of 1990, dated 19th December 1990], [\*\*\*] [The words 'upon any complaint made before him on oath and' were deleted by Bombay 14 of 1959.] upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.](2)[ Notwithstanding anything contained in any law for the time being in force, no search made under this section shall be deemed to be illegal by reason only of the fact that the witnesses (if any) of the search were not inhabitants of the locality in which the house, room or place searched is situate.] [Sub-section (2) added by Gujarat 32 of 1964, section 2(2).]

## **6A. [ Punishment for giving false names and addresses. [Section 6A was inserted by Bombay Act 14 of 1959,Section 3(e).]**

- 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, and on being required by such Officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall , on conviction, be punished with a fine not exceeding one thousand rupees and on the non-payment of such fine, or in the first instance if to the Court passing the sentence it shall seem fit, with

imprisonment for a period not exceeding four months.]

**7. [ Presumptive proof of keeping or gaming in common gaming-house. [Section 7 was substituted for the original section by Bombay 1 of 1936, Section 6.]**

- When any instrument of gaming has been seized in any house, room or place entered under section 6 or about person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police Officer who entered such house, room or place has reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police Officer or by any person acting under the authority of either of them]:[Provided that the aforesaid presumption shall be made, notwithstanding any defect in the warrant or order in pursuance of which the house, room or place was entered under section 6, if the Court considers the defect not to be a material one.] [This proviso was added by Bombay 14 of 1959, section 3(f).]

**8. On conviction for keeping or gaming in common gaming house, Instruments of gaming may be destroyed.**

- On conviction of any person for opening, keeping or using a common gaming-house, [\* \* \*] [The words 'or playing' were repealed by Bombay 6 of 1919, section 5.] or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed [or forfeited] [These words were added by Bombay 1 of 1936, section 7.], 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 the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

**9. Proof of playing for money not required for conviction.**

- It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [gaming] [This words was substituted for the words 'playing at any game' by Bombay 6 of 1919) section 6.] was playing for any money, wager or stake.

**10. [ Indemnification of certain witnesses. [This section was substituted for the original by Bombay 14 of 1959, section 3(g).]**

- Any person who has been concerned in gaming contrary to this Act, and who is examined as a witness before a Magistrate in the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, makes in the opinion of the Magistrate 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 all prosecutions under this Act for anything done before that time in respect of such gaming.]

## **11. [Payment of portion of fine to informer.**

- Deleted by Gujarat 32 of 1963, section 3.]

## **12. Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.**

- A Police Officer may apprehend [and search] [These words were inserted by Bombay 1 of 1936, section 9(1).] without warrant-(a)any person found [gaming] [This word was substituted for the words 'playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill' by Bombay 6 of 1919 section 7.] [or reasonably suspected to be gaming] [These words were inserted by Bombay 1 of 1936, section 9(2).] in any public street, [or thoroughfare, or in any place to which the public have or are permitted to have access] [These words were substituted for the words 'place or thoroughfare' by Schedule I, part II Serial No.14 of the Bombay Repealing and Amending Act, 1910 (Bombay 1 of 1910).] [or in any race-course] [These words were added by Bombay 5 of 1922, section 4.];(b)any person setting any birds or animals to fight in any public street, [or thoroughfare, or in any place to which the public have or are permitted to have access] [These words were substituted for the words 'place or thoroughfare' by Schedule I, part II Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bombay 1 of 1910).];(c)any person there present aiding and abetting such public fighting of birds and animals;Any such person shall, on conviction, be [punished both with fine] [Substituted for 'punishable with fine' by Gujarat 20 of 1990, dated 19th December 1990] which may extend to [three hundred rupees] [These words were substituted for the words 'fifty rupees' by Bombay 1 of 1936, section 9(4).], [and with imprisonment] [These words were substituted for the words 'or with imprisonment' by Gujarat 16 of 1972, section 5.] which may extend to [three months] [These words were substituted for the words 'one month' by Bombay 1 of 1936, section 9(5).] [and where such gaming consists or wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be [punished in the manner] [These words were added by Bombay 5 of 1922 section 4.] and to the extent referred to in section 4, and all moneys found with such person shall be forfeited.]Seizure and destruction of instruments found: - And such Police Officer may seize all birds and animals and [things reasonably suspected to be instruments of gaming] [These words were substituted for the words 'instruments of gaming' by Bombay 1 of 1936 section 9(6).] found in such public street [thoroughfare] [These words were substituted for the words 'place or thoroughfare' by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act 1910 (Bombay 1 of 1910).], [place or race-course] [These words were substituted for the words 'or place' by Bombay 5 of 1922 section 4.], or on [or about] [These words were inserted by Bombay 1 of 1936, section 9(6).] the person of those whom he shall so arrest, 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 forfeited, [When any thing has been found on or about any person and a court is satisfied that the Police Officer had

reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.] [This paragraph was added by Bombay 1 of 1936, section 9(7).]

**12A. [ Power to arrest without warrant for printing, publishing or distributing any news or information. [Section 12A was inserted by Bombay 1 of 1936, section 10.]**

- A Police Officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates in any news-paper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming. Any such person shall, on conviction, be punishable in the manner and to the extent referred to in section 4. 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 to be intended to be used, for the purpose of committing an offence under this section.]

**13. Saving games of mere skill.**

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

**14. [ Repeal and Savings. [Section 14 was added by Bombay Act 14 of 1959, Section 3(h) and shall stand unmodified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]**

- The Gambling Act, 1305-F (Hyd. II of 1305-F), the Public Gambling Act, 1867 (III of 1867) in its extension to the Vidarbha region of the State of Bombay, the Bombay Prevention of Gambling Act, 1887 (Bombay IV of 1887) as applied to the Saurashtra area by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Sau. Ord. XXV of 1948) and the Bombay Prevention of Gambling Act, 1887 (Bombay IV of 1887) as applied to the Kutch area by the Kutch (Application of Laws) Order, 1949 are hereby repealed: Provided that such repeal shall not affect-(a) the previous operation of the Acts so repealed, or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed, or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Acts so repealed, or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Bombay Prevention of Gambling (Extension and Amendment) Act, 1959 (Bombay XIV of 1959) has not been passed: Provided further that, subject to the preceding proviso, anything done or any action taken (including authorisations made, powers conferred, orders given and indemnity granted) by or under the provisions of the Acts so repealed shall, in so far as it is not inconsistent with any provisions of this Act, be deemed to be done or taken under the corresponding provisions of this Act and shall, until altered, repealed or amended by anything done or any action



taken under this Act, continue in force accordingly.]

## **Schedule**

(Enactments Repealed.) Repealed by Act XVI of 1895