

Bombay Prevention of Gambling Act, 1887

4 of 1887

[January 5, 1888]

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SCHEDULE 1 :- SCHEDULE

Bombay Prevention of Gambling Act, 1887

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An Act to consolidate and amend the law for the prevention of Gambling in the State of Bombay. Whereas it is expedient to consolidate and amend the law for the prevention of gambling in the State of Bombay; It is enacted as follows:-

1. Short title and Extent :-

This Act may be cited as the Bombay Prevention of Gambling Act,

1887. It extends to the whole of the State of Gujarat.

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, (Bom III of 1912) in respect of such race-course, and

3A. Punishment for printing or publishing digits or figures relating to Worli Matka or other form of gaming :-

(1) Whoever prints or publishes in any manner whatsoever any digits or figures or combination of digits or figures 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 digits or figures or combination of digits or figures shall be punishable with imprisonment which may extend to six months and with fine which may extend to one thousand rupees.

(2) When 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 :-

Whoever-

(a) opens, keeps or uses any house, room or place, 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,

5. Gaming in common gaming house :-

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 six months and with fine: Any person found in any common gaming-house during any gaming * * therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

5A. Seizure of register, record or writing by certain police officers :-

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 digits or figures or combination of 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 of it is otherwise not an instrument of gaming.

6. Entry, search, etc. by police officers in gaming :-

(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 situated.

6A. Punishment 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, 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 in common gaming house :-

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 there, 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 had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such house, room or place is used as a common gaming-house and the persons found therein were then present for the purposes 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.

8. On conviction for keeping or gaining in common gaming house :-

Instruments of gaming may be destroyed.-On conviction of any person for opening, keeping or using a common gaming house, * * * 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. 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 money seized therein, to be forfeited; or in his discretion, may order any part of such proceeds and other money 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 was playing for any money, wager or stake.

10. Indemnification of certain witnesses :-

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 Guj 32 of 1963, s. 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 without warrant-

(a) any person 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 or in any race-course;

(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;

(c) any person there present aiding and abetting such public fighting of birds and animals. Any such person shall on conviction, be punishable with fine which may extend to three hundred rupees, and with imprisonment which may extend to three months 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 punishable in the manner 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 found in such public street through fare, place or race-course, or on or about the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forth with 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 circumstances 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.

12A. Power to arrest without warrant for printing, publishing or distributing any news or information :-

A Police officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates 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 whenever played.

14. Repeal and Savings :-

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 (Bom. 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, (Bom. IV of 1887) as applied to the Kutch area by the Kutch (Application of Laws) Order, 1949 are hereby repealed:

SCHEDULE 1

SCHEDULE

(ENACTMENTS REPEALED). Repealed by Act XVI of 1895
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