

Orissa (Prevention Of) Gambling Act, 1955

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Orissa (Prevention Of) Gambling Act, 1955

An Act to provide for punishment of gambling and the keeping of common gaming-house In the State of Orissa and to secure the ultimate prevention of gambling Whereas it is expedient to make provision for the punishment of gambling and the keeping of common gaming-houses in the State of Orissa and to secure the ultimate prevention of gambling; It is hereby enacted by the Legislature of the State of Orissa in the sixth year of the Republic of India as follows : Statement of Objects and Reasons.-- At present, three Gambling Acts are in form in different parts of Orissa. They are- (1) Public Gambling Act, 1867 (Act III of 1867); (2) Bengal Gambling Act, 1867 (Act II of 1867); and (3) Madras Gambling Act, 1930 (Act III of 1930). Before the merger some of the ex-State areas had adopted either Bengal Gambling Act or the Central Act, but after the merger the Bengal Gambling Act was extended to all ex-State areas. In the old district of Sambalpur the Central Act is in force while in ex-State areas included in these

districts the Bengal Gambling Act is in operation. This has created a situation under which the Police Officers in the same district have to apply two different Acts for prosecution of the offenders. It has, therefore, become imperative to replace all the Acts by one new Act. Hence this Bill. Published vide Orissa Gazette Ext./10.12.1955-O.A. No. 17 of 1955. For Statement of Objects and Reasons-see Orissa Gazette Ext. 13.9.1954 and for Report of the Select Committee-see Orissa Gazette Ext. No. 160/10.8.1955.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Orissa Prevention of Gambling Act, 1956.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force at once ; provided that the State Government shall have power by notification to direct from time to time the suspension of operation of Section 7 in such area and for such period as may be specified in the said notification.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context-

- (a) "common gaming house" means any gaming-house where instruments of gaming are kept or used for profit or gain of the user, owner, occupier or keeper of such house whether by way of a charge for the use of the instruments of gaming or of such house or otherwise howsoever;
- (b) "gambling or gaming" does not include lottery and means a play or game for money or other stake and includes betting and wagering and other act, game and contrivance by which a person intentionally exposes money or things of value to the risk or hazard of loss by chance;
- (c) "gaming house" means any house, room, tent, enclosure, space, vehicle, vessel or place where gaming or gambling takes place or where instruments of gaming are kept or used for gaming or gambling therein;
- (d) "Instruments of gambling or gaming" include an article used as a subject or means of or for the purpose of carrying on or facilitating, or in connection with gambling or gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence thereof;
- (e) "lottery" means a scheme for disposal or distribution of prizes

by chance.

3. Penalty For Gambling Or Gaming :-

Whoever takes part in gambling or gaming shall on conviction be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

4. Penalty For Owning Or Keeping Or Having The Charge Of A Gaming-House :-

Whoever being the owner or occupier or having the use of any house, room, tent, enclosure, space, vehicles, vessel or place knowingly or wilfully permits the same to be open, occupied or used by any other person as a gaming house shall, on conviction, be liable to imprisonment which may extend to one month or to a fine which may extend to one hundred rupees or to both.

5. Penalty For Owning, Keeping Or Having Charge Of A Common Gaming-House :-

Whoever being the owner or occupier or having use of a common gaming-house, knowingly or wilfully permits the same to be open, occupied, used or kept by any other person as such and whoever has the care or management of or in any manner assists in using the common gaminghouse shall, on conviction, be liable to imprisonment which may extend to six months or to a fine which may extend to one thousand rupees or to both.

6. Penalty For Gaming Or Gambling In A Common Gaming-House :-

Whoever takes part in gambling in a common gaming-house shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both 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 and to have taken part therein.

7. Penalty For Setting Birds Or Animals To Fight In Any Public Place :-

If any person sets any bird or animal to fight in public market, fair,

street, place or thorough-fare and if any person present there aids or abets such public fighting of birds or animals he shall be deemed to have committed the offence of gaming within the meaning of this Act and shall, on conviction, be liable to imprisonment for a period not exceeding one month or with fine not exceeding one hundred rupees.

8. Power To Enter And Authorise Police To Enter And Search :-

If the District Magistrate or a Magistrate of the first class, or the District Superintendent of Police, or the Deputy Superintendent of Police has reason to believe that any house, tent, room, enclosure, 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 being below the rank of an Assistant

Sub-Inspector of Police, to enter, with such assistance as may be found necessary, by night or by day and by force, if necessary, any such house, tent, room, enclosure, space, vehicle, vessel or place and may either himself take into custody, all persons whom he or such officer finds therein, whether or not such person may be 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 may search or authorise such officer to search all parts of the house, tent, room, enclosure, 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 gaming are concealed therein, and also the persons of those whom he or 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.

9. Finding Cards In Suspected Houses To Be Evidence That They Are Common Gaming-Houses :-

When any cards, dice, gaming table, cloth, boards or other instruments of gaming are found in any house, tent, room, enclosure, 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, tent, room, enclosure, space, vehicle, vessel or place is used as a common gaminghouse, 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 by any person acting under the authority of either of them.

10. Penalty For Giving False Name Or Address :-

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 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, of in the first instance if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

11. Destruction Of Instruments Of Gaming :-

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 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 entitled, thereto.

12. 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 therein at any game was playing for any money wager or stake.

13. Gaming And Setting Birds And Animals To Fight In Public Streets :-

(1) A Police Officer may apprehend without warrant any person found gaming and gambling with cards, dice, counters or other instruments of gaming used in playing any game in any public market, fair, street, place or thoroughfare, or any person setting any birds or animals to fight in any such public market, fair, street, place or thoroughfare, or any person there present aiding or abetting such public fighting of birds and animals.

(2) Such person, when apprehended, shall be brought without delay before a Magistrate, and shall be liable, on conviction, to a penalty as provided in Section 5 or Section 7 as the case may be ; and such Police Officer may seize all birds and animals and instruments of gaming found in such public place or on 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.

14. Power To Give Exemption :-

The State Government may by a general or special order exempt any social club or party playing games for the bona fide purposes of recreation only or any fight of birds in any public place from the operation of this Act and they may by notification delegate their powers under this section to any person or authority subordinate to them.

15. Repeal And Savings :-

(1) The Public Gambling Act, 1867 (III of 1867), the Bengal Public Gambling Act, 1867 (Ben. Act II of 1867) and the Madras Gambling Act, 1930 (Mad. Act III 1930) shall in their application to the State of Orissa be repealed.

(2) Any order made and anything done under the said Acts and in force immediately before the commencement of this Act, shall continue in force and be deemed to be made or done under the corresponding provisions of this Act.

(3) Such repeal shall not-

(a) affect any liability incurred under the said Acts or any punishment incurred in respect of any contravention of the said Acts or any rule or order made thereunder;

(b) affect any investigation, or legal proceeding in respect of any such liability or punishment as aforesaid, and any such investigation or legal proceedings may be instituted, continued or

enforced and any such punishment may be imposed as if the said Acts had not expired.