

Madras Gaming Act, 1930

03 of 1930

[08 April 1930]

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PREAMBLE

An act to provide for the punishment of gaming and the keeping of common gaming-houses in the Presidency of Madras.

Whereas it is expedient to make provision for the punishment of gaming and the keeping of common gaming-houses in the Presidency of Madras; And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Part IV of the Fort St. George Gazette, dated 21st January 1930, page 186; for Report of Select Committee, see Proceedings of the Madras Legislative

Council, Volume L 1, pages 1002-1006; for Proceedings in Council, see *ibid*, Volume L 1, pages 496-497 and 952-957.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957) repealing the corresponding law in force in that territory.

1. Short title :-

This Act may be called the Madras Gaming Act, 1930.

2. Extent :-

This Act extends to the whole of the Presidency of Madras with the exception of the City of Madras as defined in the Madras City Police Act, 1888 (Madras Act III of 1888).

3. Definitions :-

¹[In this Act, unless there is anything repugnant in the subject or context--

common gaming-house means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever 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, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;

²[gaming does not include a lottery but includes wagering or betting, except wagering or betting on a horse-race when such wagering or betting takes place--

(i) on the date on which such race is to be run, and

(ii) in a place or places within the race enclosure which the authority controlling such race has with the sanction of the ³[State] Government set apart for the purpose.

For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt

or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution.]

instruments 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 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.]

1. This section was substituted for the original section by section 2 of the Madras Gaming (Amendment) Act, 1946 (Madras Act IV of 1946), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

2. The definition of " gaming " has since been further substituted as follows, by section 4 of the Madras City Police and Gaming (Amendment) Act., 1949 (Madras Act VII of 1949). S.4 aforesaid has not however yet been brought into force.

" gaming " does not include a lottery but includes wagering or betting.

Explanation.--For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt, or distribution."

3. The word " State " was substituted for the word " Provincial " by the Adaptation Order of 1950.

4. Penalty for opening etc, for certain forms of gaming :-

¹[(Whoever--

(a) being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming--

(i) on a horse-race, or

(ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or 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

(iv) on the market price of any stock or share or on the digits of the

number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance; or

(b) being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in, conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this sub-section shall be imprisonment for not less than one month or fine of not less than five hundred rupees or both.

(2) Whoever is found in any house, room, tent, enclosure, vehicle, vessel or place referred to in sub-section (1), gaining on any of the objects specified in that sub-section, or present, for the purpose of gaming on any such object shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

Any person found in any such house, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

(3) Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public have or are permitted to have access shall be punishable with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both].

1. This section was substituted by section 3 (i) of the Madras City Police and Gaming (Amendment) Act, 1955 (Madras Act XVI of 1955) for section 4 which was substituted for the original section by section 3 of the Madras Gaming (Amendment) Act, 1946 (Madras Act IV of 1946), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Reenacting (No. II) Act, 1948 (Madras Act VIII of 1948).

5. Power to grant warrant to enter a common gaming house
:-

¹ [(1)] If any salaried Magistrate not inferior to a Magistrate of the second class or any Police Officer not below the rank of a Deputy Superintendent of Police has reason to believe that any place is used as a common gaming-house, he may by his warrant give authority to any Police Officer, not below the rank of a Sub-Inspector, to enter with such assistance as may be found necessary, by night or by day, any such place, and to arrest all persons found therein and 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 to search all parts of such place and also persons found therein.

¹ [(2) Any Police Officer having power to issue a warrant under sub-section (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant.]

1. Section 5 was renumbered as section 5 (1) and to the section as so re-numbered sub-section (2) was added by section 2 of the Madras Gaming (Amendment) Act, 1933 (Madras Act VII of 1933).

6. Cards, dice, etc., found in search under last section to be evidence that place is a common gaming house :-

Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any place entered or searched under the provisions of the last preceding section, or on any person found therein shall be evidence that such 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 Police Officer or any of his assistants.

7. 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 game was playing for any money, wager, bet or stake.

8. Penalty for opening etc., a common gaming house :-

Whoever opens, keeps or uses, or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

9. Penalty for being found gaming in a common gaming house :-

Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall, on conviction, be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month ; 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.

10. Instruments of gaming may be ordered to be destroyed on conviction :-

On conviction of any person for keeping a common gaming-house or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by the order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

11. Saving of games of skill :-

Nothing in sections 5 to 10 of this Act shall be held to apply to games of mere skill wherever played.

11A. Payment of portion of fine to informants and Police officers :-

¹[(1) The Magistrate may direct any portion not exceeding one-half, of any fine which shall be levied under section 4, 8 or 9, and

of the moneys or proceeds of articles seized and ordered to be forfeited under section 10, to be paid to such informants and Police officers as may have assisted in the detection of the offender.

A direction under this sub-section may also be made by any Court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the District Superintendent of Police, who shall distribute it among such of the informants and Police officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the District Superintendent of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of.]

1. This section was substituted for the original section by section 3 of the Madras City Police and Gaming (Amendment) Act, 1950 (Madras Act XXXV of 1950).

11B. [Omitted] :-

¹[]

1. Section 11-B which was inserted by section 5 of the Madras City Police and Gaming (Amendment) Act, 1949 (Madras Act VII of 1949) was omitted by section 3 (ii) of the Madras City police and Gaming (Amendment) Act, 1955 (Madras Act XVI of 1955).

12. Penalty for gaming in public street, etc :-

Whoever is found gaming with cards, dice, counters, money or other instruments of gaming in any public street, place or thoroughfare or publicly fighting cocks, shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding one month; and such instruments of gaming and moneys shall be forfeited.

13. Police may arrest without warrant on view of offence :-

Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

14. Repeal :-

Clause (10) and the last paragraph of section 3 and sections 6, 7 and 9 of the ¹Towns Nuisances Act, 1889 (Madras Act III of 1889), are hereby repealed.

1. Now the Madras Towns Nuisances Act, 1889.