

THE PONDICHERRY GAMING ACT, 1965

(Act No.15 of 1965)

27th October, 1965

AN ACT

To provide for the punishment of gaming and the keeping of common gaming-house in the union territory of Pondicherry.

WHEREAS it is expedient to make provision for the punishment of gaming and the keeping of common gaming houses in the Union territory of Pondicherry.

Be it enacted by the Legislative Assembly in the Sixteenth year of the Republic of India as follows:-

1. Short title, extent and commencement,-(1) This Act may be called the Pondicherry gaming Act, 1965.
2. It extends to the whole of the Union territory of Pondicherry
3. It shall come into force at once

2. Definitions. - In this Act, unless the context otherwise requires-

(a) “Common gaming-house” means any house room tent, enclosure, vehicle, vessel of any place whatsoever in which cards, dies, tables or other instruments of gaming are kept or used for the profit of gain of the person owning, occupying using or keeping such house , room, tent, enclosure, vehicle, vessel or place whether by way or charge for the use of instrument 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;

(b) “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 of distribution of winnings or prizes, in money or otherwise, in respect of any wage or bet or any act which is intended to aid or facilitate wagering or betting or such collection soliciting, receipt of distribution.

(c) “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 of record or evidence 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;

(d) “State Government” means the Administrator appointed **under Article 239** of the Constitution.

3. Penalty for opening etc., of any house 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 purpose of gaming-

1. on a horse-race, or
2. on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price or
3. 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
4. on the market price of any stock or share or on the digits of the number used in stating such price, or
5. on the number or registration or on the digits of the number of registration of any motor vehicle using a public place or
6. 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 willfully 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 for a first offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both and for a second or subsequent offence with imprisonment for a term which may extend to two years and with fine:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for a first 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 and for a second or subsequent offence with imprisonment for not less than two months and fine of not less than one thousand rupees.

(2) (a) whoever is found in any house, room, tent, enclosure, vehicle, vessel, or place referred to in sub-section (1), gaming on any of the objects specified in that sub-section, or present, for the purpose of gaming on any such objects shall be punishable for a first offence with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both and for a second or subsequent offence with imprisonment for a term which may extend to two months and with fine.

(b) 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 for a term which may extend to three months or with fine which may extend to three hundred rupees or with both.

4. Power to grant warrant to enter a common gaming-house,-(1) If any magistrate not inferior to a Magistrate of the second class or any Police Officer not below the rank of Inspector 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

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

5. 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.

6. 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.

7. Penalty for opening etc., a common gaming-house.- Who ever 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 finishes money for gaming therein, shall be punishable with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to three months or with both.

8. 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 be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to 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.

9. Instrument 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.

10. Saving of games of skill.-Nothing in sections 4 to 9 of this Act shall be held to apply to games of mere skill wherever played.

11. Payment of portion of fine to informants and Police Officers.- (1 (a) The Magistrate may direct any portion not exceeding one-half, of any fine which shall be levied under section 3,7or 8 and of the moneys or proceeds of articles seized and ordered to be forfeited under section 9 to be paid to such informants and Police Officers as may have assisted in the detection of the offender

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

(2) Where direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the Inspector-General 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 Inspector General of Police until the expiry of three months from the date of the direct on under sub-section (1), or if an appeal or revision is presented within that period, until the appeal or revision has been disposal of.

12. Penalty for gaming in public street etc.- Whoever is found gaming with cards, dice, counters, money or other instrument of gaming in any public street, place, or thoroughfare or publicly fighting cocks, shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to one month; and such instruments of gaming and moneys shall be forfeited.

13. Assembling in streets for gaming ; - Whoever

(a) Assembles with others in a street gathered for the purpose of gaming; or

(b) joins any such assembly for the purpose of gaming shall be punishable with fine which may extend to fifty rupees.

14. Printing, Publishing or distributing any news or information.- (1) No person shall print, publish, sell, distribute or in any manner circulate any newspaper, news-sheet or other document or any news or information, with intention of aiding or facilitating gaming,

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one month or with fine which extend to two hundred rupees or with both.

(3) Any Police Officer not below the rank of a Sub-Inspector 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.

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

16. Repeal.- (1) Any law in force in Pondicherry or any area thereof corresponding to the provisions of this Act shall stand repealed as from the coming into force of this Act.

(2) Nothing in sub-section (1) shall affect-

(a) the previous operation of any law so repealed or anything duly done or suffered there under; or

(b) any right, privilege, obligation or liability acquired accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law 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 investigations, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture, or punishment may be imposed as if this Act has not been enacted:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.