

DELHI PUBLIC GAMBLING ACT, 1955

[Delhi Act 1 of 1955]

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An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the [Union Territory of Delhi]

BE it enacted by the Delhi State Legislative Assembly in the Sixth year of the Republic of India as follows:

1. Short title, extent and commencement

(1) This Act may be called the Delhi Public Gambling Act, 1955.

(2) It extends to the whole of the [Union Territory of Delhi]

(3) It shall come into force on such [date] as the Chief Commissioner may by notification in the Official Gazette, appoint.

2. Interpretation

(1) In this Act, unless the context otherwise requires,-

- (i) "Gaming" includes wagering or betting except wagering or betting upon a horse race when such wagering or betting takes place on the day on which such race is to be run and in an enclosure which the stewards controlling such race have with the sanction of the State Government set apart for the purpose, but does not include a lottery;
- (ii) "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 winning of prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;
- (iii) "Common gaming-house" means any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes
 - (a) with a view to the profit or gain of any person owning, occupying or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, enclosure, vehicle, place or instruments or otherwise howsoever;
 - (b) with or without a view to such profit or gain if the gaming for the purpose of which such instruments are so kept or used is gaming on any figures or numbers or dates to be subsequently ascertained or disclosed or on the occurrence or non-occurrence or the quality or extent of any natural event.

(2) The General Clauses Act, 1897 applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Penalty for owning or keeping or having charge of a gaming-house

Whoever being the owner or occupier or having the use of any house, room, tent, enclosure space, vehicle, vessel or place in the [Union Territory of Delhi] opens, keeps or uses the same as a common gaming-house; and

whoever being the owner or occupier of any such house, room tent, enclosure, space, vehicle, vessel or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting the business of any house, room, tent, enclosure, space, vehicle, vessel or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, tent, enclosure, space, vehicle, vessel or place;

shall be liable to imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to one thousand rupees.

4. penalty for being found in gaming-house

(1) Whoever is found in any such house, room, tent, enclosure, space, vehicle, vessel or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to imprisonment for a term which may extend to three months and shall also be liable to fine which may extend to five hundred rupees.

(2) Whoever is found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

5. Powers to enter and authorise police to enter and search

If the District Magistrate or any other officer invested with the full powers of a Magistrate of the first class, or the Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, room, tent, 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 below the rank of a Sub-Inspector, to enter with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such house, room, tent, enclosure, space, vehicle, vessel or place.

and may either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein, whether or not 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, 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.

6. Finding cards, etc., in suspected houses, to be evidence that such houses are common gaming-houses

When any cards, dice, gaming tables, cloths, boards or other instruments of gaming are found in any house, room, tent, enclosure, space, vehicle, vessel or place entered or searched under the provision 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, room, tent, enclosure, space, vehicle, vessel or 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 Magistrate or police officer or any person assisting him.

7. Penalty on persons arrested 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, on being required by such Magistrate or officer 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, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any term which may extend to one month.

8. On conviction for keeping a gaming-house instruments of gaming to be destroyed

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 thereunto entitled.

9. Proof of playing for stake 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 or stake.

10. Magistrate may require any person apprehended to be sworn and give evidence

It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, room, tent, enclosure, space, vehicle, vessel or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, room, tent, enclosure, space, vehicle, vessel or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room, tent, enclosure, space, vehicle, vessel or place or any part thereof of any Magistrate or officer authorised as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate or by or before any court on any proceeding or trial in any way relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code.

11. Witnesses indemnified

Any person who shall have been concerned in gaming contrary to this Act and who shall be examined as a witness before the Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be 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.

12. Gaming and setting birds and animals to fight in public streets

A police officer may apprehend without warrant any person found gaming in any public street, place or thoroughfare situated within the Union Territory of Delhi, or any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the said Union Territory, or

any person there present aiding and abetting such public fighting of birds and animals, such person when apprehended shall be brought without delay before a Magistrate and shall be liable to imprisonment for a term which may extend to three months and shall also be liable to a fine which may extend to one thousand rupees,

and such police officer may seize all instruments of gaming found in such public street, place or thoroughfare 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.

13. Exemption of games of mere skill

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

14. Offences by whom triable

Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1898 as to the amount of fine or imprisonment he may inflict.

15. Penalty for subsequent offence

Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

16. Portion of fine may be paid to informer

The Magistrate trying the case may direct any portion of any fine which shall be levied under section 3 or section 4 or section 15 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

17. Recovery of fines

All fines imposed under this Act may be covered in the manner prescribed in the Code of Criminal Procedure, 1898.

18. Repeal

The following Act are hereby repealed:

- (1) The Public Gambling Act, 1867 as in force in the '[Union Territory of Delhi].
- (2) The Public Gambling (Punjab Amendment) Act, 1929 (Punjab Act 1 of 1929), as extended to the [Union Territory of Delhi.]