

ASSAM ACT XVIII OF 1970

[Received the assent of the Governor on the 19th December 1970]

THE ASSAM GAME AND BETTING ACT, 1970

(Published in the Assam Gazette Extraordinary, dated the 19th December 1970)

An
Act

to extend the Public Gambling Act, 1867 to the whole of the State of Assam.

Preamble. Whereas gambling and betting on games and sports have widely spread throughout the State causing debasement of public morality and wide-spread exploitation and threat to peace and order;

It has therefore become expedient to extend the Public Gambling Act, 1867 to the whole of the State of Assam to prohibit betting on games in the manner hereinafter appearing;

Central Act
III of 1867.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Game and Betting Act, 1970.

(2) It shall extend to the whole of Assam excluding the Autonomous State of Meghalaya but including the Municipality of Shillong.

(3) It shall come into force at once.

Definitions. 2. For the purpose of this Act, unless contrary intention appears in the context:—

(a) "bet" with all its grammatical variations means any money or a valuable security or thing staked by a person on behalf of himself or on behalf of any other person, by himself or through any agent or any person procured or employed acting for or on his behalf, to be lost or won on the happening or determination of an unascertained thing, event or contingency of or in relation to a game or sport and shall include acceptance of a bet.

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It shall further include wager, wagering contract, totalisator and pool transaction in relation to any game or sport but shall not include a lottery or betting on a horse race when such betting takes place—

- (i) On the day on which the race has been fixed to run,
 - (ii) in an enclosure which the racing club or the stewards thereof controlling such race have with the permission of the State Government set apart for the purpose, and
 - (iii) with a licensed book-maker for horse racing or by means of a totalisator as defined in section 14 of the Assam Amusements and Betting Tax Act, 1939. Assam Act VI of 1939.
- (b) "acceptance of bet" with all its grammatical variations means the acceptance of a bet as defined in clause (a) above by any person either on behalf of himself or any other person or through any agent or any person procured or employed acting for or on his behalf, with a promise, undertaking or assurance express or implied for payment of any money or any valuable thing after the happening or determination of an unascertained event or thing in relation to any game or sport.

Banks, Posts and Telegraphs or any other organisation or house or concern which transmits money or valuable security shall be deemed to be joint agent of both the sender and the receiver.

- (c) "Betting house" means any house, room, office, enclosure, space, vehicle, vessel, tent or place which is used for the purpose of betting or for receiving any information of anything including the result of any game or sport or wherein instruments of betting or records of betting are kept or found or whereto visitors are invited for purpose of betting by any advertisement, board or signboard or any visible sign or by any words verbal or in writing.

- (d) "instruments of betting" includes any board, table, tickets, tokens, coupons, book, khatas, slips and all other things which are used in bettings or to facilitate betting on a game or sport.
- (e) "records of betting" includes any table, board cloth, writing materials, accounts and account-books, slips, paper, books, khatas, receipts, coupons and all other things which contain or may indicate to have any relation to record of betting.
- (f) "District Magistrate" shall include a Magistrate holding the charge of a Subdivision and an Additional District Magistrate and also any Magistrate having the powers of a First Class Magistrate.
- (g) "District Superintendent of Police" includes an Additional and Assistant Superintendent of Police, Deputy Superintendent of Police and any police officer, holding the charge of a Subdivision of a District.
- (h) "person" shall have the same meaning as defined in the Assam General Clauses Act, 1915 and shall include a firm, whether registered or not and also a firm of an undivided Hindu family. Assam Act III of 1915.
- (i) "valuable security" shall have the same meaning as defined in the Indian Penal Code, 1860. Central Act XLV of 1860.
- (j) "the Act" means the Public Gambling Act, 1867.
- (k) "invitation for betting" means to invite visitors to take part in betting in whichever form or to be present in the betting house, by or through any advertisement or display of any board, signboard or any other form of visible representation or by words, verbal or in writing.

Amendment of section 2 of Central Act III of 1867.

3. For section 2 of the Public Gambling Act, 1867 the following shall be substituted, namely—

"Extent

2. This Act shall extend to the whole of Assam excluding the Autonomous State of Meghalaya but including the Municipality of Shillong."

Amendment
of section 3
of Central
Act III of
1867

4. In section 3 of the Act, for the words "two hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment
of section 7
of Central
Act III of
1867.

5. In section 7 of the Act, for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Amendment
of section 13
of Central
Ac III of
1867.

6. In section 13 of the Act, for the words "fifty rupees", the words "one hundred rupees" shall be substituted.

Power to enter and authorise Police to enter and search.

7. If a District Magistrate or a District Superintendent of Police has reason to believe that any house, room, office, enclosure, space, vehicle, vessel, tent or place is used as betting house;

he may either himself enter or by his warrant authorise an 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, office, enclosure, space, vehicle, vessel, tent or place;

and may either himself or by the Police Officer authorised as above take into custody, all persons whom he or such officer, finds therein, whether or not then actually betting ;

and may either himself or by such Police Officer as authorised as above, seize all things reasonably suspected to be instruments of betting or records of betting 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 betting on a game or sport ;

and may either himself or the Police Officer as authorised above, search all parts of the house, room, office, enclosure, space, vehicle, vessel, tent or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of betting or records of betting are concealed or kept therein, and also the persons of those whom he or such officer so takes into custody ;

and either he or such officer may seize and take possession of all things reasonably suspected to be instruments of betting or records of betting found upon such search, or used or intended to be used in betting.

Presumption 8. When any instruments of betting or any records of betting are found in any house, enclosure, room, office, space, vehicle, vessel, tent or place entered or searched under the provision of the last preceding section or on or about the persons of any of those who are found therein, it shall be presumed, until the contrary is made to appear, that such house enclosure, office, room, space, vehicle, vessel tent or place is used as betting house and that the persons found therein were present for the purpose of betting although no betting was actually seen by the Magistrate or by the Police Officer or any of its Assistants.

Penalty on persons arrested for giving false names and addresses 9. If any person found in a betting house, entered by a Magistrate or any officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate or 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 shall be punished with rigorous imprisonment for not less than three months but not exceeding one year and a fine of rupees five hundred but not exceeding rupees one thousand.

Destruction of Instruments and records of betting and forfeiture of money, etc. 10. On conviction of any person for an offence under the provisions of this Act, the convicting Magistrate shall order all the instruments and records of betting found therein to be destroyed and shall order all and any of the securities for money and other article seized, not being instruments or records of betting to be sold and converted into money and the proceeds thereof and all money seized therein to be forfeited.

Proof of actual betting unnecessary. 11. It shall not be necessary in order to convict any person for keeping a betting house or for being concerned in the management of any betting house to prove that any person found was actually betting.

Witnesses indemnified. 12. Any person who shall have been concerned in betting and who shall be examined as a witness before a Magistrate on the trial of any person under any provision of this Act and who upon such examination shall in the opinion of the Magistrate make true and faithful statement, and discovery to the best of his knowledge, of all things regarding which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be free from all prosecutions under this Act for anything done before that time.

Arrest of persons found betting or possessing instruments or records of betting and seizure. 13. Any Police Officer may apprehend any person found betting or having in possession any instrument of betting or records of betting found on or about a person so apprehended.

Punishment for betting, inviting or accepting betting or possessing instrument or records of betting. 14. Anybody who bets or invites betting or possesses any instrument of betting or records of betting or accepts betting as defined by the provisions of this Act shall be punished with rigorous imprisonment for not less than six months but not exceeding three years and a fine of rupees one thousand but not exceeding rupees two thousand.

Penalty for owning or keeping or having charge of a betting house. 15. Whoever opens or keeps betting house or uses any house, room; office, enclosure, space, vehicle, vessel, tent, or place as a betting house or whoever being an owner, occupier or having the use of any house, room, office, space, vehicle, vessel, tent, enclosure, place permits or connives at any person using such house, room, office, space, vehicle, vessel, tent, enclosure or place as a betting house or whoever has the care or management of or in any manner assists in conducting the business of any house, room, office, space, vehicle, vessel, tent, enclosure or place opens, keeps or uses the same for the purpose of betting or whoever advances or furnishes money for the purpose of betting shall be punished with rigorous imprisonment for not less than six months but not exceeding three years and a fine for rupees one thousand but not exceeding rupees two thousand.

Presumption as to betting. 16. Anybody who is found in a betting house by a Magistrate or a Police Officer entering into a betting house under the provision of section 7 of this Act shall be presumed, unless the contrary is proved, that he had been there for the purpose of betting and shall be punished with rigorous imprisonment for not less than six months but not exceeding three years and a fine of rupees one thousand but not exceeding rupees two thousand.

Punishment for communicating and receiving information about result of or in relation to betting. 17. Anybody who communicates any information about the result of a betting or any thing in relation to a betting and anybody who receives such information shall be liable to be punished with rigorous imprisonment for not less than six months but not exceeding three years and a fine of rupees one thousand but not exceeding rupees two thousand.

Presumption and evidence in respect of instrument of betting and taking part in betting. 18. Any ticket, token, receipt, coupon or counter-foil and such other things found and seized on or about a person apprehended or taken into custody under any provision of this Act or found and seized in and from the possession of a person shall be evidence in the trial of such person for an offence under this Act and unless the contrary is proved, shall be presumed to be an instrument of betting on a game or sport and shall also be presumed that the person concerned had taken part in betting.

Presumption and evidence in respect of records of betting. 19. Any cloth, writing materials, books, khata, registers, ledgers, accounts and account books which may indicate to have any relation to betting, if found on or about the person who has been apprehended or taken into custody under any provision of this Act or found and seized in and from the possession of any person shall be evidence at the trial of such person for an offence under this Act and shall be presumed to be records of betting unless the contrary is proved by the accused person.

Finding of tickets, tokens, etc., in suspected houses to be evidence that they are instruments or records of betting and that such houses are betting houses. 20. Any ticket, token, receipt, coupon, counter-foil and any cloth, board, table, paper and slips of paper, books, registers, boards, signboards or any visible representations, ledgers, accounts, account books and money which may indicate to have any relation with betting and which have been found and seized under section 7 of this Act shall be evidence in a trial for an offence under section 15 and shall be presumed to be instruments of betting or records of betting, as the case may be, and the house, room, office, space, vehicle, vessel, tent, enclosure or place shall be presumed to be a betting house unless the contrary is proved by the accused person.

Offences cognisable, non-bailable, and special procedure for granting bails. 21. All offences under this Act shall be cognisable and non-bailable, and no person accused of an offence under this Act, shall be released on bail by any Court without hearing the prosecution of which due notice shall be given; provided that all orders shall give reasons for which bail is given.

Amendment of Chapter II of Assam Act VI of 1939. 22. Chapter II of the Assam Amusements and Betting Tax Act, 1939, hereinafter referred to as the said Chapter, shall stand amended as specified in the Schedule;

Assam Act VI of 1939.

Repeal and
Saving.

23.(1) The Assam Game and Betting Ordinance, 1970 is hereby repealed. Assam Ordinance III of 1970.

(2) Notwithstanding such repeal, anything done or any action taken under the Assam Game and Betting Ordinance, 1970, shall be deemed to have been done or taken under this Act as if this Act had commenced on the twentieth day of August, 1970 (the date of promulgation of the Ordinance).

SCHEDULE

(See Section 22)

Amendments to Chapter II of the Assam Amusements and Betting Tax Act, 1939.

1. In section 14 of the said Chapter:—

- (i) clause (3A) shall be deleted;
- (ii) clause (7) shall be deleted.

2. In section 18 of the said Chapter, sub-sections (3), (4) and (5) shall be deleted.