

THE DELHI PUBLIC GAMBLING ACT, 1955 (Act No. 9 of 1955)

This Act received the assent on 26th December, 1955 and was made applicable to whole of NCT of Delhi w.e.f 24th February, 1956.

The object for bringing this Act was to curb the evils of public gambling and to curb keeping of the common gaming houses.

❖ Section 2 (Interpretation)

- (i) Gaming- It includes wagering or betting except wagering or betting upon a horse race on the day of the run in an enclosure with the stewards having the sanction of the Government, but it doesn't include lottery.
- (ii) Instruments of Gaming- It includes any article used or intended to be used as a means or subject of gaming, any document used or intended to be used as a record or register or evidence of gaming, the proceeds of gaming and any winning of prizes in money or other form distributed or intended to be distributed in respect of gaming.
- (iii) Common gaming house- It means a house or room or tent or enclosure or vehicle or vessel or any place in which instruments of gaming are kept or used for gaming purposes-
 - (a) with a view to profit or gain of the person owning/occupying/keeping such gaming house/ room/ enclosure/ vehicle/ vessel etc.
 - (b) with or without such view of profit or gain if the gaming is on figures or numbers or dates to be subsequently ascertained or disclosed or on the occurrence or non-occurrence or quality or extent of any natural event.

❖ Section 3 (Penalty for owning or keeping or having charge of a gaming house)

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

whoever being as aforesaid knowingly or willfully permits the same to be opened, occupied, used or kept by any other person as a common gaming house; and







whoever having care or management of, or in any way conducting the business of any above mentioned places opens, uses or keeps as aforesaid; and

whoever advances or furnishes money to the persons frequenting such places for purposes of gaming

shall be liable to imprisonment for a term extendable up-to 6 mts. & shall also be liable to fine extendable up-to Rs.1K.



❖ Section 4 (Penalty for being present in gaming house)

- Any person, who is found in any gaming house playing or gaming with cards, dice, counters, money or other instruments of gaming or is found for the purposes of gaming, whether playing for money, wager, stake or otherwise, shall be liable to imprisonment extendable up-to 3 mts. & shall also be liable to fine extendable up-to Rs.500/-.
 - The person found present in any common gaming house during gaming or playing shall be presumed to have been there for the purposes for gaming, unless proved to the contrary.
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❖ Section 5 (Powers to enter and authorise police to search)

- If the District Magistrate or any other officer invested with the powers of a Magistrate of 1st class or the Superintendent of Police has reasons to believe upon a credible information that any house, room, tent, enclosure, vehicle, vessel or place is used as a common gaming house;

he may either himself or by way of warrants authorise a police officer not below the rank of Sub-Inspector to enter such place with the necessary assistance and by use of such force as is necessary, either in day or in night;

and take into custody by himself or through the authorised officer all persons found present there, whether actually gaming or not;

and may either seize himself or through the authorised officer all the instruments of gaming, all money & securities & articles of value reasonably suspected to have been or intended to be used for the purposes of gaming;

and may search or authorise the officer to search all parts of the said gaming house when he or the authorised officer has reasons to believe that any instruments of gaming might be concealed therein and may search or authorise to search the persons taken into custody;

and may seize or authorise to seize and take possession of all instruments of gaming found during search.

(See Rule 26.17 in PPR)

❖ Section 6 (Finding cards etc. in suspected houses to be evidence that such houses are common gaming houses)





○ When any cards, dice, gaming tables, clothes, boards or other instruments of gaming are found in a house, room, tent, enclosure, space, vehicle, vessel or place under the provisions of Section 5 or from the search of the person present therein, it shall be presumed unless proved to the contrary, that such place is used as a common gaming house and that the persons found present there were present for the purposes of gaming although no actual play was actually seen by the Magistrate or the Police Officer or by the person assisting.

❖ Section 7 (Penalty on persons arrested for giving false names and addresses)

- If any person found present inside a common gaming house; entered by a Magistrate or an authorised officer; as per provisions of Section 5, upon being arrested or upon being brought before any Magistrate or upon being required by the Magistrate or the authorised officer to give his name and address refuses or neglects in giving so, or provides a false name or address shall on conviction by the same Magistrate or by any other Magistrate, be adjudged to pay a penalty not exceeding Rs.500/- together with such costs as the Magistrate deems fit and non payment of the penalty or costs may result in imprisonment for a term extending up-to 1 month.



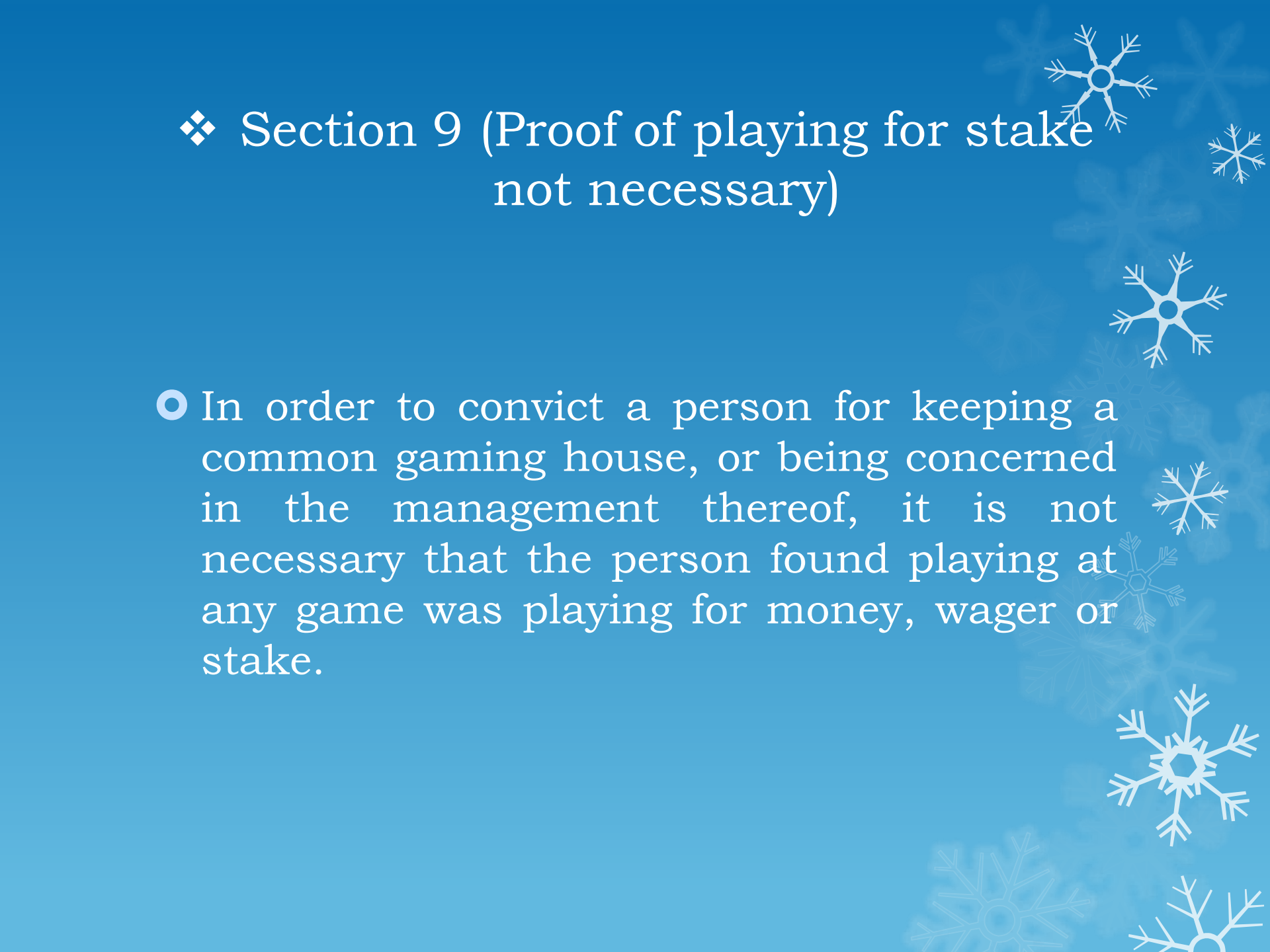
❖ Section 8 (On conviction instruments of gaming house to be destroyed)

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- The convicting Magistrate, besides convicting a person for being found therein or keeping or using a common gaming house, may order for the destruction of all the instruments of gaming and may also order all or any of the securities for money & other articles not being the instruments of gaming to be sold and converted into money and the proceeds of the money shall be forfeited or may in his discretion direct to return part thereof to the persons entitled.



○ **Ref.** Sukhdeep Singh V/s State
Cr. (Misc.) No. 596/2016





❖ Section 9 (Proof of playing for stake not necessary)

- In order to convict a person for keeping a common gaming house, or being concerned in the management thereof, it is not necessary that the person found playing at any game was playing for money, wager or stake.

❖ Section 10 (Magistrate may require any apprehended person to swear in and give evidence)

- A Magistrate, before whom a person apprehended from a common gaming house is brought, may require such person to be examined on oath/solemn affirmation and give evidence regarding unlawful gaming in the common gaming house.
- No person required to be examined as aforesaid can excuse himself from being examined as such on the ground that the evidence will tend to criminate himself.
- Any person who is required to be examined as mentioned above, if refuses to take oath or solemn affirmation shall be dealt in the manner provided in Section 178 IPC [*Refusing oath or affirmation when duly required by a public servant*] or Section 179 IPC [*Refusing to answer public servant authorised to question*].

❖ Section 11 (Indemnification of witness)

- Any person, who was on trial being involved in gaming and who on examination by the Magistrate makes true and faithful discovery to the best of his knowledge of all the things, shall be freed from prosecution for anything done prior to his examination under this Act and shall receive a certificate in writing from the Magistrate to this effect.

❖ Section 12 (Gaming & setting birds and animals to fight in public streets)

- Any person who is found involved in gaming in any public street, place or thoroughfare or who is setting birds and animals to fight in public street, place or thoroughfare, may be apprehended by any police officer without warrant, or similarly any person aiding and abetting such public fighting may also be apprehended without warrant,

such apprehended person(s) shall be brought without delay before the Magistrate and shall be punishable on conviction with imprisonment which may extend to 3 mts. & shall also be liable to fine extendable up-to Rs.1 K.

all the instruments of gaming found in public street, place or thoroughfare shall be seized by the Police Officer making the arrest and on conviction such instruments shall be destroyed forthwith.

- ❖ Sections 13,14,15,16 & 17 (Exemption of games of skill, Offence by whom triable, Penalty for subsequent offence, Portion of fine payable to Informer & Recovery of Fines)
- ❖ The provisions of this Act shall not be applicable to any game of skill. (Section 13)
- ❖ The offence under this Act shall be triable by the Court of the Illaqa Magistrate. (Section 14)
- ❖ Any person convicted once either under Section 3 or Section 4 of this Act on being convicted subsequently shall be liable to double the amount of the punishment to which he was liable for the first offence. (Section 15)
- ❖ Any portion of fine levied under Section 3 or Section 4 or Section 15 or any part of the moneys or proceeds of articles seized and forfeited may be ordered to be paid to the informer, by the Convicting Court. (Section 16)
- ❖ The amount of the fines imposed may be recovered in the manner provided in Cr.P.C. (Section 17)

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1955

Thanks

Birender Singh Dagar

Sr. Prosecutor

Law Faculty

Police Training College

New Delhi