

The Public Gambling Act, 1867

(ACT NO. II OF 1867)

♣An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in Bangladesh.

Preamble

WHEREAS it is expedient to make provisions for the punishment of public gambling and the keeping of common gaming-houses in Bangladesh; It is enacted follows:-

Short title and extent

²[1. This Act may be called the Public Gambling Act, 1867 and shall extend to the whole of Bangladesh ³[except ⁴[a Metropolitan Area]].]

Definitions

⁵[1A]. "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place-

(a) on the day of which such race is to be run,

(b) in an enclosure which the Stewards controlling such race have, with the sanction of the Government, set apart for the purpose, and

(c) (i) with a licensed bookmaker, or

(ii) by means of a totalisator as defined in section 14 of the

⁶[* * *] Amusements Tax Act, 1922

but does not include a lottery.

"instruments of gaming" includes any article used as a means or appurtenance of, or for the purpose of carrying on or facilitating, gaming; and

"common gaming-house" means any house, room, tent, or walled enclosure, or space, or vehicle, or any place whatsoever, in which any 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, space, vehicle or place, whether by way of charge for the use of such

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house, room, tent, enclosure, space, vehicle, place or instruments or otherwise howsoever.

Power to extend Act

2. It shall be competent to the Government whenever it may think fit, to extend, by notification to be published in the official Gazette, all or any of the sections of this Act to any city, town, or place in Bangladesh, and in such notification to define, for the purposes of this Act, the limits of such city, town or place, and from time to time to alter the limits so defined.

Penalty for owning or keeping, or having charge of common gaming-house

3. Whoever, being the owner or occupier, or having the use, of any house, tent, room, space or walled enclosure, situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, tent, room, space or walled enclosure 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, tent, room, space or walled enclosure 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, tent, room, space or walled enclosure, shall be liable, on conviction before any Magistrate to a fine not exceeding two hundred taka, or to imprisonment of either description, as defined in the ⁷[Penal Code] for any term not exceeding three months.

Penalty for being found in common gaming-house

4. Whoever is found in any such house, tent, room, space, or walled enclosure, 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, on conviction before any Magistrate, to a fine not exceeding one hundred taka or to imprisonment of either description, as defined in the ⁸[Penal Code], for any term 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.

Power to enter and authorize police to enter and search

5. If the Magistrate of a district or other officer invested with the full powers of a Magistrate or the District Superintendent of Police, upon credible information, and after such inquiry as he may think necessary, has reason to believe that any house, tent, room, space or walled enclosure is used as a common gaming-house,

he may either himself enter, or by his warrant authorize any officer of police, not below such rank as the Government shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary,

any such house, tent, room, space or walled enclosure, and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not such person may be then actually gaming;

and may seize or authorize 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 authorize such officer to search all parts of the house, tent, room, space or walled enclosure 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 authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, etc., in suspected houses to

6. When any cards, dice, gaming-table, cloth, boards or other instruments of gaming are found in any house, tent, room, space or walled enclosure entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be