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GOVERNMENT OF BALUCHISTAN ,
LAW DEPARTMENT. V/

NOTIFICATION, °

Dated Quetta, the 22nd March, 1978.

No. Legis. 2-2/Law/78. The following Ordinance made
by the Governor of Baluchistan on the 15th March, 1978, is hereby
published for general information:—

BALUCHISTAN ORDINANCE NO. X OF 1978.

THE BALUCHISTAN PREVENTION OF GAMBLING, ORDINANCE
1978. ; \

AN
ORDINANCE

to provide for the prevention of gambling.

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Preamble.

Short title,

extent and
commence-
ment:

Definitions.

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WHEREAS the Prevention of Gambling Act, 1977 was enacted by the Parliament during the period when the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan was in force;

AND WHEREAS in consequence of revocation of the Proclamation of Emergency on 15th September, 1977, it is expedient to re-enact the Provisions of the said Act as a Provincial Law on the expiry of six months from the said date;

AND WHEREAS the Governor is satisfied that circumstances exist which render it necessary to take immediate action;)

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977) and in exercise of all powers enabling him in that behalf, the Governor of Baluchistan is pleased to make and promulgate the following Ordinance:— ;

1. (1) This Ordinance may be called the Baluchistan Prevention of Gambling Ordinance, 1978,

(2) It shall extend to the whole of Province of Baluchistan.

(3) It shall come into force at: once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Common gaming-house" means any house, room, tent, enclosure, vehicle, vessel or other place whatsoever in which any instruments of gaming are kept or used for gaming purposes-

(i) With a view of profit or gain of any person owning, occupying or keeping such house, room, tent, enclosure, vehicle, vessel or other place, whether by way of charge for the use of such house, room,

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Penalty for
owning or
keeping or ha-
ving charge of a
common ga-
ming-house.

(b)

(c)

(d)

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...tent,.. enclosure, vehicle, vessel or
“place or instruments: or otherwise
howsoever; or

(ii) With or without | a'view of such
profit or gain, if the gaming the
'purpose of which instruments are

' so kept or used gaming on any
figures or numbers or: dates to be
subsequently ascertained or disclo-
sed, or on the occurrence or non-
occurrence of any natural event;*

“Gaming” includes wagering or betting,

including a wager or bet made in res- ~
pect of any horse, mare or gelding running
in competition with 'any other horse,
mare or gelding, or of the'rider thereof,

‘Instruments of gaming” includes any
article used or intended to be used
as a means -or appurtenance of, or of
carrying or facilitating, gaming, and
any documents used as @ register or
record or evidence of any gaming; and

“Prescribed” means presctibed by rules
made under this Ordinance.

3. (1) Whoever—

(a) Being the owner or occupier, or having

.. (by

(c)

the use, of any house, room, tent, en-''
closure, vehicle vessel or other place, ' :
keeps or 'uses, or knowingly or wil-°
fully permits the same. to be occupied,
kept or used: by any other person as
a common gaming- -house;~~ or ae

Has the care or management, or in
any manner . assists in conducting
the business, of any common gaming-
house; or

Advances or furnishes money' for 'the
Purpose of -gaming' "with "persons
frequenting. any coninan gaming-
house,

Penalty for
: being found
in Common

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shall be punishable with imprisonment for a term

'which shall net be less than one month nor more than one year, or with fine which shall not be less than one hundred rupees nor more than one thousand rupees, or with 'both.

(2) In a prosecution under sub-section

(1), it shall not be necessary to prove that the person found playing was playing for any money, wager or stake.

4. (1) Whoever is found in any common gaming-house playing or gaming with. cards, dice, counters, money or other instruments of gaming, or

gaming-house. for the Purpose of gaming, whether for any money,

Penalty for
gaming. in a
public place.

Penalty for
gaming in

etc.

wager or stake or otherwise, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(2) 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.

5. Whoever is found gaming in any public place, street or thoroughfare, shall be punishable with imprisonment for a term which may extend to one

year, or with fine which may extend to five hundred _

rupees, or with both.

6. Whoever is found gaming in any 'house, soom, tent, enclosure, vehicle, vessel or other place"

Private places, shall be punishable with imprisonment for a term: which may extend to two years, or with fine which:

may extend to 'one thousand rupees, or with both.

Enhanced punishment- 7. Whoever, having been convicted of an

'ishment for
subsequent
offences.

offence under this Ordinance, again commits any su

é shall be punishable for every such sub-
sequent offence with imprisonment for a term
which may extend to three years, or with fine which
may extend to two thousand rupees, or with both.

Power to-enter 8. If a District Magistrate, Sub-Divisional
and search.

Magistrate,.. Magistrate of the first class upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used as a common gaming-house, or that an offence under section 6 is being committed at or in any place, he may-

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(a) Enter such place at any time with such assistance as he may require and using such force as may be necessary;

Provided that, if such place is in the actual occupancy of a woman

\ who, according to custom, does not

appear in public, the officer so en-

tering such place shall give notice

to her that she is at liberty to withdraw

and, after allowing reasonable time

for her to withdraw and giving her

reasonable facility for withdraw-
ing, "may enter the place;

t

\ (b) Search such place for any instruments

of gaming kept or concealed therein,
and also the person of all those who are
found in that place, except the women:

(c) Seize and take possession of gaming
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 or upon any
person found therein: and

(d) Take into custody all persons, except ;
women, found in that place, whethe
or not then actually gaming. 7

Presumption 9. When any cards, dice, gaming-tables,
with respect clothes, gaming-boards or other instruments of gaming
.tocommon are found in any house, room, tent enclosure, ve-
gaming-house hicle, vessel or other place entered or searched under
and persons the provision of section 8, or upon any person found

gaming

«resent there- therein, it shall be presumed, until the contrary is

in. proved, that such house, room, ~ tent, enclosuie,
vehicle, vessel or other place is used as a common
gaming-house and that any person found therein was
there present for the purpose of gaming, although
no play was actually secn by the fficer making the
entry or search.

Tender of par- 10. Any person who shall have been concerned
don to an with any gaming contrary to this Ordinance and who
accomplice. shall be examined as a witness before a Magistrate

on the trial of any person for a breach of any of the provisions of this Ordinance relating to gaming and who, upon such examination, shali in the opinion of the Magistrate make true and faithful discovery to the best of his knowledge of ali things as to which he shall be so examined, shall thereupon receive from the Said Magistrate a certificate in writing to this effect and shal] be freed from all prosecutions under this Ordinance for anything done before that time in respect of such gaming.

Saving... x 11. Nothing in this Ordinance shall apply to z games played ina Tourist Comle which is established / and maintained under, and in accordance with the { terms of, alicance granted by the Government and to which only foreigners are admitted.

Repeal. . 12. The Baluchistan prevention of Gambling Ordinance, 1961:(West Pakistan Ordinance | of 1961) is hereby repealed:

Mr. Justice Mir Khuda Bakhsh Marri,
«Queita, Governor of Baluchistan:
Dated the .
_ 15th March, 1978.

Fakhruddin H. Shaikh.
Law Secretary,