

CONTENTS

Short title, extent and commencement

Definitions

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

Penalty for being found in common gaming-house

Penalty for gaming in a public place

Penalty for gaming in private places, etc.

Enhanced punishment for subsequent offences

Power to enter and search

Presumption with respect to common gaming-house and persons present therein

Tender of pardon to an accomplice

Saving

Act to override other laws, etc.

Page 1 of 4

THE PREVENTION OF GAMBLING ACT, 1977

'ACT NO. XXVIII OF 1977

[21st May, 1977]

An Act to provide for the prevention of gambling

WHEREAS it is expedient to provide for the prevention of gambling:

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—

1. Short title, extent and commencement:— (1) This Act may be called the Prevention of Gambling Act, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, 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, 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 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 of any natural event;

(b) "gaming" includes wagering or betting, including a wager or bet made in respect of any horse, mare or gelding running in competition with any other horse, mare or gelding, or of the rider thereof;

(c) "instruments of gaming" includes any article used or intended to be used as a means or appurtenance of, or of carrying on or facilitating, gaming, and any documents used as a register or record or evidence of any gaming; and

¹ For Statement of Objects and Reasons, see Gaz. of P., 1977, Ext., Pt. III, p. 3544.

This Act has ceased to have effect w.e.f. 15-3-78 due to the revocation of Proclamation of Emergency of Pakistan. 1973 except the Islamabad Capital Territory.

(d) "prescribed" means prescribed by rules made under this Act.

3. Penalty for owning or keeping or having charge of a common gaming-house:— (1) Whoever—

(a) being the owner or occupier, or having the use, of any house, room, tent, enclosure, vehicle, vessel or other place, keeps or uses, or knowingly or wilfully permits the same to be occupied, kept or used by any other person as a common gaming-house; or

(b) has the care or management, or in any manner assists in conducting the business, of any common gaming house; or

(c) advances or furnishes money for the purpose of gaming with persons frequenting any common-gaming-house,

shall be punishable with imprisonment for a term which shall not 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. Penalty for being found in common gaming house:— (1) Whoever is found in any common gaming-house playing or gaming with cards, dice, counters, money or other instruments of gaming, or for the purpose of gaming, whether for any money, 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. Penalty for gaming in a public place. 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. Penalty for gaming in private places, etc. Whoever is found gaming in any house, room, tent, enclosure, vehicle, vessel or other place 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.

7. Enhanced punishment for subsequent offences. Whoever, having been convicted of any offence under this Act, again commits any such offence shall be punishable for every such subsequent 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.

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

(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 entering 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 withdrawing, may enter the place;

(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, whether or not then actually gaming.

9. Presumption with respect to common gaming-house and persons present therein. When any cards, dice, gaming-tables, gaming clothes, gaming-boards or other instruments of gaming are found in any house, room, tent, enclosure, vehicle, vessel or other place entered or searched under the provisions of section 8, or upon any person found therein, it shall be presumed, until the contrary is proved, that such house, room, tent, enclosure, 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 seen by the officer making the entry or search.

10. Tender of pardon to an accomplice. Any person who shall have been concerned with any gaming contrary to this Act and who 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 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 this effect and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

11. Saving.—Nothing in this Act shall apply to games played in a Tourist Complex which is established and maintained under, and in accordance with the terms of, a licence granted by the Provincial Government and to which only foreigners are admitted.

2[12. Act to override other laws, etc:—(1) This Act shall have effect notwithstanding anything contained in any other law for the time being in force.]

'This section is not applicable in ICT vide (Amdt.) Act, 1987 (Act No. XIII of 1987) s.2.

? Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 5 and Sch. 4 (t)