

LEGISLATIVE ASSEMBLY OF AZAD JAMMU & KASHMIR

MUZAFFARABAD

The July, 23, 1973.

No. 1869/LA/73. The following Act of the Legislative Assembly received the

assent of the President and is hereby published for general information :-

THE AZAD JAMMU & KASHMIR PREVENTION OF
GAMBLING (MAISIR) ACT, 1973

An Act to prevent the gambling (Maisir) and to bring the law in conformity with the basic tenets of Islam.

Whereas it is expedient to prevent the gambling (Maisir) and to bring the law in conformity with the basic tenets of Islam;

It is hereby enacted as follows: -

Short title, extent and commencement:- (1) This Act may be called the Azad Jammu and Kashmir prevention of Gambling (maisir) Act, 1973.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

Definitions:- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

a) 'common gaming-house', means any house or room or tent or enclosure or vehicle or vessel club or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes:

(i) with a view to the profit or gain of any person owning, occupying, or keeping such house, room, tent, enclosure, vehicle, club or place, whether by way of charge for the use of such house, room, tent, enclosure, vehicle, vessel, club or place or instruments or otherwise howsoever;

b)

d)

e)

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(ii) with or without a view to 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 non-occurrence of any natural event;

'gaming' includes wagering or betting and any game of cards in which players win or lose money;

'Government' means the Azad Government of the State of Jammu and Kashmir;

'instruments of gaming' includes any article used or intended to be used as a means or appurtenance of, or for the purpose of carrying on or facilitating gaming' and any document used as a register or record or evidence of any gaming;

'prescribed' means prescribed by rules made under this Act.

Penalty for owning or keeping or having charge of a common gaming-houses:- (1) Whoever:

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

has the care or management of, 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 common gaming-house shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees or with both:

Provided that such imprisonment shall not be less than three months and fine shall not be less than rupees three

hundred.

In a prosecution under the last preceding sub-section, it shall not be necessary to prove that the person found playing was playing for any money, wager or stake.

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, stake or otherwise, shall be punished with imprisonment which may extend to one year, or with fine which may extend to five hundred 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.

Penalty for gaming:- Whoever is found gaming in any place, public or private, street or thoroughfare, shall be punished with rigorous imprisonment which may extend to two years or with fine which may extend to two thousand rupees, or with both.

Power to enter and authorise Police to enter and search:- If a District Magistrate, Sub-Divisional Magistrate, Magistrate of First Class or District Superintendent of Police, upon information and after such inquiry as he thinks necessary, has reason to believe that an offence under Section 5 is being committed at or in any place, he may either himself, or when he is a Magistrate, by warrant, authorise any Police Officer not below the rank of Sub-Inspector of Police to:

(a) enter such place at any time with such assistance as may be required, and by force if necessary: Provided that if such place is in the actual occupancy of a woman who according to the custom of the country 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 a 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 were 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 purposes of gaming, which are found therein or upon any person there in present;

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(d) take into custody all persons, except women, found therein whether or not then actually gaming.

Enhanced punishment for subsequent offences:-Whoever, having been convicted of any offence under this Act, again commits Any offence under this Act shall be punished for every such subsequent offence with imprisonment which may extend to three years, or with fine which may extend to three thousand rupees, or with both.

Presumption with respect to common gaming-house and persons therein present:- When any cards, dice, gaming-tables, gaming-boards or other instruments of gaming are found in any house, room, tent, enclosure, vehicle, vessel, club or place, entered or searched under the provisions of the last preceding section, or about any person found therein, it shall be evidence, until the contrary is made to appear, that such house, room, tent, enclosure, vehicle, vessel, club or 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 Magistrate or Police Officer, or any of his assistants.

Powers of Police Officers:- A Police Officer may:

(a) arrest without warrant any person committing an offence under Section 5 ;

(b) search any person so as to seize instruments of gaming used for committing an offence under Section 5; and

(c) seize all instruments of gaming and moneys etc, used for the purpose of or in connection with the committing an offence under Section 5.

Jurisdiction to try offence:- No Magistrate shall try an offence under this Act unless he is a Magistrate First Class empowered under Section 30 of Criminal Procedure Code or a Magistrate or a Qazi specially empowered by the Government.

Procedure:- Notwithstanding anything contained to the contrary in Criminal Procedure Code or any other law for the time being in force all offences under this Act shall be cognizable and- non-bailable.

Power to make rules:- The Government may make rules for

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carrying out the purposes of this Act.

13. Repeal:- The Public Gambling Act, 1867 is hereby repealed.

Sd/-(Ashfaq Ahmed Khan)

Secretary

Legislative Assembly of Azad Jammu and Kashmir.