



## THE PUBLIC GAMBLING ACT, 1867



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# <sup>1</sup>[THE PUBLIC GAMBLING ACT, 1867]

<sup>2</sup>Act No. III of 1867

[25th January, 1867]

## **An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in <sup>3</sup>[the Punjab].**

**Preamble.** WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in <sup>4</sup>[the Punjab] ;

It is hereby enacted as follows :—

### **1. Interpretation clause.—**In this Act—

5\*            \*            \*            \*            \*            \*            \*

**“Common gaming-house”** "Common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profits or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever :

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<sup>1</sup> Short title given by the Repealing and Amending Act, 1897 (5 of 1897).

This Act has been repealed to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 4 and 3rd Sch.

\* The Public Gambling Act 1867, (III of 1867) has been repealed in its application in the Province of Punjab. See Punjab Act, II of 1985, s.2.

<sup>2</sup> For Statement of Objects and Reasons, see Gazette of India, 1866, p. 976; for Report of the Select Committee, see Gazette of India, 1867, Supplement, p. 44; and for Proceedings in Council, see Gazette of India, 1866, p. 662, and Gazette of India, 1867, pp. 48 and 52.

The Act was declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s. 3.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P. subject to certain modifications, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been extended to the Excluded Area of Upper Tanawal other than Phulera by the N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from the 1st June, 1951, -See N. W.F.P. Gazette Extraordinary, dated the 1st June, 1951.

It has been amended in its application to their :-

(i) N.W.F.P. by N.W.F.P. Act 5 of 1947 and N.W.F.P. Act 28 of 1950; and

(ii) Punjab, by Punjab Act 1 of 1929.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I. p. 1499.

Sections 1,2,3,4,5,6,7,8,9,10,14,15 and 16 of this Act, have been extended to the Districts of Peshawar, Hazara and Mardan with effect from the 5th December, 1957, vide Police Notification No. 3(5)-HP-I/57 (7385)/26110, dated the 5th December, 1957.

This Act has been repealed to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 4 and 3rd Sch.

<sup>3</sup> Certain original words have successively been amended by the Repealing and Amending Act, 1903 (1 of 1903), A. O. 1949, Sch., and the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

<sup>4</sup> Certain original words have successively been amended by the Amending Act, 1891 (12 of 1891), Sch II, Act 1 of 1903. A.O. 1949 and Ordinance 21 of 1960, s. 3 and 2nd Sch., (with effect from the 14th October, 1955) to read as above.

<sup>5</sup> Definitions of " Lieutenant-Governor "and "Chief Commissioner" rep. by A. O., 1937.

**2. Power to extend Act.** <sup>2</sup>[Sections 13 and 17] of this Act shall extend to the whole of the <sup>3</sup>[Punjab]; and it shall be competent to the <sup>4</sup>[Provincial Government] whenever <sup>5</sup>[it] may think fit, to extend by a <sup>6</sup>[notification to be published in three successive numbers of the official Gazette, all or any of the remaining sections of this Act to any city, town, suburb, railway-station house and place being not more than three miles distant from any part of such station-house within the <sup>7</sup>[Punjab], and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb or station-house, and from time to time alter the limits so defined.

From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

**3. Penalty for owning or keeping, or having charge of gaming house.** Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place 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, walled enclosure, room or place as aforesaid, knowingly or willfully permits the same to be opened, occupied used or kept by any other persons as a common gaminghouse ; and

Whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place 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, walled enclosure, room or place,

<sup>1</sup>The clauses relating to "Number" and "Gender" rep. by the Second Repealing and Amending Act 1914 (17 of 1914), s. 3 and II Sch.

<sup>2</sup>Subs. by the Amending Act, 1891 (12 of 1891), for "ss. 13, 17 and 18,"

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "Province, which had been subs. for "said territories", by A.O., 1949, Sch."

<sup>4</sup>Subs. by A.O., 1937, for "Lieutenant-Governor or the Chief-Commissioner, as the case may be."

<sup>5</sup>Subs., *ibid.*, for "he".

<sup>6</sup>For notification extending the remaining sections of this Act to the town of Kallarkot and certain villages in Mianwali District, see Gaz. of West Pakistan 1958, Pt. I, pp.182-83.

For notification extending the provisions of all the remaining sections of this act to the local limits of the revenue states( as specified in the land revenue record for the time being in force) of Taxila in the District of Rawalpindi, see West Pakistan Gazette, 1959, Pt. I p. 447.

<sup>7</sup>The Original words "territories subject to his government or administration" have successively been amended by A. O., 1937, A.O., 1949 Sch. and Ordinance 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14<sup>th</sup> October, 1955) to read at above.

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description,<sup>1</sup> as defined in the Pakistan Penal Code, ([XLV of 1860](#)) for any term not exceeding three months.<sup>2</sup>

**4. Penalty for being found in gaming-house.** Whoever is found in any such house, walled enclosure, room or place, 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 to a fine not exceeding one hundred rupees, or to imprisonment of either description,<sup>1</sup> as defined in the Pakistan Penal Code ([XLV of 1860](#)), for any term not exceeding one month,<sup>2</sup>

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.

**5. Powers to enter and authorise police to enter and search.** If the Magistrate of a district<sup>3</sup> or other officer invested with the full powers of a Magistrate<sup>3</sup>, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house,

he may either himself enter, or by his warrant authorise any officer of police, not below such rank as the<sup>4</sup> [Provincial 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, walled enclosure, room or place,

and may either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming ;

and may seize or authorise 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 authorise such officer to search all parts of the house, walled enclosure, room or place which 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 ;

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<sup>1</sup>See s. 53 of the Code.

<sup>2</sup>As to enhanced punishment for a second conviction of an offence under section 3 or section 4, see section 15 of this Act.

<sup>3</sup>Read District Magistrate and Magistrate of the first class, respectively, see Code of Criminal Procedure, 1898 (5 of 1898), s. 3.

<sup>4</sup>Subs. by A.O., 1937, for "Lieutenant-Governor or Chief-Commissioner".