

**THE PUBLIC GAMBLING (HIMACHAL PRADESH AMENDMENT)  
ACT, 1976**

**ARRANGEMENT OF SECTIONS**

Sections:

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**THE PUBLIC GAMBLING (HIMACHAL PRADESH AMENDMENT)  
ACT, 1976**

**(ACT NO. 30 OF 1976)<sup>1</sup>**

(Received the assent of the President on 30<sup>th</sup> July, 1976 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 5<sup>th</sup> August, 1976, pp. 1505-1510).

**An Act to amend the Public Gambling Act, 1867 (Central Act No. III of 1867), in its application to the State of Himachal Pradesh.**

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:-

**1. Short title, extent and commencement.-** (1) This Act may be called the Public Gambling (Himachal Pradesh Amendment) Act, 1976.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

**2. Amendment of section 1.-** For the definition of “Common gaming-house” in section 1 of the Public Gambling Act, 1867 (3 of 1867)

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<sup>1</sup> For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 11<sup>th</sup> April, 1975, p. 431.

(hereinafter referred to as the principal Act) the following definitions shall be deemed to be substituted, namely:-

“Gaming” includes wagering or betting on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event, or in any other manner whatsoever except wagering or betting upon a horse race, when such wagering or betting upon a horse race take place:-

- (a) on the day on which such race is to be run, and
- (b) in an enclosure which stewards controlling such race have, with the sanction of the State Government, set apart for the purpose, but does not include a lottery;

‘Instrument of gaming’ includes any article used as a means or an 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 and, in particular, *satta* papers, that is to say, any document wherein may be recorded any words and/or figures evidencing bets and used or intended to be used for or in connection with gaming;

*Explanation.*- If any document is recovered from the possession of any person containing words and, or figures, which *prima facie* appear to evidence bets, it shall be presumed that the words and figures evidence bets and the document was used or intended to be used for gaming, unless the person aforesaid proves to the contrary;

‘Common gaming-house’ means any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes:-

- (a) with a view to the profit or gain of any person owning, occupying or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of such house, room, tent enclosure, vehicle, vessel, place or instrument or otherwise howsoever,
- (b) with or without view to such profit or gain if the gaming for the purpose of which such instruments are so kept or used in 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.”

**3. Amendment of section 2.**- For the first paragraph of section 2 of the principal Act, the following paragraph shall be deemed to be substituted, namely:-

“Sections 13 and 17 of this Act shall extend to the whole of the State of Himachal Pradesh, and it shall be competent to the State Government, whenever it may think fit, to extend by a notification to be

published in the Official Gazette, all or any of the remaining sections, of this Act to any area within the territory of Himachal Pradesh.”

**4. Amendments of sections 3, 4, 5, 6 and 10.-** In sections 3, 4, 5, 6 and 10 of the principal Act, for the words “house, walled enclosure, room or place” wherever they occur, the words “house, room, tent, enclosure, vehicle, vessel or place”, shall be deemed to be substituted.

**5. Insertion of new section 4-A.-** After section 4 of the principal Act, the following section shall be inserted, namely:-

**“4-A. Enhanced punishment if offence under sections 3 or 4 relates to gaming with figures etc.-** Where an offence committed by any person under section 3 or section 4 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such person shall, notwithstanding anything contained in those sections,-

- (a) in the case of an offence under section 3, be liable to fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding one year, or to both; and
- (b) in the case of an offence under section 4, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both.”

**6. Repeal of section 12.-** Section 12 of the principal Act shall be deemed to be repealed.

**7. Substitution of section 13 and insertion of new sections 13-A and 13-B.-** For section 13 of the principal Act, the following sections shall be substituted, namely:-

**“13. Penalty for gaming in public street, etc.-** Whoever is found gaming in any public street, place or thoroughfare or setting any bird or any animal to fight in any such street, place or thoroughfare shall be punishable with fine not exceeding fifty rupees or with imprisonment of either description for a term not exceeding one month.

**13-A.- Enhanced punishment if offence under section 13 relates to gaming with figures. etc.-** Where an offence committed by any person under section 13 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such persons shall, notwithstanding anything contained in that section, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both.

**13-B.- Power to arrest without warrant.-** Any police officer may arrest without a warrant any person committing in his view any offence made punishable by section 13 or section 13-A.”

**8. Substitution of section 15 and insertion of new sections 15-A and 15-B.-** For section 15 of the principal Act, the following section shall be

deemed to be substituted and after section 15 so substituted the following new sections, shall be inserted, namely:-

**“15. Penalty for subsequent offence under section-3 .-** Whoever, having been convicted of an offence punishable under section 3, shall again be convicted of any offence punishable under that section shall be punished,-

- (a) for a second offence with imprisonment of either description which may extend to six months, or with a fine which may extend to Rs. 1,000, or with both;
- (b) for a third or any subsequent offence, with imprisonment of either description, which may extend to one year, and in the absence of special reasons to the contrary to be recorded in the judgment of the court, shall not be less than one month, together with a fine which may extend to Rs. 1,000.

**15-A. Penalty for subsequent offence under section 4.-** Whoever, having been convicted of an offence punishable under section 4 shall again be convicted of any offence punishable under that section shall be liable for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

**15-B. Enhanced punishment for subsequent offence under sections 4-A and 13-A.-** Whoever, having been convicted of an offence punishable under section 4-A or section 13-A, is again convicted of an offence punishable under either of those sections shall,-

- (a) for a second offence, be punished with not less than twice the punishment awarded to him on his first conviction; and
- (b) for a third or any subsequent offence, be punished with the punishment specified in clause (a):

Provided that the punishment under clause (b) shall not be less than imprisonment of either description for six months.”

**9. Insertion of new section 18.-** After section 17 of the principal Act, the following new section shall be deemed to be inserted, namely:-

**“18. Exemption of games of mere skill.-** Nothing in this Act shall apply to any game of mere skill wherever played.”

**10. Repeal and savings.-** The Public Gambling (Punjab Amendment) Act, 1929 (10 of 1929) and the Public Gambling (Punjab Amendment) Act, 1960 (9 of 1960), as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) are hereby repealed:

Provided that the repeal shall not affect,-

- (a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts, so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of the proviso to sub-section (1) anything done or any action taken under the Acts repealed by sub-section (1) shall, in so far as it is not inconsistent therewith, be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act as so amended.

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