

WEST BENGAL GAMBLING AND PRIZE COMPETITIONS ACT, 1957

Government of West Bengal Law Department Legislative West Bengal Act XXXII of 1957 The West Bengal Gambling and Prize Competitions Act, 1957 Superintendent, Government Printing West Bengal Government Press, Alipore, West Bengal 1958 *Price—Indian, 19 nP.; English, 4d. West Bengal Act xxxn of 1957 THE WEST BENGAL GAMBLING AND PRIZE COMPETITIONS ACT, 1957. [Passed the I I - est Bengal Legislature.] Assent of Cho Governor 'vas first published in the Calcutta Gazette, Ea:tra-oi•dinary, of the 12th March, 1 'j5S.j [lith March, 1958.] relating to the Act to consolidate and' concnd the law prevention of and to provide for - the eon trol and regulation, of prize 'competitions. is expedient to consolidate and amend the relating to the prevention of ganibling aud to provide for the control and regulation of prize competitions; It is hereby enacted in the Eighth Year of the Republic of India, by the Legislature of West Bengal, as follows : CHAPTEII 1 Preliminary be cal led the West; Bengal Act may (1) This and Prize Competi [ions Aet, 1957. m bling• (9) It extel141s to the whole of West Bengal. (3) "I'lis section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall conie into force in such areas and on such dates as the State Government may, by notification in the ()ffcial Gazette, appoint and for this purpose different dates may be appointed for klifferent, provisions of this Aet and for different areas

CHAPTER 11 Prevention of Gambling (I) In this chapter unless the context oihewise 2. requmres : — (a) ' 'common gamning house" means any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever, in which any instrument of gaming is kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, space, vehicle, vessel or place, whethér by way of charge for the use of such house, room, tent, enclosure, space, vehicle, vessel, place or instrument or otherwise howsoever ; Short title, extent and commence. ment. Deihiiti(The •i I Bengal Ga lill)linyu and Prize Conn petitions Act, 1957. [West Ben. Act // recentioh of Gambling.—Section 3.) o•anvino• or gambling" includes wao•erino• or betting, except wagerino• or betting upon a horse race, when such wao•erino• or betting takes place— (i) the day on .the race is fo be run, (ii) in •atl enclosure which the Stewards controlling such raco have, with the permission of the State Government, set apart for the purpose, and (iii) wifil a licensed book-maker or by means of a (d) (c) (h) totalisator as defined in section 14 of the Bengal Amuse Ben. Aet ments Tax Act, 1922 but does not include a V of 1922. lottery or games of cards like Bridge, Poker, Iney or Nap; instrument of gannino•" includes any article used or intended to be used as a means or appurtenance of, or for the purpose of carrying on or facilitating Ineans a Presidency Magistrate or a jnagisfra te' ' Magistrate oof the First Class ; includes a cheque or any other negotiable money" ilfstrument, a postal order or a money order; police officer" means any member of the Police force and includes the Commissioner of Police, Calcu ; prescribed" nrettlls prescribed loy rules Inn (le under this chapter, printing" includes writing or other modes of representing or reproducing words, letters or figures ino a visible form.(2) For the purpose of this chapter all searches made under the provisions of this chapter shall be conducted in accordance with the provisions of the Code of Criminal Aet V of Procedure, 1898

1898. Penalty for 3, Whoever', being the owner or occupier or aving tlxe nwnmg or use, of any house, room, tent, walled enclogure, space, vehicle, keeping or vessel or any place whatsoever, opens, keeps, or uses the same having as a common gaming house; charge of common gaming house.and whoever, being the owner or occupier of any such house, room, tent, walled enclosure, space, vehicle, vessel 01' place hs aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept bg any other person as a, common gaming house ; 9/1c Tlicst nongal Gambling Act, xxxn of 1957.] (Chapter 11 of and Prize 1957. Competitions 3 Gamb ling.—Sections 4, 5.) and whoever has the care or management of, or in any manner assists in conducting the business of any house, room, tent, walled enclosure, space, vehicle, vessel or place as aforesaid opened, occupied, used or kept for the purpose aforesaid ; and whoever advances or furnishes money for the purpose of gamino• with persons frequenting such house, room, tent, walled enclosure, space, vehicle, vessel or place as aforesaid ; shall be punishable on conviction, with fine not exceed- ing five hundred rupees or with imprisonment for a term not exceeding three months or with both

4. Whoever is found in any house, room, tent, walled enclosure, space, vehicle, vessel or any place referred to in section 3 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 punishable, on conviction, with fine not exceeding two hundred rupees or with imprisonment for a term not exceeding one month or with both ; 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 purposes of gaming.

5. (1) It shall be lawful for any police officer not below the rank of Sub-inspector, authorised by the State Government, to enter, if necessary, by force, with such assistance as he considers necessary, any house, room, tent, walled enclosure, space, vehicle, vessel or place referred to in section 4, which he has reason to suspect, is being used as a common gaming house, and may take into custody all persons whom he finds therein, whether or not such persons may be then actually gaming; and may 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 all parts of the house, room, tent, walled enclosure, space, vehicle, vessel or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those, whom he so takes into custody; and may seize and take possession of all instruments of gaming found upon such search. **4 The West Bengal. Gambling and Prize Competitions Act, 1957. [West Ben. Act (Chapter 11.—Prevention of Gambling.—Sections 6—8.) (2)** All persons taken into custody under sub-section (1) finding cards, etc., in suspected houses to be evidence that they are common gaming house. Penalty for giving false name and address. Destruction of instrument of gaming. Reward to informers. shall be produced before the nearest magistrate within a period of twenty-four hours of taking into custody excluding the time necessary for the journey from the place of taking into custody to the court of the magistrate

6. When any cards, dice, gaming-table, cloth, boards or other instruments of gaming are found in any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever, entered or searched under section 5 or about the person of any of those who are found therein, it shall be evidence, until the contrary be proved, that such house, room, tent, walled enclosure, space, vehicle, vessel or place is used as a common gaming house and that the persons found therein were present there for the purpose of gaming, although no gaming or playing was actually seen by the police officers

7. If any person found in any common gaming house entered by any police officer under section 5 upon being arrested by such police officer or upon being brought before any magistrate, refuses or neglects to give his name and address or gives any false name or address on being so required by any such magistrate or police officer, he shall, on conviction, be liable to imprisonment for a term not exceeding one month or to fine not exceeding five hundred rupees or with both, together with such costs as to the convicting magistrate may appear reasonable, and in default of payment of fine, if any, also to imprisonment for a term not exceeding one month

8. On conviction of any person for keeping or using any common gaming house, or being present therein for the purpose of gaming, the convicting magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein -to be forfeited; or in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled ; he may also order that a portion not exceeding one-fourth of any fine levied under section 3 or section 4 or any portion of the moneys or proceeds of articles seized and ordered to be forfeited under this section, shall be paid as reward to any person, whose information and assistance had contributed to the detection of the offence and seizure of the moneys and articles aforesaid. **11** The West Bengal Gambling and Prize Competitions Act, 1957. xxxv of 1957.] **5** (Chapter 11 of Gambling.—Sections 9—11.) **Proof of 9.** It shall not be necessary, in order to convict any person of keeping a common gaming house, or of being concerned in the management of any common gaming house, necessary. to prove that any person found playing therein at any game was playing for any money, water or stake. **10.** A police officer may arrest without warrant any person found gaming in any public

market, fair, street or and sotting thoroughfare or any I place to which the public have or are birds und permitted to have access, animals to fight in or any person, setting, for the purpose of gaming, any public birds or animals to fight in any public market, fair, street or street'. thoroughfare or in any place to which the public have or are permitted to have access ; or any person there present, aiding and abetting such public fighting of birds and animals. Such person, when arrested, shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and upon conviction Shail be punishable with fine not exceeding two hundred rupees or with imprisonment for a term not exceeding one Inonth or with both, and such police officer may seize all birds and animals and instru nn euts of gaming found in such public market, fair, street or thoroughfare or place br on the person of those he shall so arrest, and the magistrate may, on convi of the offender, yorder such instruments to be forth ith destroyed and such birds and animals to be sold and the proceeds thereof to be forfeited. I I. A police officer may arrest without warrant any Power of person who prints, publishes, sells, distributes OT in any polico olhcor to nmanner circulates any newspaper, news-sheet or other enter ond document or any news or information with the intention of acrest persons, aiding or facilitating gaming ; Who print, and any police officer may enter and search any place publish, for the purpose of seizing, and may seize all things reason- etc., ably suspected to be used or to be intended to be used for the matters relating to gaming. purpose aforesaid. All persons taken in custody as aforesaid shall be produced before the nearest, magistrate within a •period of twenty-four hours of such arrest excluding the time necessary for the journey fm•mn the place of arrest to the court of the magistrate. Each of all such persons shall be punishable, on convlc- tion, with fine not exceeding two hundred rupees or with imprisonment for a term not exceeding one month or with both. 6 The West Bengal Gambling and Prize Competitions Act, 1957. [West Ben. Act (Chapter 11.—Prevention of 12—16.) 12. Nothing in this chapter shall apply to any game of Exemption of game mere skill wherever played : of skill. Provided that when such game is played in a public market, fair, carnival or street or in any place wh ere the public may have access, a permit from the Commissioner of Police, in Calcutta or the District Magistrate or the Sub- divisional Magistrate elsewhere, shall be obtained first, by the organiser thereof, on payment of such fee as may be prescribed. Any person contravening the provisions of this section shall be punishable, on conviction with fine not exceeding one hundred rupees or with imprisonment for a term not exceeding one month or with both

13. Any person who shall have been concerned in Indemnity of nesses.Offences by Whom triable. gaming leading to, and who shall be examined as a witness before a magistrate in respect of, the trial Of any person for a breach of any of the provisions of this chapter and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said magistrate a certificate in writing to that effect, shall be freed from all prosecutions under the provisions of this chapter for anything done before that time In respect of such gaming

14. Offences punishable under this chapter shall be by any magistrate having jurisdiction in the place where the offence is committed.But such magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure as Act V of to the amount of fine or imprisonment he may inflict

1898. Penalty for 15.Whoever, having been convicted of an offence stibsequent offence. Protection of action taken under Bhapter. punishable under this chapter, shall be guilty of any such offence, shall be subject, for every such subsequent, Offence, to double the amount of punishment with which he would otherwise have been punishable for the same; provided that he shall not be punishable in any case with fine exceeding one thousand rupees or with imprisonment for a term exceeding one year or with both

16. No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anythin• which is in good faith done or intended to be done unaer this chapter, T Ite VWest Bengal Gambliny Act, xxxn of 1957.] (Chapter 11 of and Prise 1957. Covnptitions 7 Gam bling .—Sectaons 17, 18. Act, 1867. Act 1866. Of —Chapter 111 .—Control and Regulation of Prize Com- petitions. —Sections 19, 20.) (1) The State Government may, by notification in 17. the Officiat Gazette and after previous publication, make rules for carrying out the purposes of this chapter. (2) In particular •and without

prejudice to the generality of the foregoing power such rules may provide for any matter which is to be or may be prescribed under this chapter

18. The following enactments are hereby repealed :—(a) IL' lie Bengal Public Gambling Act, 1867 ; (b) The definitions of of ' 'instruments gammo' osannno' and common gaming house In 50, section 3, and sections 44, 45, 46, 47, 48, 49, 50A and 51 of the Calcutta Police Act, 1866; (c) Sections 10, 11, 12, 13, 14, 15, 15A and 59 of the Howrah Offence* Act, 1857

CHAPTER 111 Control and Regulation of Prize Competitions 19. In this chapter, unless the context otherwise requires, (a) (b) (c) (d) 'licensing authority" means any officer or authority appointed by the State Government, by notifica- lion in the Official Gazette, for the purpose of granting licences under this chapter ; money" includes a cheque or any other negotiable instrument, postal order or money order ; prescribed" means prescribed by rules made under this chapter ; prize competition" means any competition (whether called a cross-word prize competition, a missing- word prize competition, a picture prize competi- tiou or by any other name whatsoever, whether of a similar nature or not) in which prizes are offered for the solution of any puzzle based upon the building up, arrangement, combination or permuta- tion, of letters, words or figures. Power to •make rules for the purposes of this chapter. Repeal. Definitions. Interpre- tation

20. For the purposes of this chapter,—(a) references to printing shall be construed as including references to writing and other modes of repre- senting or reproducing letters, words or figures in a visible form; and (b) doe,uments or other matters Shall be deemed fo be distributed if they are distributed to persons or places within or outside the area or areas in which this chapter is in force and the word 'distribution" shall be construed accordingly. S The West Bengal Galhblinc.] and Prize Competitions Act, 1957. [West Ben. Act Prohibition of prize competi- tion where tho prize offered exceeds one 'thousand rupees month. Licensing of prize competi- tion where the prize offered does not exceed ono thousand rupees month. Licences for prize competi- tion. Promoters of prize . competi• tions to keep accounts and •submit the game to the licen- Bing authority. Power to cancel or suspend licences. (Chapter III.—Control and -Regulation of Prize Competi- tions .—Sections 21—25.) 21. No person shall promote or conduct any prize competition in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month exceeds one thousand rupees or in which the number of entries exceeds two thousand

22. Subject to the provisions of section 21, no person shall promote or conduct any prize competition in which the total value of the prize or prizes (whether in cash or other_ wise) to be offered in any month does not exceed one thousand rupees unless he has obtained in this behalf a licence granted in accordance with the provisions of this chapter and the rules made thereunder. 23. (1) Every person desiring to obtain a licence referred to in section 22 shall make an application in writing to the licensing authority in such form and manner as may be prescribed. (2) On the receipt of such application, the licensing authority, after making such inquiry as it consid ers neces- sary, shall, by order in writing, either grant the licence applied for or refuse to grant the licence. (3) Where the licensing authority refuses to grant a licence it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant. (4) The fees on payment of which, the period for which, the conditions subject to which, and the form in which, a licence may be granted shall be such as may be prescribed

24. Every person who promotes or conducts a prize competition in accordance with the provisions of this chapter and the rules made thereunder shall keep accounts relating to such competition and submit to the licensing authority a statement of accounts in such form and at such intervals as may be prescribed. 25. (1) The licensing authority may, after giving the holder of any licence a reasonable opportunity of being heard, cancel or suspend the licence on any one or more of the following grounds, namely . (a) that there has been a breach of any of the conditions subject to which. the licence was granted ; I/cc I l: est Bengal Cambling and Prize Competitions Act, 1957. xxxn ot 1957.] 9 (Chapter III.—Oontrol and Regulation of Prize Corn peti- 26—28.) (b) that the holder of the liecnce has contravened any of the provisions of section 24. (2) Whenever a licence is cancelled or suspended the licensing authority shall record a brief statement of the reasons for such cancellation or suspension and furnish a copy thereof to the person whose licence has been cancelled or suspended

26. If any person promotes or conducts any prize competition in contravention of the provisions of section 21 or section 22, he shall on conviction be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both

27. If any person liable under section 24 to keep accounts or to submit statements of accounts fails to keep accounts or to submit statements of accounts as required by that section or keeps accounts or submits statements of accounts which are false and which he either knows or believes to be false or does not believe to be true, he shall, on conviction be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, but nothing contained in this section shall affect the provisions contained in section 25

28. If any person with a view to the promotion or conduct of any prize competition except in accordance with the provisions of a licence under this chapter or in contravention of the provisions of this chapter or in connection with any prize competition promoted or conducted except in accordance with such provisions—(a) prints or publishes any ticket, coupon, or other document for use in the prize competition; or (b) sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the prize competition; or (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution, (i) any advertisement of the prize competition, or (ii) any list (whether complete or not) of prize winners in the prize competition, or (iii) any such matter descriptive of, or otherwise relating to, the prize competition as is calculated to act as an inducement to persons to participate in that prize competition or any other prize competition; or (d) brings, or invites any person to send, into the area or areas in which this chapter is in force, for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of, the prize competition; or (e) sends, or attempts to send, out of the area or areas in which this chapter is in force, any money or valuable thing received in respect of the sale or coupon or other distribution of any ticket, document for use in the prize competition; or (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize competition; or (g) causes or procures or attempts to procure any person to do any of the abovementioned acts, he shall on conviction be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. 29. (1.) If any person guilty of any offence under this chapter is a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company, as well as the company, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this chapter has been committed with the consent or connivance of or is attributable to gross neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly, the purposes of this section,— (a) "company" means a body corporate and includes a firm or other association of individuals; and (b) "director in relation to a firm means partner in the firm". [West Ben. Act (Chapter III.—Control and Regulation of Prize Competitions.— Section 29.) (iii) any such matter descriptive of, or otherwise relating to, the prize competition as is calculated to act as an inducement to persons to participate in that prize competition or any other prize competition; or (d) brings, or invites any person to send, into the area or areas in which this chapter is in force, for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of, the prize competition; or (e) sends, or attempts to send, out of the area or areas in which this chapter is in force, any money or valuable thing received in respect of the sale or coupon or other distribution of any ticket, document for use in the prize competition; or (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize competition; or (g) causes or procures or attempts to procure any person to do any of the abovementioned acts, he shall on conviction be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. 29. (1.) If any person guilty of any offence under this chapter is a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company, as well as the company, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this chapter if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this chapter has been committed with the consent or connivance of or is attributable to gross neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly, the purposes of this section,— (a) "company" means a body corporate and includes a firm or other association of individuals; and (b) "director in relation to a firm means partner in the firm".] 11 —Control and Regulation of Prize Competition • 30—3?) t 1011 s.— (b) "director in relation to a firm means partner in the firm"

30. The licensing authority may require any person promoting or conducting a prize competition to produce before it the accounts and other documents kept by such person or to furnish and inspect to it such other information relating to the prize competition as it may require; —and documents. (b) inspect at all reasonable times the accounts and other documents kept by such person. 31. (1) It shall be lawful for any police officer not below the rank of Sub-Inspector authorised by the State entry and search. in his behalf by general or special order in (a) to enter, if necessary by force, whether by day or by night, with such assistance as he

considers necessary, any premises which he has reason to suspect are being used for purposes connected with the promotion or conduct of any prize competition in contravention of the provisions of this chapter; (L) to search the premises and the persons whom he may find therein; (c) to take into custody and produce before a magistrate (d) to (2) All accordance Procedure, all persons who are concerned, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with, or with the promotion or conduct of any prize competition in contravention of the provisions of this chapter; and seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such prize competition. searches under this section shall be made in with the provisions of the Code of 1898

32. Where any newspaper or other publication contains any matter referred to in clause (c) of section 28 relating to any prize competition promoted or conducted in contravention of the provisions of this chapter or except in accordance with the provisions of a licence under this chapter the State Government may, by notification in the Official Gazette, declare every copy of such newspaper or other publication to be forfeited. Forfeiture of newspapers and publications containing prize competition. 12 The West Bengal Gambling and Prize Competitions Act, 1957. [West Ben. Act xxxn of 1957.] Appeals. Licensing authority and other officers to be public servants. Jurisdiction to try offences, protection of action taken under this chapter. Power to make rules. (Chapter 111.—Control and Regulation of Prize Competition—Sections 33—37.) (ions. Any person aggrieved by the decision of the licensing 33. authority refusing to grant a licence or cancelling or suspending a licence may, within such time as may be prescribed prefer an appeal to the State Government and the decision of the State (Government on such appeal shall be final 34. The licensing authority and any other officer acting under this chapter shall be deemed to be public servants within meaning of section 21 of the Indian Penal Code. Act .NL 35. No court, inferior to that of a Presidency Magistrate or a magistrate of the first class shall try any offence under this chapter. 36. suit, prosecution or Other legal proceeding shall lie against the licensing authority or any other officer of the Government for anything which is in good faith done or intended to be done under this chapter or the rules thereunder. (1) The State Government may, by notification in the Official Gazette, and after previous publication, make rules for carrying out the purposes of this chapter. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— (a) the form and manner of application for a licence under this chapter and the fees, if any, for such licence; (b) the period for which, the conditions subject to which and the form in which, a licence may be granted under this chapter; (c) the form in which and the intervals at which statements of accounts referred to in section 24 shall be submitted to the licensing authority; (d) the time within which an appeal against a decision of the licensing authority under this chapter may be preferred to the State Government; (e) any Other matter which is to be or may be prescribed under this chapter. WBGP-58/9-513A-5M