



HARYANA STATE LAW COMMISSION

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FIFTEENTH REPORT

**Recommendation to Enact The Haryana
Prevention of Public Gambling Act, 2024**

Government of Haryana

HARYANA STATE LAW COMMISSION

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Chairperson**

**Ms. Sangeeta Vardhan,
Part-time Member**

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Member Secretary**

**Mr. Bhupinder Singh,
Registrar**

Government of Haryana

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26th March, 2024

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The Haryana State Law Commission received a Draft Bill regarding the Haryana Prevention of Public Gambling Act, 2024 from the Government of Haryana, Home Department, vide letter No.16/02/2022-3H(C) dated 07.02.2024 for comments/recommendation on the Draft Bill. The Bill was minutely and analytically scrutinized by the Haryana State Law Commission. The Bill was corrected from the legal point of view, certain amendments were proposed and certain additions were recommended in the Draft Bill by the Haryana State Law Commission. The Bill was redrafted and sent to the Home Department, Government of Haryana vide 15th Report of the Haryana State Law Commission. The Haryana Prevention of Public Gambling Act, 2024, after corrections, amendments and additions, was redrafted as follows:-

THE HARYANA PREVENTION OF PUBLIC GAMBLING BILL, 2024

A

BILL

An Act to provide for prevention and punishment of public gambling, keeping of common gaming-houses, betting in sports or elections, match fixing or spot fixing in sports and matters connected therewith or incidental thereto or of like nature in the state of Haryana and to achieve the object of saving the public at large from becoming victim of fraud committed by any such activity.

Be it enacted by the legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India as follows: -

1. Short title, extent and commencement.- (1) This Act may be called the Haryana Prevention of Public Gambling Bill, 2024

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date, as the state Government may, by notification in the official Gazette, appoint.

(4) This Act shall apply to all the persons who violate the provisions of this Act.

2. Definitions.- In this Act -

(a) “Bet” means and includes any agreement or arrangement, oral or written or otherwise,

between two or more persons relating to happening or not happening of an event in future, present or past, whose outcome is not known to either or any of the parties subject to the conditions, that the one who has made an incorrect prediction about occurrence or non-occurrence of any subsequently ascertained or disclosed fact, will pay or forfeit some consideration, monetary or non-monetary, stipulated to the other;

- (b) “Betting” means an act of playing bet;
- (c) “Birds or Animals fight” means setting any bird or animal to fight in any public street or thoroughfare or any place to which public has or is permitted to have access;
- (d) “Common gaming-house” means any house, enclosure, room, tent, vehicle, vessel or any other place whatsoever in which instruments of gaming are kept or used for gaming purpose;
 - (i) With a view of profit or gain the person owning, occupying or keeping such house, enclosure, room, tent, vehicle, vessel or place, whether by way of charge for the use of such house, enclosure, room vehicle, place or instruments of gaming or otherwise, howsoever;
 - (ii) 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 figure numbers or dates to

be subsequently ascertained or disclosed or on the occurrence or non-occurrence of any event.

- (e) “Electronic Gaming” is an interactive game operated by computer circuitry and conducted with the help of electronic devices;
- (f) “Electronic Gaming Machine” an electronic or electro-mechanical device including the peripheral components housed in its enclosures i.e. Primarily designed and used for Gambling;
- (g) “Electronic Record” means “electronic record” as have been defined in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000;
- (h) “Gambling” means to bet, play or game for money or other stake including online gaming with use of electronic devices or gadgets which expose money or other valuable thing to the benefit of gain or risk or hazard of loss by chance;
 - (i) on the day on which such game is to be played, and
 - (ii) in an enclosure which stewards controlling such game set with prior sanction of the State Government but does not include a lottery.

Explanation – Gaming shall not include: -

- (i) Playing cards without consideration; or

- (ii) Playing cards with stakes at a private place (other than a common gaming house), with family members or friends, for purely entertainment and non-commercial purposes, or on festivals.
- (i) “Instrument of gaming” includes any article used as a means or appurtenance of gaming, or for the purpose of carrying on or facilitating gaming, and any document or electronic device used as a register or record or evidence of any gaming and in particular, Satta papers or electronic devices, where in any words or figures relating to bets may be recorded 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 or figures which prima facie appear to be a record of bets, it shall be presumed that the words and figures relate to bets and document was used or intended to be used for gaming unless the person aforesaid proves to the contrary.

- (j) “Match Fixing” means and includes an intentional act of commission or omission by any person in relation to sports to extend undue favour, directly or indirectly, to any person or team including himself, against the basic spirit of the game, for some consideration or

pecuniary gain or otherwise, and inter-alia includes;

- (i) Instances where a player receives some pecuniary or consideration gain to, under perform or not to perform as per capacity; or
- (ii) Instances where a player himself places bet in relation to the outcome of a match or the sporting events; or
- (iii) Instances where a player shares information including inter alia the composition of team, ground conditions, weather, probable result, etc. betting syndicate; or
- (iv) Instances where a ground man alters ground conditions, for consideration or pecuniary gain other than legal remuneration;

Explanation – The player means and includes every person involved in the organization of the game or match in whatever capacity including players, officials, managers, physio-instructor, coaches, referees, umpires, grounds men, etc.

- (k) “Spot Fixing” in sports means and includes an illegal activity in a sport in which a specific aspect of a game or event or happening or performance of a player unrelated to the final

result but upon which a betting market exists, is fixed.

- (l) “Organized betting syndicate” means a group of two or more persons who, while acting conjointly as a syndicate or gang, organizes, manages or controls gaming or betting in sport, elections, match fixing or spot fixing in sports etc. in violation of the regulations of such games or provisions of this Act. The person present and aiding such commission or attempt, shall also be liable equally etc. In violation of the regulations of such games or provision of this Act, the person present and aiding such commission or attempt, shall also be liable equally.
- (m) “Online Gaming” means all or any game of chance or a combination of skill and chance, including any game played with cards, dice or by means of any electronic machine, electro-mechanical device or instrument of telecommunication device for money’s worth as may be prescribed from time to time.
- (n) “Public Place” means any place to which public has access, whether as a matter of right or not and includes all places visited by general public and also includes any open place or building, etc.

3. Penalty for online gaming or gaming in public place etc. - (1) Whoever indulges in online gaming or gaming at public place and whoever indulges in gaming

in a common gaming house or is found therein, shall be liable to imprisonment which may extend to one year or fine up to ten thousand rupees or both.

(2) If a person, having been convicted of an offence punishable under subsection (1) is again held guilty of an offence punishable under that sub-section, he shall be punished for the second or subsequent offence for a term of imprisonment which shall not be less than one year but which may extend to three years and shall also be liable to fine which shall not be less than ten thousand rupees.

4. Penalty for birds or animals fight.– (1) Whoever indulges in gaming by setting any bird or animal to fight at any place, private or public, shall be liable to rigorous imprisonment for a term of one month which may extend to three years or fine up to ten thousand rupees or both.

(2) If a person, who has been convicted of an offence punishable under subsection (1) is again found guilty of an offence punishable under that sub-section, he shall be punished for the second or subsequent offence for a term of imprisonment which shall not be less than one year but which may extend to five years and shall also be liable to fine which shall not be less than ten thousand rupees.

5. Penalty for owning or keeping or having charge of a common gaming-house. – (1) Whoever, being the owner or occupier, or having the use of any house, enclosure, room, vehicle, vessel or place situated within

the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; or

Whoever, being the owner or occupier of any such house, enclosure, room, vehicles, vessels or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; or

Whoever indulges in financing, directly or indirectly to the persons for the purpose of gaming in a common gaming-house;

shall be liable to imprisonment for a term which shall not be less than three years, but which may extend to five years and with fine up to one lakh rupees.

(2) If person, having been convicted of an offence punishable under subsection (1) is again found guilty of an offence punishable under that sub-section, he shall be punished for the second or subsequent offence for a term of imprisonment which shall not be less than three years but which may extend to five years and shall also be liable to fine up to five lakh rupees which shall not be less than two lakh rupees.

6. Penalty for match fixing and spot fixing in sports.- (1) Whosoever, indulges in match fixing or spot fixing in sports shall be liable to rigorous imprisonment for a term, which shall not be less than three years but which may extend to seven years and shall also be liable to fine of five lakh rupees.

(2) If a person, having been convicted of an offence punishable under sub-section (1) is again found

guilty of this offence shall be punishable for the second or subsequent offence for a term of imprisonment which shall not be less than five years but which may extend to seven years and shall also be liable to fine which shall not be less than seven lakh rupees.

7. Penalty for abetment and criminal conspiracy.- Whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under this Act shall whatever such offence be or not be committed in consequence of that abetment or such criminal conspiracy, shall be punished with the punishment provided for the offence.

8. Penalty for being member of an organized betting syndicate.- (1) Whoever, is a member of an organized betting syndicate, shall be liable to rigorous imprisonment for a term which shall not be less than three years, but which may extend to seven years and shall be liable to fine of five lakh rupees or both.

(2) If person, having been convicted of an offence punishable under subsection (1) is again guilty of an offence punishable for the second or subsequent offence for a term of imprisonment which shall not be less than five years but which may extend to seven years and shall also be liable to fine which shall not be less than five lakh rupees.

9. Penalty for giving false name and address/identity.- (1) If any person is found indulged in gaming or any other offence under this Act, refuses or

neglects to reveal his identity or gives false identify or cheats by pretending to be some other person or represents that he or other person is a person other than he or such other person really is, on being required to do so by a police officer, shall be liable to imprisonment for a term of three years or fine of ten thousand rupees or both.

(2) If a person, having been convicted of an offence punishable under subsection (1) is again guilty of an offence punishable for the second or subsequent offence for a term of imprisonment which shall not be less than three years but which may extend to five years and shall also be liable to fine which shall not be less than twenty thousand rupees.

10. Presumption where a person is found in a common gaming-house.- Where, in trial of an offence punishable under section 3, it is proved that an accused person was present in a common gaming-house, it shall be presumed, unless the contrary is proved, that he was present there for purpose of gaming and shall be punished accordingly.

11. Exemption of games of mere skill.- Nothing in this Act shall apply to any game of mere skill whenever played.

12. Offences by whom triable.- All the offences punishable under this Act, shall be triable by the Magistrate having jurisdiction where the offence is committed except the offences under section 6 and

section 8 of this Act, shall be triable by the **Court of Session.**

13. Power to authorize police officer to enter and search.- (1) Any Executive Magistrate or Gazetted officer of Police having jurisdiction, shall have the power to authorize a police officer not below the rank of a sub-Inspector to enter and search any place and all such persons upon receipt of credible information or after such enquiry as he may think necessary, that offence under this Act has been/is being committed therein, may enter and search such place.

(2) Any police officer not below the rank of sub-Inspector may arrest any person without warrant who commits the offence under this Act and also seize all the articles and moneys, etc. which are found therein and used for the purpose of gaming.

(3) The police officer is competent to freeze bank accounts which are used for the purpose of gaming.

14. Presumption whenever, seizure of any instrument of gaming or electronic devices etc. from any places or premises which is used for gaming or betting by an organized betting syndicate.- Whenever any instrument of gaming, digital computing devices, communication devices digital storage devices, television sets, telephones & cell phones, etc. are found in a place being used for gaming or betting it shall be presumed that such instruments, devices etc. were being used for betting, gaming and they shall be considered as evidence

of the fact, that such house, enclosure, room, vehicle, vessel or place was and is being used by organized betting syndicate to run gaming or being contrary to this Act, and that the person found owning, keeping or having the charge thereof, were members of such organized betting syndicate until the contrary is proved.

15. Instrument of gaming to be destroyed on conviction.- Whenever any person for committing any offence under this Act has been convicted, the Court may order all the instruments or devices of gaming seized during investigation be disposed off or forfeited to the State or destroyed as per law.

16. Forfeiture of movable or immovable property used in committing crime or seized during investigation of offence.- Any movable or immovable property used in committing any offence under this Act or seized during investigation thereof shall be liable to be forfeited to the State.

17. Witness indemnified.- Any person who being concerned in gaming contrary to this Act, and who is examined as a witness during the trial of any person for any offence under this Act, and who, upon such examination, in the opinion of the court, make true and faithful discovery, to the best of his knowledge, of all things as to which he was so examined and his evidence leads to conviction of accused person shall thereupon receive from the said magistrate a certificate in writing to

that effect and shall be indemnified under this Act for anything done before that time in respect of such gaming.

18. Proof of playing for stakes unnecessary.- It shall not be necessary, in order to convict any person for keeping a common gaming-house, or for being concerned in the management of any common gaming-house, or for being a member of an organized betting syndicate, to prove that any person found playing therein was playing for any money, wager or stake.

19. Offence under the Act to be cognizable and non-bailable.- All offences under the Act shall be cognizable and non-bailable.

20. Recovery of fines.- All fines imposed under this Act shall be recovered in the manner prescribed by section 421 of Code of Criminal Procedure, 1973.

21. Protection for action taken in good faith.- No civil or criminal proceedings shall lie against any public servant for any action taken by him in good faith under this Act.

22. Inapplicability and saving.- The Public Gaming Act, 1867 (No. 3 of 1867), shall be inapplicable to the State of Haryana from the date of coming into force of this Act.

23. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
