THE BALOCHISTAN PREVENTION OF GAMBLING ORDINANCE, 1978

(Baln Ordinance X of 1978)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Penalty for owning or keeping or having charge of a common gaming-house.
4. Penalty for being found in common gaming house.
5. Penalty for gaming in a public place.
6. Penalty for gaming in private places, etc.
7. Enhanced punishment for subsequent offences.
8. Power to enter and search.
9. Presumption with respect to common gaming- house and persons present therein.
10. Tender of pardon to an accomplice.
11. *Omitted*.
12. Repeal.

[1]THE [2]BALOCHISTAN PREVENTION OF GAMBLING ORDINANCE, 1978

(Balochistan Ordinance X of 1978)

[*22nd March, 1978*]

An Ordinance to provide for the prevention of gambling.

Preamble.

WHEREAS the Prevention of Gambling Act, 1977 was enacted by the Parliament during the period when the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan was in force.

AND WHEREAS in consequence of revocation of the Proclamation of Emergency on 15th September, 1977, it is expedient to re-enact the provisions of the said Act as a Provincial Law on the expiry of six months from the said date;

AND WHEREAS the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE. in pursuance of the Proclamation of the fifth day of July, 1977[3], read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977)[4] and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance: ―

Short title, extent and commencement.

1. (1) This Ordinance may be called the Balochistan Prevention of Gambling Ordinance, 1978.

(2) It shall extend to the whole of Province of Balochistan.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context: ―

(a) "Common gaming-house" means any house,

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1 This Ordinance was promulgated by the Governor of Balochistan on 15th March, 1978; published in the Balochistan Gazette (Extraordinary) No. 21, dated 22nd March, 1978. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

2 Spelling of the word “Baluchistan”, wherever it appears in this ordinance, is corrected by insertion of letter “o” instead of “u”; as per Government of Balochistan, S&GAD’s Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

3 Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5th July, 1977.

4 Chief Martial Law Administrator Order I of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5th July, 1977.

room, tent, enclosure, vehicle, vessel or other place whatsoever in which any instruments of gaming are kept or used for gaming purposes: —

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

(ii) With or without a view of such profit or gain, if the gaming the purpose of which instruments are so kept or used 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;

(b) "Gaming" includes wagering or betting, including a wager or bet made in respect of any horse, mare or gelding running in competition with any other horse, mare or gelding, or of the rider thereof;

(c) "Instruments of gaming" includes any article used or intended to be used as a means or appurtenance of, or of carrying on or facilitating, gaming, and any documents used as a register or record or evidence of any gaming; *and*

(d) "Prescribed" means prescribed by rules made under this Ordinance.

Penalty for owning or keeping or having charge of a common gaming-house.

3. (1) Whoever: —

(a) Being the owner or occupier, or having the use, of any house, room, tent, enclosure, vehicle, vessel or other place, keeps or uses, or knowingly or wilfully permits the same to be occupied, kept or used by any other person as a common gaming- house; *or*

(b) Has the care or management, or in any manner assists in conducting the business

of any common gaming-house; *or*

(c) Advances or furnishes money for the purpose of gaming with persons frequenting any common gaming-house,

shall be punishable with imprisonment for a term which shall not be less than one month nor more than one year, or with fine which shall not be less than one hundred rupees nor more than one thousand rupees, or with both.

(2) In a prosecution under sub-section (1), 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.

4. (1) Whoever is found in any common gaming house playing or gaming with card, dice counters, money or other instruments of gaming, or for the purpose of gaming, whether for any money, wager or stake or otherwise, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand 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 in a public place.

5. Whoever is found gaming in any public place, street or thoroughfare, shall be punishable with imprisonment for a term which may extend to [1][three years], or with fine which may extend to [1][five thousand rupees], or with both.

Penalty for gaming in private places, etc.

6. Whoever is found gaming in any house, room, tent, enclosure, vehicle, vessel or other place shall be punishable with imprisonment for a term which may extend to [2][five years], or with fine which may extend to [2][seven thousand rupees], or with both.

Enhanced punishment for subsequent

7. Whoever, having been convicted of any offence under this Ordinance, again commits any such offence shall be punishable for every such subsequent offence with

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[1] Substituted by Balochistan Act VIII of 1985; published in the Balochistan Gazette (Extraordinary), dated 6th November, 1985, for the words "one year" and "five hundred rupees", respectively; with a saving clause as section 6 i.e. Any order passed, action taken or any decision made after the lapse of the Balochistan Prevention of Gambling (Amendment) Ordinance 1985 (XX of 1985), under the provision of the said Ordinance shall be deemed to have been validly passed, taken or made, as if this Act was in force on the day on which such order was passed, action taken or decision made.

[2] Substituted *ibid*, for the words "two years" and "one thousand rupees", respectively.

offences.

imprisonment for a term which may extend to [1][seven years], or with fine which may extend to [3][ten thousand rupees], or with both.

Power to enter and search.

8. If a District Magistrate, Sub-Divisional Magistrate, Magistrate of the first class upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used as a common gaming-house, or that an offence under section 8 is being committed at or in any place, he may: —

(a) Enter such place at any time with such assistance as he may require and using such force as may be necessary:

Provided that, if such place is in the actual occupancy of a woman who, according to custom, does not appear in public, the offices so entering such place shall give notice to her that she is at liberty to withdraw and, after allowing reasonable time for her to withdraw and giving here 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 are 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 purpose of gaming which are found therein or upon any person found therein; *and*

(d) Take into custody all persons, except women, found in that place, whether or not then actually gaming.

Presumption with respect to common gaming- house and persons present therein.

9. When any cards, dice, gaming-tables, gaming clothes, gaming-boards or other instruments of gaming are found in any house, room, tent, enclosure, vehicle, vessel or other place entered or searched under or other provision of section 8, or upon any person found therein, it shall be presumed, until the contrary is proved, that such house, room, tent, enclosure, vehicle, vessel or other place is used as a common gaming-house and that any person found therein was there present for

[1] Substituted *ibid*, for the words "three years" and "two thousand rupees", respectively.

the purpose of gaming, although no play was actually seen by the officer making the entry or search.

Tender of pardon to an accomplice.

10. Any person who shall have been concerned with any gaming contrary to this Ordinance and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Ordinance relating to gaming and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to this effect and shall be freed from all prosecutions under this Ordinance for anything done before that time in respect of such gaming.

[1][(*Omitted*) (*Section 11 with heading of "Saving" Omitted*)].

Repeal.

12. The Balochistan Prevention of Gambling Ordinance, 1961[2], (West Pakistan Ordinance I of 1961) is hereby repealed.

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[1] Section 11 omitted by Balochistan Act VII of 1985, for more detail see footnote under section 5.

[2] This Ordinance was made by Governor of West Pakistan on 17th September, 1961; published in the Gazette of West Pakistan, Extraordinary dated 7th January, 1961; adopted by Balochistan Laws (Adaptation) Order 1975; now repealed by S. 12.