

**THE ADMINISTRATION OF UNION TERRITORY OF LADAKH
HOME DEPARTMENT**

UT Secretariat

(home.ladakh@ladakh.gov.in)

PUBLIC NOTICE

Subject: Publication of Draft “Union territory of Ladakh Public Gambling Regulation, 2023” –
Inviting comments/ suggestions, thereof.

The Home Department, UT of Ladakh has prepared the draft “Union Territory of Ladakh Public Gambling Regulation, 2023” which is available on the official website of the UT Administration (<https://ladakh.nic.in/>) and of Kargil (<https://kargil.nic.in/>) and Leh (https://leh.nic.in) Districts. Before finalizing the said regulation, comments/suggestions are hereby invited from the public, within a period of thirty (30) days from the date of issue/publication of this notice.

Comments/Suggestions, if any, may be sent to the Office of Additional Secretary, Home Department, UT of Ladakh on the e-mail home.ladakh@ladakh.gov.in. The comments/suggestions received within the specified period shall only be considered as per rules/instructions.

Encl: As above.

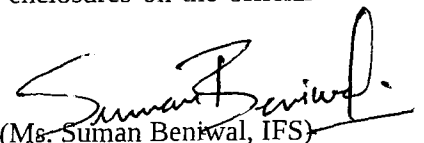
Sd/-

(Dr Pawan Kotwal, IAS)
Advisor/
Administrative Secretary,
Home Department.
Dated: 06.11.23

No. Home/legal- 146/2023 - 3485-90

Copy to:

1. Addl. Director General of Police, UT of Ladakh for favor of information.
2. Secretary to the Hon'ble Lieutenant Governor, Union territory of Ladakh, for favor of information of Hon'ble Lieutenant Governor.
3. Administrative Secretary, GAD, UT Ladakh, for favor of information.
4. Joint Director, Information with a request to give wide publicity to said notice in print and social media.
5. Technical Director, NIC for uploading the notice along with its enclosures on the official website of UT Ladakh.
6. E-file for record.


(Ms. Suman Beniwal, IFS)
Additional Secretary,
Home Department.

The Union territory of Ladakh Public Gambling Regulation, 2023

A regulation to provide for the punishment of public gambling, keeping of common gaming-houses, and other gaming activities in the Union territory of Ladakh, and for matters connected therewith.

In exercise for the powers conferred by Article 240 of the Constitution of India, the President is pleased to promulgate the following Regulation made by him:

- 1. Short title, extent and commencement:** (i) This Regulation may be called the Union territory of Ladakh Public Gambling Regulation, 2023.
(ii) It extends to the whole of the Union territory of Ladakh.
(iii) It shall come into force from the date of its publication in the Official Gazette.

- 2. Definitions:** In this Regulation, unless the context otherwise require-

(1) "Administration" means the Administration of the Union territory of Ladakh

(2) "betting office", means any place, whether public or private, which is used for wagering and betting upon, or for receiving money as an agency for wagering or betting upon any fight, game, sport or exercise or for the settlement of such wagers or bets or for the settlement by the agent with his principal on the result of such wagers or bets:

(3) "common gaming house" means any place, whether public or private, in which any instruments of gaming is are kept or used for profit or gain of the person owning, occupying, using or keeping such place, whether by way of charge for the use of the instruments of gaming as such, or for the place or otherwise whatsoever for gaming purpose.

(4) "gaming" includes: (a) wagering or betting and includes wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations.

(b) playing for money or other valuable thing with cards, dice, counters or other instrument of gaming.

(c) any transaction by which a person, employs another person in any capacity whatever or engages for another in any capacity whatever, to wager or bet with any other person.

(d) the collection or soliciting of bets, receipts or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid

or facilitate wagering or betting or such collection, soliciting, receipt or distribution, but does not include a lottery:

(5) "instrument of gaming" includes any article used or intended to be used as a subject, an accessory or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

(6) "lace" includes a tent, enclosure, space, vehicle and vessel.

(7) "sports gaming" means games involving the prediction of the results of sporting events, and placing at bet on the outcome, in part or in whole, of such sporting event.

3. Punishment for keeping common gaming-house. Whosoever

(a) opens, keeps or uses any house, room or place for the purpose of a common gaming-house,

(b) Being the owner or occupier of any such house, room or place knowingly or willfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) Has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(d) Advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place.

Shall be punishable with fine which may extend to twenty-five thousand rupees:

Provided that

(i) For the first offence, such fine shall not be less than five thousand rupees,

(ii) For the second offence, such fine shall not be less than ten thousand rupees, and

(iii) For the third or subsequent offence, fine shall not be less than twenty thousand rupees.

4. Punishment for gaming in common gaming-houses. — (1) Whosoever is found in any common gaming-house gaming or present for the purpose of gaming shall be punishable with fine which may extend to five thousand rupees:

Provided that

(a) For the first offence, such fine shall not be less than two thousand five hundred rupees,

(b) For the second offence, such fine shall not be less than three thousand rupees, and

(c) For the third or subsequent offence, such fine shall not be less than five thousand rupees.

(2) Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

5. **Cancellation of license.**- If any place where any business or any other activity is being carried on under a license granted under any law for the time being in force, and such place is used for the purpose of gaming in contravention of the provisions of this Regulation, then, notwithstanding anything contained in paragraph 3 or in paragraph 4 or in such law, the licensee of such business or other activity may, on conviction, be liable for suspension of such license for such period as deemed fit or for cancellation of such license:

Provided that no order under this section shall be passed unless the licensee is given an opportunity of being heard in the matter.

6. **Power to enter and authorize police to enter and search.** - -

(1) (a) If a District Magistrate, or a Sub-divisional Magistrate, or a Judicial Magistrate of the First Class,

or

(b) The Inspector General or a Superintendent of Police or a Deputy Superintendent of Police or an Assistant Superintendent of Police specially empowered by the Administration in this behalf, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, room or place is used as a common gaming-house, he may—

(i) either himself enter, or by his warrant, authorize any police officer not below the rank of Assistant Sub Inspector of Police to enter, if necessary, with such assistance as may be found necessary, by night or by day, any such house, room or place,

(ii) either himself take into custody, or authorize such officer not below the rank of Assistant Sub Inspector of Police, to take into custody, all persons whom he or such officer finds therein whether or not then actually gaming,

(iii) seize or authorize such officer to seize all instruments of gaming, and all money 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,

(iv) search or authorize such officer to search all parts of the house, room or place which he 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 taken into custody, and

(v) seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

(2) Notwithstanding anything contained in any other law for the time being in force, no search made under this section shall be deemed to be illegal by reason only of the fact that

the witnesses, if any, of the search were not inhabitants of the locality in which the house, room or place searched is situated.

7. **Punishment for giving false names and addresses.**--- If any person found in any common gaming-house, entered by any Magistrate or officer of police under the provisions of this regulation, upon being arrested by any such officer or upon being brought before any Magistrate, and on being required by such officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall, on conviction, be punishable with fine, not exceeding five thousand rupees.
8. **On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed or forfeited.**--- On conviction of any person for opening, keeping or using a common gaming-house, or gaming therein, or being present therein for the purpose of gaming, the convicting Judicial Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein to be forthwith destroyed or forfeited, 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 the proceeds thereof, with all moneys seized therein, to be forfeited.
9. **Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.**---

(1) A police officer, not below the rank of Assistant Sub Inspector, may arrest and search without warrant---

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill on any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) Any person setting any birds or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) Any person, present there, aiding or abetting such public fighting of birds and animals.

(2) Any person who is found gambling under sub-paragraph (1) shall be punishable with fine which may extend to five thousand rupees:

Provided that-

- (i) for the first offence under clause (a) of sub-paragraph (1), such fine shall not be less than one thousand rupees;
- (ii) for the second offence under clause (a) of sub-paragraph (1), such fine shall not be less than two thousand rupees; and

- (iii) For the third or subsequent offence under clause (a) of sub-paragraph (1), such fine shall not be less than three thousand rupees;
- (iv) for the first offence under clause (b) of sub-paragraph (1), such fine shall not be less than one thousand rupees;
- (v) for the second offence under clause (b) of sub-paragraph (1), such fine shall not be less than two thousand rupees; and
- (vi) For the third or subsequent offence under clause (b) of sub-paragraph (1), such fine shall not be less than three thousand rupees;
- (vii) for the first offence under clause (c) of sub-paragraph (1), such fine shall not be less than two thousand rupees; and
- (viii) for subsequent offence under clause (c) of sub-paragraph (1) such fine shall not be less than three thousand rupees;

Provided further that where such gambling consists of wagering or betting or any such transaction as referred to in sub-clause (c) of clause (4) of paragraph 2, such person shall be punishable to the extent specified in paragraph 4 and all moneys found with such persons shall be forfeited.

(3) Any such police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or on or about the person of those whom he shall so arrest and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds forfeited.

(4) When anything has been found on or about any person and the Magistrate is satisfied that the police officer has reasonable grounds for suspecting that such a thing was an instrument of gaming, such circumstances shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

10. Saving of games of mere skill.— Nothing in this Act shall be held to apply to any game of mere skill wherever played.

11. Authorized Game.— (1) Notwithstanding anything contained in this Act, the administration of Union territory of Ladakh may authorize any game of electronic amusement slot machines in Five Star Hotels and such table games and gaming on board in vessels offshore as may be notified subject to such conditions, including payment of such recurring and non-recurring fees, as may be prescribed.

(2) The provisions of this Act shall not apply to any game authorized under sub-section (1).

12. Offences by whom triable.— Offences punishable under this Act shall be triable by a Judicial Magistrate of the first class having jurisdiction in the place where the offence is committed.

13. Offences to be cognizable. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence under this Act shall be cognizable.

14. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done under this Regulation.

15. Recovery of fines.— All fines imposed under this Act may be recovered in the manner specified by section 421 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

16. Repeal and Savings.— The Public Gambling Act, 1867 (Central Act 3 of 1867) as in force in the Union territory Ladakh, is hereby repealed:

Provided that such repeal shall not affect—

(a) the previous operation of the Act so repealed, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act 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:

Provided further that, subject to the preceding proviso, anything done or any action taken including authorizations made, powers conferred, orders given and indemnity granted by or under the Act so repealed shall, in so far it is not inconsistent with any provisions of this Regulation, be deemed to have been done or taken under the corresponding provisions of this Regulation.