SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
www.sindhlaws.gov.pk

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978

SINDH ORDINANCE NO. V OF 1978

## CONTENTS

**Preamble**
**Sections**

1. Short title 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.
5.A. Power of Police Officer.
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. Power to make rules.
12. Ordinance to override other laws, etc.
13. Repeal.

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978

SINDH ORDINANCE NO. V OF 1978

[15th 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;

**NOW, THEREFORE,** in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977, the Governor of Sindh is pleased to make and promulgate the following Ordinance:—

**Short title and commencement.**

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

(2) It shall come into force at once and be deemed to have taken effect on and from the 15th day of March, 1978.

**Definitions.**

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

(a) "common gaming-house" means any house, room, tent, enclosure, vehicle, vessel or other place whatsoever in which any instruments of gaming are kept or used for gaming purposes—

(i) with the 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 the view of such profit or gain, if the gaming for the purpose of which

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978

SINDH ORDINANCE NO. V OF 1978

such instruments are so kept or used is 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 willfully 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.

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978
SINDH ORDINANCE NO. V OF 1978

(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.

4. (1) Whoever is found in any common gaming-house playing or gaming with cards, 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. **Penalty for being found in common gaming-house.**

(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.

5. Whoever is found gaming in any public place, street or through-fare, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both. **Penalty for gaming in a public place.**

[1][5-A. A Police Officer, not below the rank of Sub-Inspector may— **Power Of Police Officer.**

(a) arrest without warrant any person committing an offence under section 5;

(b) such any person so as to seize instruments of gaming used for committing an offence under section 5; and

(c) seize and take possession of gaming moneys, securities, articles of value and instruments of gaming reasonably suspected to have been used or intended to be used for purpose of committing an offence under section 5.]

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 two years, or with fine which may extend to one thousand rupees, or with both. **Penalty for gaming in private places, etc.**

[1] Inserted new section by Sindh Ordinance No. XIII of 1979, dated 20th August, 1979.

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978

SINDH ORDINANCE NO. V OF 1978

**Enhanced punishment for subsequent offences.**

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 imprisonment for a term which may extend to three years, or with fine which may extend to two thousand rupees, or with both.

**Power to enter and search.**

8. If a [1][***] 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 6 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 officer 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 her reasonable facility for withdrawing, may enter the place;

(b) search such place for any instruments of gaming kept or canceled 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.

[1] Omitted words by Sindh Ordinance No. XXXVI of 2001, dated 28th November, 2001.

# THE SINDH PREVENTION OF GAMBLING ORDINANCE, 1978

SINDH ORDINANCE NO. V OF 1978

9. When any cards, dice, gaming-tables, gaming clothes, gaming-boards or other instruments or gaming are found in any house, room, tent, enclosure, vehicle, vessel or other place entered or searched under the provisions 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 the purpose of gaming, although no play was actually seen by the officer making the entry or search.

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

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.

**Tender of pardon to an accomplice.**

11. Government may by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

**Power to make rules.**

12. This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

**Ordinance to override other laws, etc.**

13. The Sindh Prevention of Gambling Ordinance, 1961 (West Pakistan Ordinance I of 1961) is hereby repealed.

**Repeal.**