

**THE ¹[KHYBER PAKHTUNKHWA] PREVENTION OF GAMBLING
ORDINANCE, 1978.**

²[KHYBER PAKHTUNKHWA] ORDINANCE NO. V OF 1978.

[14th March, 1978]

CONTENTS.

PREAMBLE

SECTIONS:

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 perdon to an accomplice.
11. ³[.....]
12. Ordinance to override other laws.
13. Repeal.

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Omitted vide Khyber Pakhtunkhwa Ordinance No. VIII of 1984,S.2.

**THE ¹[KHYBER PAKHTUNKHWA] PREVENTION OF GAMBLING
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AN
ORDINANCE
to provide for the prevention of gambling.

WHEREAS it is expedient to provide for the prevention of gambling;

Preamble.

AND WHEREAS the Governor of the ³[Khyber Pakhtunkhwa] 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, read with the laws (continuance in Force) Order, 1977 (C.M.L.A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the ⁴[Khyber Pakhtunkhwa] is pleased to make and promulgate the following ordinance :-

1. (1) This Ordinance may be called the ⁵[Khyber Pakhtunkhwa] Prevention of Gambling Ordinance, 1978.

Short title, extent
and
commencement.

(2) It extends to the whole of the Province of the ⁶[Khyber Pakhtunkhwa].

(3) It Shall come into force on and from the 15th day of March, 1978.

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

Definitions.

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(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 purpose:—

(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 other wise howsoever; or

(ii) with or without a view of such profit or gain, if the gaming for the purpose of which 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) "Government" means the Government of the Province of the ¹[Khyber Pakhtunkhwa];

(d) "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

(e) "prescribed" mean prescribed by rules made under this Ordinance.

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 of management, or in any manner assists in conducting the business, of any common gaming-house: or

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

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(c) advances or furnishes money for the purchase of gaming with persons frequenting any common gaming house.

shall be punishable with imprisonment for a term which shall not be less than ¹[one year nor more than three years] or with fine which shall not be less than ²[one thousand rupees nor more than ten 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.

4. (1.) Whoever found in any common gaming-house playing or gaming with cards, dice, conters, money or other instruments of gaming, or for the purpose of gaming, whether for any money, wager or stake or other wise shall be punishable with imprisonment for a term which may extend to ³[three years] or with fine which may extend to ⁴[ten 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 thoroughfare, shall be punishable with imprisonment for a term which may extend to ⁵[three years] or with fine which may extend to ⁶[two thousand rupees], or with both.

Penalty for gaming in a public place.

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 ⁷[five years], or with fine which may extend to ⁸[five thousand rupees] or with both.

Penalty for gaming in private places, etc.

7. Whoever, having been, convicted of any offence under this ordinance, again commits any such offence shall be punishable for every such sub-sequent offence with imprisonment for a term which may extend to ⁹[seven years], or with fine which may extend to ¹⁰[ten thousand rupees], or with both.

Enhanced punishment for subsequent offences.

¹ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.1.

² Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.1.

³ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.2.

⁴ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.2.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.3.

⁶ Substituted vide Khyber Pakhtunkhwa Act No. V of 1985, S.2.

⁷ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.4.

⁸ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.4.

⁹ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.5.

¹⁰ Substituted vide Khyber Pakhtunkhwa Act No. V of 1988, S.5.

8. If a District Magistrate, Sub-Divisional Magistrate, Magistrate of the First Class upon information and after such enquiry as he thinks necessary, has reason to believe that anyplace is used as a common gaming house, or that an offence under section -6 is being committed at or in any place, he may —

Power to enter and search.

(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 concealed therein, and also the person of all those who are found in that place except the woman;

(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 woman, found in that place whether or not then actually gaming.

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 the 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 the purpose of gaming, although no play was actually seen by the officer making the entry on 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 free from all prosecutions under this Ordinance for anything done before that time in respect of such gaming.

Tender of perdon to an accomplice.

11. ¹[.....]

12. (1) This Ordinance shall have effect notwithstanding any thing contained in any other law for the time being in force. Ordinance to override other laws, etc.

²[(2) All offences under this Act shall be non-bailable.]

13. The West Pakistan Prevention of Gambling Ordinance, 1961 (W.P. Ord No. I of 1961), is hereby repealed. Repeal.

¹ Omitted vide Khyber Pakhtunkhwa Ordinance No. VIII of 1984,S.2.

²Added vide Khyber Pakhtunkhwa Act No. IV of 1985,S.2(5).