

HARYANA VIDHAN SABHA

Bill No. 11— HLA OF 2025

THE HARYANA PREVENTION OF PUBLIC GAMBLING BILL, 2025

A

BILL

to provide for the prevention and punishment of public gambling, keeping of common gambling house, betting in sports or elections, match fixing or spot fixing in sports in the State of Haryana and matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-sixth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Haryana Prevention of Public Gambling Act, 2025.

Short title,
extent and
commencement.

(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, appoints.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "bet" means any agreement, whether oral, written or otherwise between two or more parties concerning the occurrence or non- occurrence of an event, whether in the past, present or future, whose outcome is unknown to any or all of the parties at the time of agreement and the party making an incorrect prediction regarding the event's outcome shall be obligated to pay or forfeit a stipulated consideration to the other party or parties involved, which may be monetary or non-monetary;

(b) "betting" means an act of placing bet and shall include placing bet by means of electronic communication;

(c) "common gambling house" means a house, building, tent, vehicle or vessel as well as any computer network enabling information creation or providing information processing and storage, either through an intermediary or otherwise, whose owner, occupier or keeper makes it available for the purpose of gambling in exchange of some consideration, monetary or otherwise;

(d) "electronic communication" means electronic communication as defined under clause (i) of sub-section (1) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023);

- (e) "gambling" means an act of betting or gaming or both;
- (f) "game of chance" means any game where there is a preponderance of chance over skill;
- (g) "game of skill" means any game where there is preponderance of skill over chance, which include game where success depends principally upon the superior knowledge, training, attention, experience and adroitness of the player, despite there being an element of chance:

Provided that the State Government may, notify any game to be included as game of skill;

- (h) "gaming" means playing game of chance using instrument of gambling or otherwise, where any or all of the parties losing the game, shall pay or forfeit some consideration, monetary or non-monetary, in favour of any of the parties winning the game and shall not include game of skill;
- (i) "instrument of gambling" means and includes any article, electronic apparatus, computer, electronic communication device, instrument, server or machine with their accessories used or intended to be used as a subject, and accessory or means of gambling, any document used or intended to be used as a register or record or evidence of gambling, the proceeds of any gambling, and any winning or prize in money or otherwise distributed or intended to be distributed in respect of any gambling;
- (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 game for some consideration or pecuniary gain or otherwise, and inter-alia includes,-
 - (i) instances where a player receives some consideration or pecuniary gain to under-perform or not to perform as per capacity;
 - (ii) instances where a player himself places bet in relation to the outcome of a match or the sporting events;
 - (iii) instances where a player shares information including inter-alia the composition of team, ground conditions, weather, probable result etc. to a betting syndicate; or

- (iv) instances where a player alters ground conditions, for consideration or pecuniary gain other than legal remuneration;

Explanation.— For the purposes of this clause, 'player' means and includes every person involved in the organization of the game or match in whatever capacity including official, manager, physio-instructor, coach, referee, umpire, ground-men etc.

- (k) "organized gambling syndicate" means a group of two or more persons, acting singly or jointly, as a syndicate or gang, organize, manage or control gaming or betting or match fixing or spot fixing as a continuing activity;
- (l) "public place" means any place intended for use by or accessible to the public and includes any public conveyance;
- (m) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023);
- (n) "State Government" means the Government of the State of Haryana in the administrative department;
- (o) "spot fixing" means intentional manipulation of specific event or incident within a sporting event, whether or not such manipulation impacts the final outcome of the event, by any person for pecuniary or other wrongful gain.

(2) Words and expressions used but not defined in this Act shall have the same meaning assigned to them in the Sanhita and the Information Technology Act, 2000 (Central Act 21 of 2000).

3. (1) Whoever indulges in gambling at a public place or in a common gambling house or is found therein, shall be liable for imprisonment which may extend to one year or with fine up to ten thousand rupees or with both. Penalty for gambling.

(2) Whoever has been previously convicted of an offence punishable under sub-section (1) and is subsequently found guilty of an offence punishable under said sub-section, shall be punished for the second or subsequent offence with imprisonment for a term 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.

(3) Where in trial of an offence punishable under this section, it is proved that any person was present in a common gambling house, it shall be presumed, unless the contrary is proved, that he was present there for the purpose of gambling and shall be punished accordingly.

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

4. (1) Whoever, being the owner, occupier or keeper of a common gambling house or who indulges in financing, directly or indirectly for the operation of a common gambling 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 shall also be liable to fine up to one lakh rupees.

(2) Whoever has been previously convicted of an offence punishable under sub-section (1) and is subsequently found guilty of an offence punishable under said sub-section, shall be punished for second or subsequent offence, with imprisonment for a term 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 two lakh rupees but which may extend to five lakh rupees.

Penalty for match fixing and spot fixing in sports.

5. (1) Whoever indulges in match fixing or spot fixing in sports, shall be liable to imprisonment for a term 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 five lakh rupees.

(2) Whoever has been previously convicted of an offence punishable under sub-section (1) and is subsequently found guilty of an offence punishable under said sub-section, shall be punished for second or subsequent offence, with imprisonment for a term 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.

Penalty for abetment.

6. Whoever abets for an offence under this Act and if the act abetted is committed in consequence of the abetment, shall be punished in the same manner as if he himself had committed that offence under this Act.

Penalty for being a member of an organized gambling syndicate.

7. (1) Whoever is a member of an organized gambling syndicate, shall be liable to rigorous imprisonment for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine of five lakh rupees.

(2) Whoever has been previously convicted of an offence punishable under sub-section (1) and is subsequently found guilty of an offence punishable under said sub-section, shall be punished for second or subsequent offence with rigorous imprisonment for a term 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.

Penalty for giving false identity and address.

8. (1) Whoever is found indulging in gambling or any other offence under this Act, refuses or neglects to reveal his identity or gives false identity or cheats by pretending to be some other person or represents that he or other person is a person other than him or such other person really is, on being required to do so by a police officer, shall be liable to imprisonment for a term up to three years or fine of ten thousand rupees or with both.

(2) Whoever has been previously convicted of an offence punishable under sub-section (1) and is subsequently found guilty of an offence punishable under said sub-section, shall be punished for second or subsequent offence, with imprisonment for a term 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.

9. (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 or is being committed.

Power to authorize police officer to enter, search and seize.

(2) Such police officer may arrest any person without warrant and also seize all the articles and money, etc. which are found therein and being used for the purpose of gambling.

10. Whenever any instrument of gambling is found in a place being used for gambling, it shall be presumed that such instrument is being used for gambling and shall be considered as evidence of the fact that such place including house, enclosure, room, vehicle, vessel was and is being used by the organized gambling syndicate for gambling or being contrary to this Act, and that the person found owning, keeping or having the charge thereof, were members of such organized gambling syndicate until the contrary is proved.

Presumption with regard to seizure of instrument of gambling.

11. Any instrument of gambling or any other property seized during investigation under this Act, shall be disposed off as per the provisions of chapter XXXVI of the Sanhita.

Disposal of instrument of gambling.

12. Any property derived or obtained, directly or indirectly, from the commission of any offence under this Act, shall be liable to be attached, forfeited or restored as per the provisions provided under section 107 of the Sanhita.

Attachment, forfeiture or restoration of property.

13. Any person who being concerned in gambling 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, makes true and faithful discovery, to the best of his knowledge, of all things as to which he was so examined shall thereupon receive from the said Court, a certificate in writing to that effect and shall be indemnified under this Act for anything done before that time in respect of such gambling.

Witness indemnified.

14. All fines imposed under this Act shall be recovered as per the provisions provided under section 461 of the Sanhita.

Recovery of fine.

15. No suit, prosecution or legal proceeding shall lie before any Court or Authority against any public servant for anything done or intended to be done in good faith in performance of duty in pursuance of the provisions of this Act.

Protection of action taken in good faith.

Non-applicability
of Act.

16. The State Government may, by notification in the Official Gazette, exempt any market from the application of the provisions of this Act.

Power to remove
difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing such difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

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

Repeal and
savings.

18. (1) The Public Gambling Act, 1867 (Central Act 3 of 1867), in its application to the State of Haryana, is hereby repealed.

(2) Notwithstanding any such repeal, anything done or any action taken or purported to have been done or taken under or in pursuance of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Whereas, gambling in India is governed by the Public Gambling Act, 1867, which is an archaic, British era law. The Law Commission of India in its 249th Report has termed this Law as obsolete and recommended that it be repealed. All the State Governments do possess power of making their own respective legislation as the subject matter comes under the State List under Seventh Schedule of the Constitution of India and many States have enacted their Public Gambling laws from time to time. The majority of the gambling laws in India are outdated because there has been a sea change in the form of gambling with use of electronic devices in view of advance technology and betting syndicates are playing havoc with the finance of general public as the legislation has not yet been updated. It has become necessary for introducing stringent punishment for those involved in organizing gambling. Therefore, a primary responsibility of regulating betting and gambling rests with the State.

A legislation i.e. 'the Haryana Prevention of Public Gambling Bill, 2025' 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, is required.

Hence, this Bill.

NAYAB SINGH,
Chief Minister, Haryana.

Chandigarh:
The 13th March, 2025

DR. SATISH KUMAR,
Secretary.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 13th March, 2025, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

