



The Andhra Pradesh Gaming (Amendment) Act, 2020

Act 43 of 2020

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ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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No. 43] AMARAVATI, THURSDAY, 31st DECEMBER, 2020.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 24th December, 2020 and the said assent is hereby first published on the 31st December, 2020 in the Andhra Pradesh Gazette for general information :

ACT No. 43 of 2020.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH GAMING
ACT, 1974.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First year of the Republic of India as follows,-

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|----|--|-------------------------------|
| 1. | (1) This Act may be called the Andhra Pradesh Gaming (Amendment) Act, 2020. | Short title and commencement. |
| | (2) It shall be deemed to have come into force on and from the 25 th September 2020. | |
| 2. | In the Andhra Pradesh Gaming Act, 1974, (hereinafter referred to as the Principal Act), in section 2,- | Amendment of section 2. |
| | (1) in sub-section (1) | Act No. 27 of 1974. |
| | (a) In clause (i), in sub-clause (f) after the words "any house, room, tent, enclosure, vehicle, vessel", the words "cyber space" shall be inserted. | |
| | (b) For clause (ii) along with the Explanation thereunder, the following clause shall be substituted, namely:- | |

“(ii) in the case of any other form of gaming, any house, room, tent, enclosure, vehicle, vessel, cyber space or any place whatsoever in which any instrument of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel, cyber space or any place whether by way of charge, for the use of such house, room, tent, enclosure, vehicle, vessel, cyber space or any place or instruments of gaming or otherwise howsoever ;

Explanation :- For the purpose of clause(ii), any premise or place or cyber space belonging to or occupied by a club, society, company or other associations of persons, whether incorporated or not, which is used or kept for the purpose of gaming shall be deemed to be a common gaming house notwithstanding that there is no profit or gain for the club, society, company or other associations of persons on account thereof.”

(2) In sub-section (2),-

(a) After the words “mutka or satta,” the words “or playing online game for winning money or any other stakes,” shall be inserted;

(b) in the Explanation thereunder, for clause (i), the following clause shall be substituted, namely,-

“(i) Wagering or betting shall includes, -

(a) collection or soliciting of bets;

(b) the receipt or distribution of winning or prizes in money or otherwise in respect of any wager or bet;

(c) any act which is intended to aid, induce, solicit or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(d) any act of risking money or playing stakes or otherwise on the result of a game or an event including on a game of skill.

(e) any action specified in sub-clauses (a) to (d) carried out directly or indirectly by the players playing any game or by any third parties.”

- (3) for sub-section (4), the following sub-section shall be substituted, namely, -

“(4) “Instruments of gaming” includes cards, dice, gaming, tables, or cloths boards or any other article used for intended to be used physically or in any virtual or intangible mode including electronically as a subject or means of gaming, any document, electronic form or record, digital form or record used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming which includes online electronic transfer of funds or transactions and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming.”.

3. In the principal Act, in section 3,-

Amendment of section 3.

- (1) For sub-section (1), except the Explanation, the following shall be substituted, namely,-

“(1) Any person who opens, keeps, operates, uses or permits to be used any common gaming house or online gaming or conducts or assists in conducting the business of any common gaming house or advances or furnishes money for gaming therein, shall be punishable,-

- (i) For the first offence, with imprisonment for a term which may extend to one(1) year and with fine which may extend to Rs.5,000/- (Rupees Five Thousand only); but in the absence of special reasons to be recorded in writing, the punishment awarded under this clause shall be imprisonment for not less than three (3) months and fine not less than Rs.3,000/- (Rupees Three Thousand only);
- (ii) For every subsequent offence, with imprisonment for a term which may extend to two(2) years and with fine which may extend to Rs. 10,000/- (Rupees Ten Thousand only), but in absence of special reasons to be recorded in writing the punishment awarded under this clause shall be-
- (a) For a second offence, imprisonment for not less than six (6) months and fine not less than Rs. 5,000/- (Rupees Five Thousand only);
- (b) For a third or subsequent offence, imprisonment for not less than one (1) year and fine of not less than Rs. 10,000/- (Rupees Ten Thousand only).”.

Insertion of new section 3A.

4. After section 3, the following new section shall be inserted, namely,-

Offences by companies

“3A. Where a person committing a contravention of section or any other provisions of this Act is a every person who, at the time of the contravention was committed, was in charge of, and was responsible to the company, for the conduct of the business of the company as well as the company, its managing directors and other directors, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punishable accordingly:

Provided that nothing contained in this section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge of that he exercised all due diligence to prevent such contravention.”.

Amendment of section 4.

5. In the principal Act, for section 4, except the Explanation thereunder, the following shall be substituted, namely,-

Penalty for being found gaming in a common gaming house.

“4. Whoever is found gaming or present for the purpose of gaming in a common gaming house shall, on conviction, be punishable with imprisonment for a term which may extend to six (6) months or with fine which may extend to Rs. 3,000/- (Rupees Three Thousand only) or with both.”.

Substitution of section 5.

6. In the principal Act, for section 5 along with the marginal heading, the following shall be substituted, namely-

Offences are cognizable and non-bailable.

“5. (1) Every offence under this Act is cognizable and non-bailable.

(2). Any Police Officer not below the rank of Sub- Inspector of Police has got authority :-

- (i) to enter any place and at any time with such force and with such assistance as may be found necessary;
- (ii) to arrest all persons found therein;
- (iii) to search all such persons and all parts of such place; and
- (iv) to seize-
 - (a) all money found with such persons;
 - (b) all instruments of gaming; and

(c) all moneys, all 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 in such place.

(v) to freeze bank accounts which are used for the purpose of gaming.”.

7. In the principal Act, for section 6 along with the marginal heading, the following shall be substituted, namely,-

Substitution of section 6.

Instrument of gaming found in a place entered or secured to be evidence that place is common gaming house.

“6. where any instrument of gaming or its facilities found in any place entered or searched, on or about person found therein, it shall be presumed that such place is used as a common gaming house and that the persons found therein were present there for the of gaming although no gaming was actually seen by police officer or any of his assistants.”.

8. In the principal Act, for section 7 along with the marginal heading, the following shall be substituted, namely,-

Substitution of section 7.

Provisions of sections 4 and 6 not to apply in certain cases

“7. Nothing in the Explanation to section 4 or in section 6 shall apply to persons found in a premise or place belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, unless such persons are actually found gaming or facilitating such gaming in any manner in such premises or place.”.

9. In the principal Act, for section 15 along with marginal heading, the following shall be substituted, namely,-

Substitution of section 15.

Overriding effect.

“15. The provisions of this Act, shall have the effect notwithstanding anything inconsistent therewith in any other law for the time being in force.”.

10. (1) The Andhra Pradesh Gaming (Amendment) Ordinance, 2020 is hereby repealed.

Repeal of Ordinance No. 13 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.