

such grantee may apply to the Collector and the Collector may recover such money on his behalf in either of the ways provided by sub-section (1) :

Provided that nothing in this sub-section shall affect the right of any such grantee to recover any such money by civil suit.

91. Power of the State Government to exempt intoxicants from provisions of the Act—The State Government may, by notification, either wholly or partially, and subject to such condition (if any) as it may think fit to prescribe, exempt any intoxicant from all or any of the provisions of this Act, either throughout the State of Tripura or in any specified local area, or any specified period or occasion or as regards any specified class of persons.

92. Bar to certain suits—No suit shall lie in any civil court against the State Government, Excise Commissioner, Collector, or any Excise Officer for damages for any act done in good faith or ordered to be done in pursuance of this Act or any other law for the time being in force relating to the excise revenue.

93. Limitation of suits and prosecutions—No Civil Court shall try any suit against the Government or any Excise Officer in respect of anything done, or alleged to have been done, in pursuance of this Act, and, except with the previous sanction of the State Government, no Magistrate shall take cognizance of any charge made against any Excise Officer under this Act or any other law relating to the excise revenue or made against any other person under this Act,

unless the suit or prosecution is instituted within six months after the date of the act complained of.

94. Repeal and saving—(1) The Bengal Excise Act, 1909 (Bengal Act V of 1909), in its application to the State of Tripura, is hereby repealed.

(2) Notwithstanding such repeal every notification issued, order passed, powers conferred and any other action taken under the repealed Act, shall be deemed, respectively to have been issued, passed, conferred and taken under the corresponding provisions of this Act.

TRIPURA GAMBLING ACT

or

ACT IV OF 1336 T.E. (1926 AD)

Preamble.—This is an Act to prohibit gambling and the keeping of gaming houses, publicly or privately, within the Tripura State.

1. This Act may be called an Act relating to gambling or Act IV of 1336 T.E.¹
2. This Act shall, after it has been approved of by the Administrative Council, come into force within the limits of the Municipality of Agartala and at places at a distance of not more than five miles thereof from the date of its notification in the State Gazette. The member of the Home Department may, if he thinks fit, by a notification to be published in the State Gazette, extend the operation of this Act or any part of it to any other place within this State, and, may, if he subsequently deems it necessary, withdraw the operation of this Act, in whole or in part.
3. **Definitions.**—
 - (a) "Gaming" does not include the betting upon a horse-race, when such betting takes place, as it ordinarily does, on the day on which such race is to be run.
 - (b) "Instruments of gaming" includes any article, prepared, procured and used for the purpose of carrying on or facilitating gaming. It includes the accounts book or register in respect of gaming or any other document by which such gaming is proved and also every article which is used as a means of gaming.
 - (c) "Common gaming-house" means any house, tent, vehicle, space or walled enclosure in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, or temporarily using or keeping such places or instruments, whether by way of letting these out on hire or otherwise howsoever.

1. This Act was published in the State Gazette, dated 15th Chait of 1336 T.E (1926 A.D)

4. Whoever, being the owner or occupier or having the use of any house, tent, room, space, walled enclosure or vehicle, situated within the limits to which this Act applies, uses the same as a gaming house;

and whoever, being the owner or occupier of any such house, tent, room, space, walled enclosure or vehicle as aforesaid, knowingly or wilfully permits the same to be opened or used and occupied by any other persons as a common gaming house.

and whoever has the care or management of or assists in conducting, the business of any house, tent, room, walled enclosure, space or vehicle as aforesaid, used or kept for the purpose of gaming ;

and whoever advances money for the purpose of gaming to persons frequenting such house, tent, room, space, walled enclosure or vehicle,

shall be liable, on conviction before any Magistrate to a fine not exceeding two hundred rupees, or to imprisonment, simple or rigorous, for any term not exceeding three months.

5. Whoever is found in any common gaming-house, playing with cards, dice, counters, money or other instruments of gaming or is found there present for the purpose of gaming, whether playing for any stake or otherwise, shall be liable, on conviction before any Magistrate on the mere proof of his presence at the place aforesaid, to a fine not exceeding one hundred rupees or to imprisonment, simple or rigorous, for any term not exceeding one month.

Any person found in any common gaming house during any gaming, whether playing or not, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

6. If the Magistrate in charge of a division or a Magistrate invested with the powers of a first class Magistrate upon credible information and after such inquiry as he may think necessary, held or caused to be held by him at a place within his jurisdiction, has reason to believe that any house, tent, room, walled enclosure, space or vehicle is used as a common gaming house, he may either himself enter, or by his warrant authorise any officer of Police, not below the rank of a Sub-Inspector, to enter, with such assistance as may be found

necessary, by night or by day, at any time and in any circumstance, and by force if necessary, such place as aforesaid, and may either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein, whether or not such persons may be then actually gaming ;

and may seize or authorise such officer to seize all instruments of gaming, and all 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;

and may search or authorise such officer to search all parts of the common gaming-house which he or such officer shall have so entered, when he or such person has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer find therein and may either himself seize and take into custody or authorise such officer to seize and take into custody such persons ;

and may seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

The Superintendent of Police posted in a division of the State shall exercise all such powers mentioned in this section as the Magistrate of such division may exercise.

7. When any card, dice, gaming table, cloth, boards or other instruments of gaming are found in any house, tent, room, space, walled enclosure or vehicle searched under the provisions of the last preceeding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, tent, room, space, walled enclosure or vehicle is used as a common gaming-house, and that the said instruments of gaming shall be deemed to be evidence of the offence committed by the persons found therein, although no play was actually seen by the Magistrate or police-officer, or by any person acting under the authority of either of them.
8. If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such Magistrate or officer of police to give his name and address,

shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction, be liable to a fine not exceeding one hundred rupees or to imprisonment, simple or rigorous, for any term not exceeding fifteen days.

9. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, 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; or in his discretion, may order any part thereof to be returned to the persons appearing to have been severally entitled thereto.
10. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing therein at any game was playing for any money or stake.
11. The provisions of the aforesaid sections of this Act shall not apply to the game of "billiard", "whist" or any other game of mere skill. Such game of mere skill, wherever played, shall not be deemed to be gaming.
12. A police-officer may apprehend without warrant any person found gaming in any public market, fair, thoroughfare or street situated within the limits to which this Act shall come into force.
Such person, when apprehended, shall be brought by the police officer aforesaid without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one month.
Such police officer may seize all kinds of instruments of gaming found on search of the person of those whom he shall arrest in such public place, and the Magistrate may, on conviction of the person apprehended, order such instruments to be forthwith destroyed.
13. A lottery or a lottery office may, with the sanction of the Council of Administration be opened. Whoever, without obtaining such sanction of the Council of Administration, opens such lottery office or carries on lottery in any place shall

be liable to a fine not exceeding five hundred rupees or to imprisonment, either simple or rigorous, for any term not exceeding six months.

14. Whoever, without obtaining the sanction as aforesaid, issue on the occasion of a lottery such a proclamation as to promise an award of money or article to whomever shall draw or get hold of a particular ticket, number or word, or to promise to do or to refrain from doing any act for the benefit of the person drawing such ticket, number or word, shall on conviction be liable to a fine not exceeding one thousand rupees.
15. Offences punishable under this Act except those under section 13 and 14 shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.
16. Whoever, having been convicted of an offence, punishable under this Act, shall be again guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment which has been fixed under this Act for the same.

Provided that he shall not be liable in any case to fine exceeding one thousand rupees or to imprisonment for a term exceeding one year.