



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 20th November 2020 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 11 OF 2020.

An Ordinance further to amend the Tamil Nadu Gaming Act, 1930, the Chennai City Police Act, 1888 and the Tamil Nadu District Police Act, 1859.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

PART – I.

PRELIMINARY.

- (1) This Ordinance may be called the Tamil Nadu Gaming and Police Laws (Amendment) Ordinance, 2020. Short title and commencement.
- (2) It shall come into force at once.

PART – II.

AMENDMENTS TO THE TAMIL NADU GAMING ACT, 1930.

Substitution of
sections 2 and 3.

2. In the Tamil Nadu Gaming Act, 1930 (hereinafter in this Part referred to as the 1930 Act), for sections 2 and 3, the following sections shall be substituted, namely:—

Tamil Nadu Act III of
1930.

“2. Extent.— This Act extends to the whole of the State of Tamil Nadu.

3. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) “common gaming-house” means any house, room, tent, enclosure, vehicle, vessel, cyber cafe or any place whatsoever in which instruments 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 cafe or place, whether free of cost or by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel, cyber cafe or the place; and includes any house, room, tent, enclosure, vehicle, vessel, cyber cafe or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;

(b) “gaming” does not include a lottery, but includes wagering or betting in person or in cyberspace.

Explanation.— For the purposes of clause (b) and section 3-A, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, including through electronic transfer of funds, in respect of any wager or bet, or any act which is intended to aid, induce, solicit or facilitate wagering or betting or such collection, soliciting, receipt, or distribution;

(c) “Government” means the State Government;

(d) “instruments of gaming” includes cards, dice, gaming table or cloth, board, computers, computer system, computer network, computer resource, any communication device or any other article used or intended to be used as a subject or means of gaming, any document or electronic record, used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise, including through electronic transfer of funds, distributed or intended to be distributed in respect of any gaming;

(e) the words ‘computer’, ‘communication device’, ‘computer network’, ‘computer resource’, ‘computer system’, ‘cyber cafe’, and ‘electronic record’ used in this Act shall have the respective meanings assigned to them in the Information Technology Act, 2000.

Central Act 21 of
2000.

3-A. Wagering or betting in cyberspace.— (1) No person shall wager or bet in cyberspace using computers, computer system, computer network, computer resource, any communication device or any other instrument of gaming, by playing Rummy, Poker or any other game.

(2) Whoever wagers or bets in cyberspace shall be punished with imprisonment which may extend to two years or with fine not exceeding ten thousand rupees or with both.”.

3. In section 4 of the 1930 Act, in sub-section (1), in clauses (b), (c) and (d), after the expression “enclosure, vehicle, vessel”, the expression “cyber cafe” shall be inserted. Amendment of section 4.

4. In section 5 of the 1930 Act, in sub-section (1), for the expression “not inferior to a Judicial Magistrate of the second class or any police officer not below the rank of Deputy Superintendent of Police”, the expression “or any police officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police, as the case may be” shall be substituted. Amendment of section 5.

5. In section 6 of the 1930 Act, after the expression “Any cards, dice, gaming table or cloth, board”, the expression “electronic record, computers, computer system, computer network, computer resource or any communication device” shall be inserted. Amendment of section 6.

6. In section 8 of the 1930 Act, for the expressions “five hundred rupees” and “three months”, the expressions “ten thousand rupees” and “two years” shall, respectively, be substituted. Amendment of section 8.

7. In section 9 of the 1930 Act, for the expressions “two hundred rupees” and “one month”, the expressions “five thousand rupees” and “six months” shall, respectively, be substituted. Amendment of section 9.

8. In section 11 of the 1930 Act, for the expression “sections 5 to 10”, the expression “section 3-A and sections 5 to 10” shall be substituted. Amendment of section 11.

9. In section 12 of the 1930 Act, for the expressions “one hundred rupees” and “three months”, the expressions “five thousand rupees” and “six months” shall, respectively, be substituted. Amendment of section 12.

10. After section 13-A of the 1930 Act, the following section shall be inserted, namely:— Insertion of new section 13-B.

“13-B. Offences by companies.— (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence 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, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section.—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.”.

PART – III.

AMENDMENTS TO THE CHENNAI CITY

POLICE ACT, 1888.

Amendment of section 3.	11. In section 3 of the Chennai City Police Act, 1888 (hereinafter in this Part referred to as the 1888 Act), the definitions of ‘conviction’, ‘imprisonment’, ‘common gaming house’, ‘gaming’ and ‘instruments of gaming’ shall be omitted.	Tamil Nadu Act III of 1888.
Omission of certain sections.	12. Sections 40-A, 42, 43, 44, 45, 46, 47, 48, 49, 49-A, 49-B, 50, 51 and 52 of the 1888 Act shall be omitted.	
Amendment of section 79.	13. In section 79 of the 1888 Act, for the expression “English, Tamil, Telugu and Hindustani”, the expression “English and Tamil” shall be substituted.	
Insertion of new section 80-A.	14. After section 80 of the 1888 Act, the following section shall be inserted, namely:—	
	<p>“80-A. Offences by companies.— (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence 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, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>	
	<p>Explanation.— For the purposes of this section.—</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals; and</p> <p>(b) “director” in relation to a firm, means a partner in the firm.”.</p>	

PART – IV.**AMENDMENT TO THE TAMIL NADU DISTRICT****POLICE ACT, 1859.**

Central Act XXIV of
1859.

15. In the Schedule to the Tamil Nadu District Police Act, 1859, the expressions “Definition of ‘imprisonment’, ‘gaming’, ‘Instruments of gaming’, ‘common gaming-house’ and ‘conviction’ in section 3” and “48, 50,” shall be omitted.

Omission of certain
expressions.

20th November 2020.

BANWARILAL PUROHIT,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT

Gaming by means of cards, dice etc., in the form of betting or wagering has been banned in the cities of Chennai, Madurai, Coimbatore, Salem, Tiruchirappalli and Tirunelveli by the Chennai City Police Act, 1888 (Tamil Nadu Act III of 1888) read with Tamil Nadu Act 32 of 1987 and Tamil Nadu Act 51 of 1997 and in the rest of the State by the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930). Playing games like Rummy, Poker etc., using computers or mobile phones, for money or other stakes, which are addictive in nature, have developed manifold, in the recent times. As a result, innocent people get cheated and incidents of suicide are reported. In order to prevent such incidents of suicide and protect the innocent people from the evils of online gaming, it has been decided to ban wagering or betting in cyberspace by suitably amending the relevant enactments. Accordingly, the Government have decided to amend the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930) and extend its application throughout the State for the purpose and to make consequential amendments to the Chennai City Police Act, 1888 (Tamil Nadu Act III of 1888) and the Tamil Nadu District Police Act, 1859 (Tamil Nadu Act XXIV of 1859).

2. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government,
Law Department.