

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 9th January, 2014

No.3-Leg./2014.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 27th Day of December, 2013, is hereby published for general information:-

**THE PUNJAB HORSE RACE (REGULATION AND
MANAGEMENT) ACT, 2013**

(Punjab Act No. 3 of 2014)

AN

ACT

to provide for setting up, management and operation of race courses, betting activities and intermediaries involved and also for licensing, regulation, control and management of horse races on race courses, maintaining and keeping of horses at race courses, betting activities at race courses and off courses or otherwise, exhibition of horses and other processes of horse race and all matters connected therewith and incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Horse Race (Regulation and Management) Act, 2013. Short title and commencement.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and different provisions may be applied to different places.

2. In this Act, unless the context otherwise requires,-

Definitions.

(a) "betting" or "betting activity" shall mean and include all such activities during the horse race, pursuant to which a bet or

wager is placed, whether at the race course or off course, either through licenced bookmakers or any authorized mechanical or electronic medium or any other authorized intermediary on the outcome of the horse race in anticipation of financial gain or reward, directly or indirectly;

- (b) "book-maker" or "bookie" means an organization or a person that takes bets on horse race at agreed upon odds;
- (c) "horse-race" means any race in which any horse, mare, pony or gelding runs or is made to run in competition with any other horse, mare, pony or gelding for any prize of whatsoever nature or kind or for any bet or wager made or to be made in respect of any such horse, mare, pony or gelding or the rider thereof and at which twenty or more persons shall either be present physically or be connected through any mode, electronic or otherwise, for watching and participating in such race;
- (d) "intermediary" means a person connected directly or indirectly with horse race including but not limited to bookies, book-makers, owners of horses, organizers of horse races, advertisers, owner of on course or off course totalisators and facility providers;
- (e) "licence" means a licence granted under section 5;
- (f) "licensee" means a person to whom a licence is granted under section 5;
- (g) "off course" means a venue as described in sub-clause (ii) of clause (o);
- (h) "on course" means a venue as described in sub-clause (i) of clause (o);
- (i) "permit" means a permit granted to an intermediary under section 6;
- (j) "permit holder" means a person to whom a permit is granted under section 6;
- (k) "person" means and shall include natural person, any Company or Association or body of individuals, whether incorporated or not;

(PAUSA 19, 1935 SAKA)

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- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "punter" means an organization or a person who bets on outcome of horse race against a book-maker or through totalisators;
- (n) "race club" means and includes a body of individuals whether incorporated or not, society, club or other Association,-
- (i) formed for the purpose of promoting horse race or for holding race meetings; or
 - (ii) conducting or controlling such meetings;
- (o) "race course" means,-
- (i) any ground on which a horse race can be held or planned to be organized; or
 - (ii) a venue connected by any mode or device with any other such ground though situated outside such ground, where a person is permitted for a charge or fee to watch and also allowed to participate in betting on the basis of the live feed of a horse race;
- (p) "section" means a section of this Act;
- (q) "State Government" means the Government of the State of Punjab in the Department of Home Affairs and Justice;
- (r) "Steward" in relation to a race club includes any person,-
- (i) connected with the organization of the race club; or
 - (ii) responsible for or for the time being in charge of the management of race club; and
- (s) "totalizator" means a totalizator in an enclosure whether situated within race course or outside including authorized race courses situated in other States and which the stewards controlling a race meeting have set apart for the purpose, and includes any instrument, machine or contrivance known as the totalizator, or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on like principles but does not include a book-maker.

Development of
race course,
organization of
horse race and
betting thereon.

3. The State Government itself or through a person may,-
- (i) develop or set up race course and allied and incidental facilities;
 - (ii) set up totalizators at race course or other places;
 - (iii) allow to organize the horse races or allied and incidental activities; and
 - (iv) allow betting on the horse races either on course or off course.

Prohibition of
horse race on
unlicensed race
course.

4. No horse race shall be planned or organized or held save on a race course for which a licence is granted in accordance with the provisions of section 5.

Licence for race
course or
totalizator.

5. (1) Any person, who desires to develop a race course or to set up a totalizator, as the case may be, shall make an application in the prescribed form alongwith prescribed fee to the State Government for grant of a licence for this purpose.

(2) On receipt of the application under sub-section (1), the State Government, after making such inquiry as it may deem fit regarding the capacity of a person to develop a race course or to set up a totalizator, as the case may be, shall pass an order, in writing, recording reasons either granting or refusing the grant of such a licence.

(3) Where an order is passed granting a licence under sub-section (2), the State Government shall grant such licence in the form and under such conditions, as may be prescribed.

(4) The licence granted under sub-section (3) shall be valid for a period of five years and will be renewable from year to year on payment of prescribed fee.

(5) If, in the opinion of the State Government, it is expedient or necessary to do so in public interest, it may, after affording an opportunity to the licensee, amend, modify or change the conditions of a licence granted under this section.

Permit for horse-
race.

6. (1) The owner, lessee or occupier of any race course may apply in the prescribed manner to the State Government for a permit for horse race on a race course or for arranging for wagering or betting in such race course on a horse race run on some other race course either within the State or outside the State.

(2) The State Government may in its sole discretion consider, withhold, grant such permit on such terms and conditions and for such period as it may

(PAUSA 19, 1935 SAKA)

think fit in the interest of either horse race or public interest or both.

(3) In particular and without prejudice to the generality of the foregoing power, such conditions may provide for-

- (a) the payment of a permit fee;
- (b) the maintenance of such accounts and furnishing of such returns;
- (c) the amount of stakes which may be allotted for different kinds of horses;
- (d) the measures to be taken for the training of persons to become jockeys;
- (e) the measures to be taken to encourage Indian breed horses and Indian jockeys;
- (f) the inclusion of a person or association of such persons as the State Government may nominate as Stewards or members in the conduct and management of horse race;
- (g) the utilization of the amount collected by the permit holder in the conduct and management of horse race; and
- (h) such other matters connected with horse race and the maintenance of the race course for which, in the opinion of the State Government, it is necessary or expedient to make provision in the permit.

(4) The State Government may, by such permit, authorize the permit holder to grant, subject to such conditions as may be specified by the State Government in such permit, a permit to any book-maker for such period not exceeding the period of the permit granted to the permit holder as he may think fit.

(5) The State Government may, at any time, suspend, cancel or modify any of the conditions specified in any permit.

(6) The grant, cancellation or modification of any permit shall be published in the Official Gazette.

7. (1) An intermediary, who is desirous of undertaking any activity under the provisions of this Act except the activities mentioned in sections 5 and 6 thereof, shall make an application to the State Government for grant of a permit to undertake such activity.

Obligation of permit by the intermediary.

(2) On receipt of an application under sub-section (1), the State Government may consider and grant a permit on such terms and conditions, as it may deem appropriate or may reject such application and the decision for rejection of the State Government shall be final.

Betting on the
horse race.

8. A person, in the prescribed manner through totalizators or bookies or book-makers, may make betting on the horse race planned or organized on the race course.

Establishment of
Authority.

9. (1) The State Government shall, by notification, establish for the purpose of this Act, an authority to be called the Punjab Turf Club Regulatory Authority (hereinafter referred to as the Authority) or may assign the functions of the Authority to an existing authority.

Explanation. - "existing authority" means any department under the State Government or any authority established under the Act by the State Government.

(2) The Authority shall be a body Corporate known by the aforesaid name having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue or be sued.

(3) The Head Office of the Authority shall be at Chandigarh or at such place, as the State Government may notify from time to time.

(4) The Authority shall consist of a Chairperson and not less than five and not more than seven members appointed by the State Government from amongst the persons having sufficient knowledge of sports activities particularly concerning horse races.

(5) The State Government may make rules regarding the functions, finances and powers of the Authority.

Display of
licence/permit
particulars at race
course and off
course.

10. Every owner, occupier or the operator of the race-course and any off course wherein the owner, occupier or the operator of such race course or off course allows any betting activity, shall ensure proper and conspicuous display of the permit particulars at the race-course or off course in English and in vernacular language, in accordance with the specifications as may be provided in this regard by the State Government or by the Authority, from time to time.

(PAUSA 19, 1935 SAKA)

- 11.** If any horse race or betting on horse race is held on any race course for which a licence/permit has not been granted or for which a licence/permit granted is not in force, the owner, occupier or operator of such race course shall be punishable with fine which may extend to rupees one lac and imprisonment for not less than one year which may extend to three years. Punishment for allowing racing or betting on racing at a race course without licence/permit.
- 12.** Whoever takes part in any horse race on any race course, for which no licence/permit is granted or for which a permit granted in accordance with the provisions of section 6 is not in force, shall be punishable with fine which may extend to rupees twenty thousand. Penalty for taking part in horse race on a race course without licence/permit.
- 13. (1)** If a licensee/permit holder contravenes any of the conditions of the permit, he shall be punishable with fine which may extend to rupees one lac. Penalty for contravening conditions of licence/permit.
- (2)** If an intermediary contravenes any of the conditions subject to which a permit was granted to him, he shall, without prejudice to any action that may be taken by the State Government under Section 16, be punishable with fine which may extend to rupees one lac.
- 14. (1)** If the State Government or a person duly authorised by it, is of the opinion that for the purposes of this Act or in connection with any breach or contravention of any provision of this Act or the Rules framed thereunder, it is necessary to do so, it may call for inspection of the books of accounts, records of the licensee or permit holder after giving him reasonable notice and take extract therefrom. Power of search and seizure.
- (2)** The State Government or a person duly authorised by it, may, if considers necessary, conduct search at the race course or off course or such other place for the purpose of inspecting any records relating to race course or horse race or any betting activity and if deemed necessary may seize such records or material for the purpose of investigating any violation or breach of the provisions of this Act or Rules framed thereunder or terms of the licence or permit.
- 15.** The State Government or the Authority may, wherever deemed necessary for the purpose of proper regulation of the race course, off course, horse race or the betting activity, depute any official(s) duly authorized to visit and inspect any race course or any off course and submit its report and findings to the State Government or the Authority, as the case may be. Power of Inspection of race course.

Power of
suspension,
revocation and
cancellation of
licence or permit.

16. (1) The State Government or a person duly authorized by it, may, on receipt of any complaint or *suo moto* or on inspection or on receipt of inspection report or search report under section 14 or section 15, initiate proceedings in the prescribed manner against the licensee or the permit holder for revocation or cancellation of the licence or the permit, as the case may be.

(2) The State Government or a person duly authorized by it, may, for reasons to be recorded in writing, suspend the licence or the permit during the pendency of enquiry and may also impose such restrictions and limitations as required in connection with the conduct of the race course, off course, horse race or betting activity in public interest.

(3) The State Government or a person duly authorized by it, after the completion of proceedings initiated against the licensee or the permit holder under sub-section (1), may, for reasons to be recorded, suspend, revoke or cancel the licence or the permit and issue such further directions as may be necessary in the public interest.

Delegation of
powers.

17. The State Government may, by notification, direct that any power exercisable by it under this Act, except the power to make rules, may also be exercisable by such officer as may be mentioned thereunder subject to such conditions, if any, as may be specified therein.

Cognizance of
offences.

18. No Court inferior to that of a Judicial Magistrate of the First Class, shall try any offence under this Act.

Offences by
companies.

19. (1) If the person committing an offence under this Act is a Company, every person who, at the time the offence was committed, was in charge of the Company as well as was responsible to the Company for the conduct of business by the Company, 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 provided in this Act, if he proves that the offence was committed without his knowledge or that he 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 with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the Company, such director, manager, secretary or other officer, as the case may be, shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) “Company” means a body corporate and includes a firm or other association of individuals; and
- (b) “Director” in relation to a firm includes a partner in the firm.

20. If in the opinion of the State Government, it is expedient or necessary to do so in public interest, it may by a general or special order exempt any horse race or any betting activity or an intermediary from the operation of the provisions of this Act. *Exemption.*

21. No suit, prosecution or other legal proceeding shall lie against the State Government or Authority or officer of the State Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. *Protection of action taken in good faith.*

22. No civil court shall have any jurisdiction to entertain or decide any question relating to matters arising under this Act or the rules made thereunder. *Bar of jurisdiction.*

23. The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act. *Over-riding effect.*

24. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act, remove the difficulty: *Power to remove difficulties.*

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

25. (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make Rules for carrying out the purposes of this Act. *Power to make Rules.*

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the form of application and fee for grant of licence under sub-section (1) of section 5;
- (b) the form of licence and conditions for grant of licence under sub-section (3) of section 5;
- (c) the fee for renewal of licence under sub-section (4) of section 5;

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- (d) the manner in which betting on horse race is to be made through a totalizator or bookie or book-maker under section 8;
 - (e) the manner in which the proceedings against the licensee or the permit holder are to be initiated under sub-section (1) of section 16; and
 - (f) any other matter which has to be or may be prescribed by rules.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.