

(THE SHAN STATES GAMBLING ORDER, 1924.)

No. 38

No. 38.- In exercise of the powers conferred by section 12, sub-section (1), clause (d) of the Burma Laws Act, 1898, His Excellency the Governor of Burma is pleased to make the following Order modifying the customary law of the Shan States with regard to gambling:-

This Order may be called the Shan States Gambling Order, 1924. It shall apply to the Federated Shan States except such portions of them as are included in areas notified under section 210 of the Burma Municipal Act, 1898, and the premises of the Burma Railways Company, and shall come into force at once.

It may be suspended in any definite local area for any fixed period by express proclamation of the Chief of a State with the previous approval in writing of a Superintendent of the Shan States.

THE SHAN STATES GAMBLING ORDER, 1924.

I.- (i) "Gambling" means conducting, assisting or taking part in any game or pretended game of chance for money and other valuable things, including the game of Ti or any other game or pretended game of a like nature.

(ii) "Common Gaming House" means any place, whether public or private, where any kind of gambling is carried on for the profit or gain of the person owning or occupying or using such place.

II.- Any person who in any place to which the public have access or in any common gaming-house-

- (a) gambles or is present for the purpose of gambling; or
- (b) solicits or collects stakes for any kind of gambling; or
- (c) advances or furnishes money for the purpose of gambling; or
- (d) sets or abets the setting of birds or animals to fight,

shall be punishable on conviction by the Chief of a State or by an officer appointed by him in this behalf-

for a first offence, with imprisonment which may extend to one month or with fine or with both; for a subsequent offence, with imprisonment which may extend to two months or with fine or with both.

III.-Any person who-

(a) being the owner or occupier or having the use of any place, opens, keeps or uses, or knowingly permits the opening, keeping or using of that place as a common gaming-house, or

(b) has the care or management of or in any manner assists in conducting the business of any common gaming-house,

shall be punishable on conviction by the Chief of a State or by an officer appointed by him in this behalf-

for a first offence, with imprisonment which may extend to three months or with fine or with both; for a subsequent offence, with imprisonment which may extend to six months or with fine or with both.

IV.- Whoever-

(a) conducts or assists in conducting the game of **Ti** or any other game or pretended game of a like nature; or

(b) promotes the game or pretended game by soliciting or collecting stakes or otherwise,

shall be punishable on conviction by the Chief of a State or by an officer appointed by him in this behalf-

for a first offence, with imprisonment which may extend to six months or with fine or with both; for a subsequent offence, with imprisonment which may extend to two years or with fine or with both.

V.-Without the special permission of the Chief of the State no person shall be tried for an offence under this Order unless a complaint or a report or information in respect thereof has been made or given or cognizance thereof has been taken within one month of the date of the alleged commission of the offence.

VI.- The Chief of the State may delegate in whole or in part to any officer of the State powers-

(a) to authorize the arrest of any person committing or believed to have committed any offence under this Order;

(b) to enter and search places believed to be used as common gaming-houses and to arrest all persons found therein;

(c) to confiscate instruments, articles or monies used for gambling;

(d) to tender a pardon to witnesses and to reward informers.

- VII.- (1) Whenever a Chief of a State or any officer authorized by him in this behalf receives information that any person within the local limits of his jurisdiction habitually earns his livelihood in whole or in part by unlawful gambling or by keeping, using or managing a common gaming-house or by assisting in the business of a common gaming house, he may require such person to show cause why he should not be required to execute a bond with sureties to be of good behaviour for such period not exceeding three years as such Chief or officer authorized by him in this behalf may think fit, and may in default of proper cause require him to give security to be of good behaviour for such period, or if he fails to do so sentence him to imprisonment for a term not exceeding one year.
- (2) For the purposes of any proceedings under this rule the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

By order of His Excellency the Governor.

F. LEWISOHN,
Chief Secy. to the Govt. of Burma,
Home and Political Dept.