

No. 1675 (2)/XVII-V-1-1 (KA) 29/1995

Dated Lucknow, August 25, 1995

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Apradhikrit Lottery (Niwaran) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 24, of 1995) as passed by the Uttar Pradesh Legislature and assented to by the President on August 24, 1995.

THE UTTAR PRADESH UNAUTHORISED LOTTERY (PREVENTION)
ACT, 1995

(U. P. Act No. 24 of 1995)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to prohibit the promotion and conduct of all lotteries except lotteries organised by the Government of India or the Government of a State or of a Union Territory in Uttar Pradesh and to provide for matters connected therewith or ancillary thereto.

IT IS HEREBY enacted in the Forty-sixth year of the Republic of India as follows :—

Short title,
extent and
commencement

1. (1) This Act may be called the Uttar Pradesh Unauthorised Lottery (Prevention) Act, 1995.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Definition

2. In this Act—

(a) 'Director' means the Director of Uttar Pradesh State Lotteries appointed as such by the State Government;

(b) 'Lottery' means a scheme for distribution of prizes by lot or chance to persons participating in the chance of a prize by purchasing tickets but does not include a State Lottery or a prize competition;

(c) 'money' includes a cheque or any other negotiable instrument, a postal order, or a money order;

(d) 'prize competition' means a prize competition within the meaning of the Prize Competitions Act, 1955;

(e) 'State Lottery' means a lottery organised and conducted by the Government of India or the Government of any State or of a Union Territory specified in the First Schedule to the Constitution of India;

(f) 'ticket' includes any document evidencing the claim of a person to participate in the chances of a lottery but does not include any cash memo issued to a purchaser of commodities for payment in cash of the prize of such commodities.

3. No person shall—

(a) promote or conduct any lottery, or

(b) offer to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person on any event or contingency relative or applicable to the drawing of any ticket, lot, number, colour, or figure in any lottery; or

(c) print any ticket for use in any lottery; or

(d) sell or distribute, or offer or advertise for sale or distribution, or have in his possession for the purpose of sale or distribution, any ticket or chance in any lottery; or

(e) print, publish or distribute, or have in his possession for the purpose of publication or distribution—

(i) any advertisement of a lottery; or

(ii) any list (whether complete or not) of prize winners or winning tickets in any lottery; or

(iii) any such matter descriptive of the drawing or intended drawing of any lottery, or otherwise relating to any lottery, as is calculated to act as an inducement to persons to participate in any lottery; or

(f) bring, or invite any person to send, into the State, for the purpose of sale or distribution any ticket, or advertisement of any lottery; or

(g) send or attempt to send out of the State,—

(i) any money or valuable thing received in respect of the sale or distribution of any ticket or chance in any lottery; or

(ii) any document recording the sale or distribution of any ticket or chance in any lottery; or

(iii) any document recording the identity of the holder of any ticket or chance in any lottery; or

(h) use any premises or permit any premises to be used, for purposes connected with the promotion or conduct of any lottery.

4. Whoever contravenes any of the provisions of section 3 shall be punished with fine which may extend to twenty thousand rupees or with imprisonment for a term which may extend to three years or with both.

Penalty

5. (1) If the person committing an offence punishable under this Act, is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offences by companies

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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence punishable 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 that the commission of the offence 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 also be deemed to be guilty

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Prohibition of promotion and other section in connection with lotteries

of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation— For the purpose 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.

Special power of Magistrate regarding fine.

6. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate or Judicial Magistrate of the first class to pass a sentence of fine exceeding five thousand rupees on any person punishable under section 4.

Search and seizure

7. (1) The Director or any other officer authorised by the State Government in this behalf may, with such assistance as may be necessary, enter and search any place used or suspected to be used in connection with the commission of any offence punishable under this Act.

(2) Whereas a result of any search made under sub-section (1) anything is found and the officer making the search has reason to believe that such thing is connected with any offence punishable under this Act, he may seize such thing.

(3) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

(4) The Director or other officer referred to in sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Permission to conduct lottery in certain cases.

8. The State Government may, in public interest, by notification, and subject to such conditions and restrictions as it may impose, permit any body or organisation established for charitable purposes or for the purpose of promoting public welfare to conduct a lottery.

Protection of action taken in good faith

9. No suit, prosecution or other legal proceedings shall lie against the State Government or any person in respect of anything which is, in good faith done, or intended to be done, in pursuance of this Act or rules made thereunder.

Power to make rules

10. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) The rules framed under sub-section (1) may provide that any breach of such rules shall be punishable with fine of an amount not exceeding five thousand rupees as may be fixed in such rules.

Omission of section 294-A of I.P.C.

11. Section 294-A of the Indian Penal Code shall be omitted.

Repealed savings

12. (1) The Uttar Pradesh Unauthorised Lottery (Prevention) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

U. P. Ordinance No. 22 of 1995

By order,
N. K. NARANG,
Pramukh Sachiv.