

The Uttar Pradesh Unauthorised Lottery (Prevention), Act, 1995

UTTAR PRADESH

India

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Act 24 of 1995

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The Uttar Pradesh Unauthorised Lottery (Prevention), Act, 1995[Act No. 24 of 1995]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 ire Forty-sixth year of the Republic of India as follows:—

1. Short title, extent and commencement

(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.

2. Definition

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 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 Competition's Act; 1955;(e)'State' Lottery mean a lottery organised and conducted by the Government of India or the Government of any State or of a Union Territory specified 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. Prohibition of promotion and other section in connection with lotteries

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 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 sale on 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 allottery; 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 inducements to persons to participate in any lottery; not(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. Penalty

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.

5. Offences by companies

(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: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 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.

6. Special power of Magistrate regarding fine

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.

7. Search and seizure

(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.

8. Permission to conduct lottery in certain cases

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.

9. Protection of action taken in good faith

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.

10. Power to make rules

(1)The State Government may, by notification 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.

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

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

12. Repeal and savings

(1)The Uttar Pradesh Unauthorised Lottery (Prevention) Ordinance, 1995 (U.P. Ordinance No. 22 of 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.