

The Haryana Private Lotteries Prohibition Act, 1993

HARYANA

India

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Act 14 of 1993

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The Haryana Private Lotteries Prohibition Act, 1993 Haryana Act No. 14 of 1993 Statement of Objects and Reasons. - All over the country, private lotteries and raffles have grown without any regulation or control. A number of lotteries are functioning without proper authorisation and in an irregular manner. Several States have taken steps to control and regulate lotteries within their States. A number of private lotteries and raffles are also operating in the State of Haryana which indulge in various fraudulent practices, thereby cheating the general public. Such practices include non-payment of prizes, selling duplicate tickets, selling unauthorised tickets or gambling in the garb of selling lottery tickets. To protect the public of Haryana, it is proposed to ban private lotteries and privately organized lotteries authorised by the State Government in the territory of Haryana State. Hence, the Bill. Haryana Government Gazette (Extra) dated August 24, 1993, page 1045. Received the assent of the Governor of Haryana on the 15th September, 1993, and was published in the Haryana Gazette (Extra.), Legislative Supplement Part I, dated September 20, 1993/Kartika 29, 1915. An act to prohibit lotteries and the lotteries authorised by the States, Union Territories Administrations or the Government of India and State Lotteries, which are run or organised by private persons, parties or promoters except those which are organised by any State Government, Union Territory Administration or the Government of India itself within the territory of the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Forty-Fourth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Haryana Private Lotteries Prohibition Act, 1993.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "agent" means and includes main stockist or by whatever name called who may be an individual or a group of persons or a Company registered under the Companies Act, 1956, or a partnership firm entrusted with the responsibility of sale of

lottery tickets on agency basis on behalf of the State Government, Union Territory Administration, Government of India, Institution, Society or Club : (b) "lottery" means a scheme for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets or coupons and includes raffles; (c) "private lottery" means a lottery which is not being organised by a Government itself; (d) "promoter" in relation to a lottery includes an organiser or any person having control on the conduct of a lottery; (e) "ticket" includes in relation to any lottery or proposed lottery any document evidencing the claim of a person to participate in the chances of the lottery.

3. Prohibition of lottery.

- Notwithstanding any agreement or contract entered into by the State Government, Union Territories Administrations, Government of India, Institutions, Societies or Clubs with any person, party or firm, no person shall deal with in the trade or business of lotteries or be an agent or promoter in respect of any lottery nor shall he sell, distribute or purchase any lottery ticket within the territory of State of Haryana, except those as have been organised by any State Government, Union Territory Administration or the Government of India itself.

4. Other offences in connection with a lottery.

- No person with a view to the promotion or conduct of any lottery except the lotteries which are being organised by any State Government, Union Territory Administration or the Government of India itself, shall - (a) print or publish any ticket, coupon or other document for use in the lottery; or (b) 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, coupon or other document for use in the lottery; or (c) print, publish or distribute or have in his possession for the purpose of publication or distribution, - (i) any advertisement of the lottery; or (ii) any list (whether complete or not) of prize winners in the lottery; or (iii) any such matter descriptive of, or otherwise relating to the lottery as is calculated to act as an inducement to persons to participate in that lottery; (d) being or invite any person to send into the territories of Haryana State for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of the lottery; or (e) send or attempt to send, out of the State of Haryana, any money or valuable things received in respect of the sale or distribution of any ticket, coupon or other document for use in the lottery; or (f) use any premises or cause or knowingly permit any premises to be used for purpose connected with the promotion or conduct of the lottery; or (g) cause or procure or attempt to procure any person to do any of the above mentioned acts.

5. Offences by Companies.

(1) If the person committing an offence under this Act is a Company, the Company as well as every person who was 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 that offence and shall be liable to be proceeded against : Provided that nothing 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 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 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. 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 is a partner in the firm.

6. Power of entry and search.

(1) It shall be lawful for any police officer not below the rank of a Deputy Superintendent of Police authorised by the State Government in this behalf by general or special order in writing :-(a) to enter, if necessary by force, whether by day or night, with such assistance as he considers necessary, any premises which he has reason to suspect are being used for purposes connected with the promotion or a conduct of any lottery except the lotteries which are being organised by any State Government, Union Territory Administration or the Government of India itself, in contravention of the provisions of this Act; (b) to search the premises and the person whom he may find therein; (c) to take into custody and produce before a Magistrate all such persons whom he has reason to believe to be guilty of an offence punishable under this Act or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any lottery except the lotteries which are being organised by any State Government, Union Territory Administration or the Government of India itself, in contravention of the provisions of this Act; and (d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such lottery. (2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

7. Penalty.

- Any person who contravenes any provision of this Act, shall be punished with a rigorous imprisonment for a term which may extend to three years or with fine which may extend to twenty thousand rupees, or with both.

8. Offences cognizable and non-bailable.

- The offences under this Act shall be cognizable and non-bailable.