

The Kerala Paper Lotteries (Regulation) Rules, 2005

KERALA

India

The Kerala Paper Lotteries (Regulation) Rules, 2005

Rule

THE-KERALA-PAPER-LOTTERIES-REGULATION-RULES-2005 of 2005

- Published on 20 April 2005
- Commenced on 20 April 2005
- [This is the version of this document from 20 April 2005.]
- [Note: The original publication document is not available and this content could not be verified.]

The Kerala Paper Lotteries (Regulation) Rules, 2005 Published vide Notification S.R.O. No. 372/2005, G.O. (P) No. 65/2005/TD, dated 20.4.2005 Government of Kerala Taxes (H) Department S.R.O. No. 372/2005. - In exercise of the powers conferred by sub-section (1) and (2) of section 12 of the Lotteries (Regulation) Act, 1998 17 of 1998 the Government of Kerala hereby make the following rules, namely:-

1. Short Title, Application and commencement.

(1) These rules may be called the Kerala Paper Lotteries (Regulation) Rules, 2005. (2) These rules extend to the whole of the State of Kerala. (3) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires:- (1) "Act" means the Lotteries (Regulation) Act, 1998 (Central Act 17 of 1998). (2) "Agent or Agency" means an individual, partnership or body corporate with a legal entity under any Act of the State or Central Government who is issued agency by the District Lottery Officer for the sale of Lottery Tickets of the Government; (3) "Agency discount" means the amount or the percentage of discount allowed from time to time on the face value of the ticket at the point of sale; (4) "Director" means the Director of State Lotteries, Kerala; (5) "District Lottery Officer" means the District Lottery Officer of the Revenue District; (6) "Draw" means the method by which prize winning tickets are drawn for each lottery by operating draw machine manually/mechanically which generates numbers on a random methodology and where the operation of the randomness is visibly transparent to the viewers; (7) "Form" means the forms prescribed and appended to these rules; (8) "Government" means the Government of Kerala; (9) "Paper Lottery" means any lottery conducted in accordance,

with the Lotteries (Regulation) Act 1998 other than On-line lottery.

3. Printing of Lottery Tickets.

- [(1) The Director shall decide the model and design of Paper Lottery Tickets, before it is sent for printing] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)](2)The tickets shall bear the facsimile signature of the [Direct] [Substituted 'Secretary to Government of Kerala Taxes Department' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)] and shall contain name of lottery, draw number, date of draw, series and ticket number, cost of ticket and other important details on the front side of the ticket.(3)There shall be a counterfoil for each ticket, which shall contain the date of draw, the number of the draw and the ticket number.(4)On the reverse side of the ticket there shall be printed in English and/or in Malayalam the prize pattern, terms and conditions and such other essential details which the Director considers necessary for the information of the purchaser. [A portion of the space on the reverse will be utilized for advertisement of Government Department and Public Sector Undertaking issued in Public interest and Director shall take decision on such advertisement] [Inserted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)](5)The series, the number of tickets to printed in each series and the total number of tickets to be printed etc., shall be decided by [the Direct] [Substituted 'Government' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)].(6)[The Director is entitled to take decision on the prize structure and to cancel a scheme subject to the ratification of the Government. The rate of the interest agent's commission on prizes etc., shall be distinct in each lottery scheme and be decided by the Director] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)](7)The lottery tickets shall be printed at Government press or at any other high security press approved by the Government.(8)Lottery tickets shall bear the imprint and logo of the State Government in a clear and visible manner.(9)The Director shall be responsible for ensuring security in the printing of tickets. The Director shall frequently inspect the place of printing either personally or through any responsible officer authorised by him.(10)The details of orders placed for the printing of tickets, the amount paid for the same, the date of receipt etc., shall be recorded in Form No. 1.

4. Conduct of Lottery.

(1)the Director of State Lotteries shall be responsible for the conduct of Kerala State Paper Lotteries in accordance with the provisions of the Act.(2)The Director may appoint an agent or number of agents for the sale of paper lottery in the State subject to the provisions contained in the Act and the Rules.(3)[The Director shall appoint sole selling agents by open bidding for sale of Kerala State Lotteries in other State in Indian which are not lottery free zones. He shall also decide the State in which Kerala State Lotteries can be marketed. Such sole selling agents shall be appointed by the Director through the tender committee comprised by the Secretary to Government (Tax Department), Secretary to Government (Finance Expenditure), Secretary to Government (Finance Resources) and the Director as members with the Director as the Convenor. The terms and condition for the bid document shall be decided by the Director] [Inserted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)]

5. Grant, renewal and cancellation of agency.

(1) Any Person desirous of obtaining an agency for sale of lottery tickets may apply in Form No. II to the District Lottery Officer by remitting a fee of Rs. 400 (Rupees Four hundred only) in cash. The agency may be renewed for further calendar years by submitting application in Form No. II to the District Lottery Officer who granted the agency, on payment of a renewal fee of Rs. 100 (Rupees One hundred only) in cash. The agency which is not renewed by the end of the subsequent calendar year of grant of agency, shall stand cancelled automatically by the end of such year. In the event of such cancellation, fresh application for agency has to be preferred; Provided that those persons who were continuing as agents or were having valid agency at the time of prohibiting sale of all lottery tickets in the State of Kerala vide notification No. G.O. (P) 11/2005/TD. dated 27-1-2005 published as R.O. No. 73/2005 in the Kerala Gazette Extraordinary No. 169 dated 27-1-2005 shall be deemed to have been granted agency under these rules. Such persons who had remitted fees prescribed under the then existing rules shall be deemed to have remitted such fees under these rules. (2) Identity card shall be issued to every agent with district code number for each district. Duplicate card shall be issued on payment of Rs. 50 Rupees Fifty only. Where the card is damaged or irrecoverably lost.

6. Duties and Responsibilities of Lottery Agent.

- An agent may sell lottery Tickets through any number of sub-agents, retailers and sellers appointed by him. He shall be responsible for the proper compliance of the Act and Rules by the persons working under him. The agent shall also be liable to keep and produce on demand all particulars of sub-agents, retailers and sellers under him for certification to the Director or the District Lottery Officer or to any authorized Officer.

7. Sale of Lottery Tickets.

(1) Lottery tickets shall be sold to agents at the face value after making such agency discount as determined by Government. Tickets will be sold to agents either on cash payment or by exchange of prized tickets. (2) The sale proceeds of tickets shall be credited to the general revenue of the State. The tickets once sold will not be taken back. (3) Before issuing the tickets the seal of the office through which the tickets are sold shall be affixed on the reverse side of the ticket before sale, so as to get it impressed both on the ticket and on the counterfoil. The counterfoil shall be cut off and kept in the concerned offices from where the tickets were sold. (4) Tickets of each lottery shall be released on such date as may be fixed by the Director. (5) The stock and issue of the tickets shall be maintained in Forms Nos. III, IV and V. (6) Tickets shall be issued only from the respective district of registration. However an Agent who buys tickets worth face value of Rupees One Lakh from his District of Registration will be allowed to purchase tickets from other districts also based on the certificate/authorisation issued from the District of registration in Form No. VI. (7) The unsold tickets shall be kept under safe custody after making a 'V' cut on the number in the right side portion. The unsold tickets and the counterfoils of the sold tickets shall be disposed as per the orders issued by the Government. The details of such tickets shall be recorded in a Register in Form No. VII.

8. Conduct of draw and results.

(1)The Draw of each Lottery shall normally be conducted at Thiruvananthapuram or at any other place in the State as decided by [the Direct] [Substituted 'Government' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)].(2)[The draw shall be conducted normally between 2.30 p.m. and 5.30 p.m. of the day under the supervision of a panel of Judges not below there members and not exceeding seven members, including a Chairman as decided by the Director.] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)](3)The Chairman and panel members will consist of reputed and prominent persons [***] [Omitted 'representing all sections of the society' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)]. The quorum of the panel of judges to conduct the draw shall not be less than three. The Director or the Officer authorised has the right to co-opp the required number of suitable persons from amoung the audience in order to fill the quorum of three in case of contingencies. If the Chairman himself is unable to be present for the draw due to unavoidable reasons, one amoung the remaining judges present shall be elected to be the Chairman by the judges themselves. The majority decision of the judges present shall be final in respect of all matters connected with the draw.(4)The Director shall manage and supervise the conduct of draw However the Director may authorise any one of his subordinates not below the rank of Deputy Director of State Lotteries to manage and supervise the conduct of the draw.(5)The Director or the authorised officer shall be responsible for conducting the draws and shall announce the results of the draw. The results of the draw shall also be arranged to be published in three or four leading newspapers the next day itself, and in the Government Gazette.(6)The Director shall [***] [Omitted 'subject to ratification by Government' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)] be entitled to postpone the date of draw on valid grounds. The postponed date of draw shall be given wide publicity.

9. Prize and Prize Claims.

(1)The Government guarantees the payment of the prizes and prize amount offered on the lotteries.(2)The payment of prize money may be in the form of demand Draft/Exchange of Tickets/by cash as the case may be after deducting such amounts required under any agreement or under any law.(3)[The prize winning tickets, in original, shall be surrendered before the office concerned within 30 days from the date of draw. The prize winner shall claim the prize amount either directly or by post or through Nationalised Bank/Schedule Bank/State Co-operative Bank/ District Co-operative Bank. While presenting the claim, the prize winner shall write his/her name, address and signature on the reverse side of the prized ticket. Prize claims up to and including one lakh rupees shall be sanctioned by the District Lottery Officer. Prize claim above rupees One lakh and up to and including Rs. 20 lakh shall be sanctioned by the Deputy Director of Lotteries and that above Rs. 20 lakh by the Director. Claims on agents commission, incentive to the agents should be submitted within three months from the date of draw. Following list of documents are to be furnished along with the prize winning tickets for above Rs. 5000.(a)Stamped receipt in Form No. VIII(b)Recent passport size photograph of the prize winner duly attested by a Gazetted Officer/Bank Authority.(c)Self attested photostat copy of both the sides of the prized tickets.(d)Self attested copy of Passport/Ration Card/Election Identity Card/Driving License/Pan Card of the prize winner to

prove identity.(e)In addition to the above the following documents shall also be enclosed while surrendering the tickets through Banks:- (1)Authorization of prize winner.(2)Certificate of collecting Bank.(3)Certificate of the receiving Bank.(f)In the case of prize winner from outside the State the documents enlisted from (a) to (e) should be duly attested by a Notary Public.](4)[The District Lottery Officer shall condone delay in presenting of the prized tickets up to thirty days and the Deputy Director shall condone delay up to forty-five days and the Director shall condone such delay up to sixty days on valid grounds.] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)](5)The agents can collect prize tickets up to the amount of five thousand rupees from the prize winners and can present the same for payment. The collected tickets shall be presented withing a period of [60 days] [Substituted '90 days' by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)] from the date of the draw.(6)No ticket shall be eligible for more than one prize in a draw. In any event of a ticket winning more than one prize in a draw, the ticket shall be eligible only for the highest prize declared to it.(7)Income Tax and surcharge will be deducted from the prize claims and remitted to Income Tax Department, as per rules.(8)Prize money shall be paid after ascertaining the genuineness of the Prize ticket. However, payment of prizes above Rs. 100 shall be made after matching it with the concerned counterfoil kept in the office.(9)[The prize winning tickets shall be surrendered to the Director/Deputy Director/District Lottery Officer in good condition. Tampered or mutilated tickets will be rejected. The Officer passing the prize claim is liable to ascertain the genuineness of the tickets before disbursing the amount of each claim. In case of torn tickets for above rupees five thousand and if the genuineness of the tickets is established by the Passing officer such claim shall be passed for payment after obtaining necessary bond from the prize winner. Only in cases of serious doubt on the genuineness of tickets the report of the Forensic Science Laboratory shall be resorted to. The fee for the verification by the Forensic Science Laboratory shall be borne by the prize winner himself in advance. Criminal proceeding shall be initiated against those who produce forged tickets] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)].(10)Prizes and Prize money which are not claimed within a period of thirty days from the date draw of the results, will not be disbursed and the prize money of these tickets will become the property of the Government.[Provided that the Director shall up to a period of 90 days from the date of draw, allow the disbursement of prize money, if on an application he satisfied, for reason to be recorded in writting that there is sufficient reasons for the delayed claim, The final authority for entertaining appeals for prize claim upto and including rupees twenty lakh shall be the Director and above rupees twenty lakh it shall be the Government] [Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)].

10. Interpretation.

- If any question, doubt or disput arises regarding the interpretation of any of these rules or mattes not expressly provided in these rules the same will be referred to Government by the Director and the decision of the Government thereon shall be final. Form No. 1[See Rule 3(10)]

Sl.No.	With whom, placed	Number of tickets printed	Date of placement of order	Date of receipt of ticket	Amount paid.
--------	----------------------	------------------------------	-------------------------------	------------------------------	-----------------

[Substituted by Notification S.R.O. No. 225/2008, dated 20.2.2008 (w.e.f. 20.4.2005)]