

Regd. No. NE 907



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

XXVII Aizawl, Monday, 16.11.1998, Kartika, S.E 25. 1920 Issue No. 196.

NOTIFICATION

Sl. No. 12017/38/97-LID, the 2nd November, 1998. The following Central Act is published for general information.

Rolura Sailo,
Joint Secretary to the Govt. of Mizoram,
Law and Judicial Department.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 7th July, 1998/Asadha 16, 1920 (Saka)

The following Act of Parliament received the assent of the President on the 7th 1998, and is hereby published for general information:—

THE LOTTERIES (REGULATION) ACT, 1998.

No. 17 of 1998

[17th July, 1998.]

An Act to regulate the lotteries and to provide for matters connected therewith and incidental thereto.
Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Lotteries (Regulation) Act, 1998.
- (2) It extends to the whole of India
- (3) It shall be deemed to have come into force on the 2nd day of October, 1997.

2. In this Act, unless there is anything repugnant in the subject or context:—

(a) "bumper draw of a lottery" means a special draw of lottery conducted on or during any festival or other special occasion wherein the prize money offered is greater than the prize money offered in the case of other ordinary draw of lotteries:

(b) "lottery" means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets

(c) "prescribed" means prescribed by rules made under this Act.

3. Save as otherwise provided in section 4, no State Government shall organise, conduct or promote any lottery.

Conditions subject to which lotteries may be organised etc.

4. A State Government may organise, conduct or promote a lottery, subject to the following conditions namely:—

(a) prizes shall not be offered on any pre-announced number or on the basis of a single digit;

(b) the State Government shall print the lottery tickets bearing the imprint and logo of the State in such manner that the authenticity of the lottery ticket is ensured;

(c) the State Government shall sell the tickets either itself or through distributors or selling agents;

(d) the proceeds of the sale of lottery tickets shall be credited into the public account of the State;

(e) the State Government itself shall conduct the draws of all the lotteries;

(f) the prize money unclaimed within such time as may be prescribed by the State Government or not otherwise distributed, shall become the property of that Government;

Short title
extent and
commencement

Definitions

Prohibition
of lotteries

(3) If any person acts as an agent or promoter or trader in any lottery organised, conducted or promoted in contravention of the provisions of this Act or sells, distributes or purchases the ticket of such lottery, he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both.

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

Offences to be cognizable and non-bailable.

9. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company 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 had 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 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 the offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes 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.

10. The Central Government may give directions to the State Government as to carrying into execution in the State of any of the provisions of this Act or of any rule or order made thereunder.

Power to give directions.

11. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) time to be fixed for claiming prize money under clause (f) of section 4;
- (b) period to be fixed for draws of all lotteries under clause (i) of section 4; and
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

13. (1) The Lotteries (Regulation) Ordinance, 1998, is hereby repealed. Ord 6 of 1998.

(2) Notwithstanding such repeal; anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Raghubir Singh,
Secy. to the Govt. of India.