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NOTIFICATION

No.H.12017/38/97-LJD, the 22nd January, 1998. The following Central Ordinance is hereby published for general information.

Rolura Sailo,
Joint Secretary to the Govt. of Mizoram.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th December, 1997/Pausa 9, 1919 (Saka)

THE LOTTERIES (REGULATION) SECOND ORDINANCE, 1997 No. 31 of 1997

Promulgated by the President in the Forty-eighth Year of the
Republic of India.

An Ordinance to regulate the lotteries and to provide
for matters connected therewith and incidental thereto.

WHEREAS the Lotteries (Regulation) Ordinance, 1997,
to provide for the aforesaid matters was promulgated by
the President on the 1st day of October, 1997;

AND WHEREAS the House of the People has been
dissolved and the Council of States is not in session and
the President is satisfied that circumstances exist which
render it necessary for him to take immediate action to
give continued effect to the provisions of the said
Ordinance;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Lotteries (Regulation) second Ordinance, 1997.

Short title,
extent and
commence-
ment.

(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.

Definitions.

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

(a) "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;

(b) "prescribed" means prescribed by rules made under this Ordinance.

Prohibition of lotteries.

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 preannounced 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 State Government itself shall conduct the draws of all the lotteries;

(e) 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;

(f) the place of draw shall be located within the State concerned;

(g) no lottery shall have more than one draw in a week;

(h) the draws of all kinds of lotteries shall be conducted between such period of the day as may be prescribed by the State Government;

(i) the number of bumper draws of a lottery shall not be more than six in a calendar year;

(j) such other conditions as may be prescribed by the Central Government.

Prohibition of sale of ticket in a State.

5. A State Government may, within the State, prohibit the sale of tickets of a lottery organised, conducted or promoted by another State.

Prohibition of organisation, etc, of lottery.

6. The Central Government may, by order published in the Official Gazette, prohibit a lottery organised, conducted or promoted in contravention of the provisions of section 4 or where tickets of such lottery are sold in contravention of the provisions of section 5.

Penalty.

7. If any person acts as an agent, a promoter or trader in any lottery organised, conducted or promoted in contravention of the provisions of this Ordinance 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.

Offences, to be cognizable and non-bailable.

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

Offences by companies.

9. (1) Where an offence committed by a company, every person who at the time the offence 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:

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 subsection (1), where an offence under this Ordinance 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 Ordinance or of any rule 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 Ordinance. 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 Ordinance. 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 (e) of section 4;

(b) period to be fixed for draws of all lotteries under clause (h) 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 House, or where such Legislature consists of one House, before that House.

Ord. 20 of 1997, 13. (1) The Lotteries (Regulation) Ordinance, 1997, is hereby repealed. **Repeal and Saving.**

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

K.R. NARAYANAN,
President.

RAGHBIR SINGH,
Additional Secy. to the Govt. of India.

Corrigenda

In the Finance Act, 1997 (26 of 1997) as published the Gazette of India, Extraordinary Part II, Section 1, dated the 14th May, 1997 (Issue No. 40),—

1. At page 13, in lines 37 and 53, for “sub-section (2)” read “sub-section (3)”.

2. At page 20, in the 42, for “validity”, read “validly”.

(3) At page 23, in line 42, for “section 84”, read “section 88”.

4. At page 61,—

(i) in line 8, in column (3), for “Glass”, read “Glass”,

(ii) in line 9, in column (2), for “7010.11”, read “7010.11”,

(iii) in line 12, in column (3), for “Glass chimneys:” read “Glass chimneys:”,

(iv) in line 53, in column (3), for “Of stainless steel:” read “Of stainless steel:”,

(v) in line 54, in column (2), for “7204.21”, read “7204.21”.

(vi) in line 59, in column (3), for Patts/pattas”, read “Patts/pattas”.

5. At page 62,—

(i) in line 16, in column (3), for “Articles”, read “Articles”.

(ii) in line 17, in column (2), for “7326.21”, read “7326.21.”

Corrigenda

In the Prasar Bharati (Broadcasting Corporation of India) Amendment Second Ordinance, 1997 (Ord. 29 of 1997) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 26th December, 1997 (Issue No. 66),—

1. At page 1, in the last line, for “shall deemed”, read “shall be deemed”.

2. At page 6, after line 36, insert—

“Provided that the President may, at any time before the expiration of the period of supersession, take action under this sub-section”.