

ANDHRA PRADESH LOTTERIES ACT, 1968

16 of 1968

[20th August, 1968]

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ANDHRA PRADESH LOTTERIES ACT, 1968

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An Act to provide for the control and regulation of Lotteries in the State of Andhra Pradesh. Be it enacted by the Legislature of the

State of Andhra Pradesh in the Nineteenth Year of the Republic of India, as follows :

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh Lotteries Act, 1968.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions :-

- (1) In this Act, unless the context otherwise requires
 - (a) [.....]
 - (b) "Government" means the State Government;
 - (c) [.....]
 - (d) "money" includes a cheque or any other negotiable instrument, a postal order or a money order;
 - (e) "newspaper" includes any journal, magazine or other periodical publication;
 - (f) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;
 - (g) "prescribed" means prescribed by rules made under this Act;
 - (h) "promoter" includes a proprietor, manager, organiser or any person having the control or directing the conduct of a lottery and in the case of a lottery conducted through a newspaper, includes the publisher of such newspaper:

Provided that in the case of a lottery contained in a newspaper or publication printed and published outside the State, the manager or agent of the publisher of such newspaper or publication incharge of its circulation or distribution in the State shall be deemed to be a promoter of the lottery for the purposes of this Act; and the words "promote" and "promoting" shall be construed accordingly;

- (i) "ticket" includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the lottery.

(2) For the purposes of this Act

(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing letters, words or figures in a visible form;

(b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside the State and the word "distribution" shall be construed accordingly; and

(c) the [Government], after making such inquiry as it deems fit, determine the person who is or is to be deemed to be a promoter in relation to a lottery and its decision shall be final.

3. Lotteries to be unlawful :-

Subject to the provisions of this Act, all lotteries are unlawful.

4. Offences in connection with lotteries :-

(1) Whoever with a view to the promotion or conduct of any lottery in contravention of provisions of this Act or in connection with any such lottery promoted or conducted or proposed to be promoted or conducted, either in this State or elsewhere

(a) publishes any proposal to pay any sum or to deliver any goods, or to do or for bear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in the lottery; or

(b) prints any ticket or other document for use in the lottery; or

(c) sells or distributes, or offers or advertises for sale or distribution, or has in his possession, for the purpose of sale or distribution, any ticket or other documents or chances in the lottery; or

(d) prints, publishes or distributes, or has 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 or winning tickets in the lottery; or

(iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery as is calculated to act as an inducement to persons to participate in that lottery or in

other lotteries; or

(e) brings or invites any person to send into the State for the purpose of sale or distribution, any ticket or other document for use in, or any advertisement of, the lottery; or

(f) sends or attempts to send out of the State, any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or

(g) uses any premises, or permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or

(h) causes or procures or attempts to procure any person to do any of the above mentioned acts, [shall on conviction be punished with imprisonment for a term which may extend upto five years and with fine which may extend upto twenty five thousand rupees].

(2) [.....]

5. Licensed entertainment lotteries :-

(1) A lottery promoted or conducted as an incident of an entertainment shall be deemed to be an unlawful lottery, unless the promoter thereof had obtained a licence in respect of such lottery.

(2) Every licence shall contain the following conditions to be complied with by the promoter in connection with the promotion and conduct of such lottery, namely :

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery;

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum, if any, not exceeding one thousand rupees, which the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery, shall be applied towards purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued, nor

shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) If any of the conditions specified in sub section (2) is contravened, any person concerned in the promotion or conduct of the lottery shall, on conviction, be punished for the first offence, with fine which may extend to one thousand rupees and for any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both :

Provided that in any proceeding under this section, it shall be a defence to prove that the breach was committed without his knowledge. Explanation :- The entertainments to which this section applies are bazaars, sales of work, fetes and other entertainments of a similar character, whether limited to one day or extending over two or more days.

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12. Forfeiture of newspapers and publications containing unlawful lotteries :-

Where any newspaper or other publication publishes any unlawful lottery or any advertisement in relation thereto, the Government may, by notification, declare every copy of the newspaper or every

copy of such publication containing the lottery, to be forfeited to the Government.

13. . :-

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14. **Power of entry and search :-**

(1) Any police officer

(i) in the cities of Hyderabad and Secunderabad, not below the rank of an Inspector authorised by the Commissioner of Police, by general or special order in writing, and

(ii) elsewhere, not below the rank of an Inspector authorised by a special warrant issued in each case by a Magistrate of the first class or a Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by the Government in this behalf

(a) may enter, with the assistance of such persons as may be found necessary whether by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect, is used for purposes connected with the promotion or conduct of any lottery in contravention of the provisions of this Act;

(b) may search all parts of the house, room or place which he shall have so entered, the persons whom he may find therein and also such persons as may be specified by name in the order or warrant;

(c) may take into custody and produce before a Magistrate all such persons as are concerned 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 house, room or place for purposes connected with, or with the promotion or conduct of, any lottery in contravention of the provisions of this Act; and

(d)

(1) may seize all things found therein which are reasonably suspected to have been used or intended to be used, in connection with such lottery:

Provided that no police officer shall be so authorised unless the Commissioner of Police, the Magistrate, the Superintendent of Police, the Magistrate, the Superintendent of Police or the Assistant

or Deputy Superintendent of Police concerned is satisfied, upon making such inquiry as he may think necessary, that there are reasonable grounds to suspect that the said house, room or place is being used for purposes connected with the promotion or conduct of a lottery in contravention of the provisions of this Act.

(2) All searches under this section shall be made in accordance with the provisions of the [Code of Criminal Procedure, 1973 (Central Act 2 of 1974).]

15. Power to arrest without warrant in certain cases :-

Any police officer not below the rank of an Inspector of Police may arrest without warrant any person found, or reasonably suspected of committing an offence under clause (a), clause (c) or clause (d) of sub section (1) of Section 4 in any public street, or thoroughfare or in any place to which the public have or are permitted to have access.

16. Power of investigation :-

(1) Every police officer not below the rank of a Sub Inspector shall have power to investigate all offences punishable under this Act.

(2) Every such officer shall, in the conduct of such investigation, exercise the powers, except the power to arrest without warrant otherwise than under Section 15, conferred by the Code of [Criminal Procedure, 1973 (Central Act 2 of 1974)] upon an officer in charge of a police station for the investigation of a cognizable offence.

17. . :-

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18. Jurisdiction to try offences :-

No court inferior to that of a [Magistrate of the first class] shall try on offence punishable under this Act.

19. Offences by companies :-

(1) If the person committing an offence 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 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 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 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.

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21. Officers to be public servants :-

All officers acting under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

22. Protection of persons acting in good faith :-

No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

23. . :-

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24. . :-

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25. Power to make rules :-

(1) The Government may, by notification, and after previous publication, make rules for carrying out all or any of the purposes of this Act.

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

(i) the form and manner of application for a licence and the fees on payment of which, the period of which, the conditions subject to which and the form in which a licence shall be granted under [Section 5]; [x x x] (iv) any other matter which is to be or may be prescribed.

(3) Any rule made under this section may provide that any person contravening any such rule shall, on conviction, be punished with fine which may extend to fifty rupees.

(4) Every rule made under the Act shall immediately after it is made be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or session immediately following the Legislative Assembly agrees in making any modification in the rules or in the annulment of the rules, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled 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.

26. Saving :-

Nothing in this Act shall apply to

(i) a lottery organised by the Government, and

(ii) the owner, lessee or occupier of any race course to whom a licence has been issued for horse racing on a race course under the Andhra Pradesh (Telangana Area) Horse Racing and Betting Tax Regulation, 1358F. or to any person who carries on the business or vocation of or acts as a book maker or turf commission agent a licence or permit issued by such owner lessee or occupier to enable him to carry on his business or vocation under the said Regulation as specified in the licence or permit or to any entries in respect of any stake or bet received by such person.

27. Repeal of Section 294 A of Act XLV of 1860 :-

The provisions of Section 294 A of the Indian Penal Code in its application to the State of Andhra Pradesh, are hereby repealed.