

**Bihar Ban On Lottery Act, 1993****13 of 1993****CONTENTS**

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**Bihar Ban On Lottery Act, 1993****13 of 1993**

An Act to ban Sale of Lottery Tickets in the State of Bihar And, Whereas, the State Legislature is not in Session and the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to ban the sale of lottery tickets in the State of Bihar; Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Bihar is pleased to promulgate the following Ordinance. Be it enacted by the Legislature of the State of Bihar in the Forty-Fourth year of the Republic of India as follows :-- 1. Assented to by the Governor of Bihar on 18.6.1993 and published in Bihar Gazette (Extra Ordinary) No. 527 dated 21.8.1993.

**1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Bihar Ban on Lottery Act, 1993. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

**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 State Lottery tickets on an agency basis on behalf of the State Government : (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 ticket: (c) "Promoters" in relation to a lottery includes an organiser or any person having control on the conduct of a lottery: (d) "Tickets" 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. Ban On Lottery :-**

Notwithstanding any agreement or contract entered into by the State Government with any person, no person shall be permitted to deal with in the trade or business of lottery 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 Bihar State.

### **4. Penalty :-**

If any person acts as an agent or promoter or a trader in lottery, or sells, distributes or purchases the lottery tickets, he shall be punished with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

### **5. Other Offences Connected With Lottery :-**

If any person with a view to the promotion or conduct of any lottery.-- (a) prints or publishes any ticket, coupon or other document for use in the lottery; or (b) 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, coupon or other document for use in the lottery; or (c) 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 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 the lottery; (d) brings, or invites any person to send, into the territories of Bihar State for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of lottery; (e) sends or attempts to send, out of Bihar State any money or valuable things received in respect of the sale or distribution of any ticket, coupon or other document for use in this

lottery; or (f) uses any premises, or causes or knowingly permits, any premises to be used for purpose connected with the promotion or conduct of the lottery; or (g) causes or procures or attempts to procure any person to do any of the above mentioned acts, he shall be punished with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

## **6. 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 and punished accordingly : Provided that, nothing in this subsection 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 Act 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 officers 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 is a partner in the firm.

## **7. Power Of Entry And Search :-**

(1) It shall be lawful for any police officer not below the rank of a Sub-Inspector 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 assistants 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 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 use of such premises for purposes connected with or with the promotion or conduct of any lottery 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 (Act No. 2 of 1974).

**8. Offence Cognizable And Non-Bailable :-**

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

**9. Repeal And Savings :-**

(1) The Bihar Ban on Lottery Ordinance, 1993 (Bihar Ordinance no. 23, 1993) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers under the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.