

And any skills. a
scheme may amount



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And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person, or any event or contingency relative or applicable to the drawing of any ticket, lottery number or figure in any such lottery shall be punished with fine which may extend to one thousand rupees.

The Gujarat, Karnataka, Maharashtra, Uttar Pradesh and Andhra Pradesh State Governments omitted Section 294-A by repealing through separate enactments. Section 294-A is new and was inserted by the Amending Act of 1870. A lottery is a game of chance. A lottery is a distribution of prizes by lot or chance without the use of any skills.

A scheme may amount to a lottery though none of the competitors is a loser. The word 'drawing' is used in its physical sense; the actual drawing of lots is an essential ingredient of the offence. It does not mean conducting. Hence a person who conducts a lottery in which there is no drawing is not guilty. Lottery and gambling are alike by nature and in result; they are both games of chance.

But a gambling is a term the application of which is restricted to a game played by and in the presence of the participants, while lottery is a term in which the presence of participants is both unnecessary and superfluous. In gambling there may be the display of some skill, as in throwing the dice or the like. In a lottery, the participants merely buy a chance, the happening of which is wholly beyond their control. The mischief of gambling affects only the actual players. As such, it is comparatively limited.

That done by a lottery is widespread. The law reprobates gambling as well as lottery, because they both promote the circulation of money by chance. And such circulation is both unjust and unequal, because its course is solely determined by chance. When the accused keeps a particular place as office for summing a lottery and the lottery winning tickets were to be drawn out of an urn, box or other receptacle at that place, the offence falls under the provisions of Section 294-A. The printing of a proposal to purchasers to buy shares in lottery tickets is evidence of publication within the meaning of Section 294-A, IPC. Section 294-A intends only to suppress lotteries unauthorized by the government and it does this by the two-fold method of: (1) punishing the keeping of offices or places for drawing them; and (2) by punishing the publication of any advertisement relating to them. In *Tata Oil Mills company Ltd.*

, v. State [(1982) CrLJ No. 171 (Ker)], it has been held by the High Court of Kerala that lucky draw prize schemes organised by manufacturers as part of promotion of sale of manufactured goods come within the ambit of Section 294-A. The offence under Section 294-A is non-cognizable and summons should ordinarily issue in first instance.

It is bailable but not compoundable and is triable by any Magistrate summarily.