

And lot, or number, or
figure, in



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BUSTER**

And whoever publishes either any proposal to pay any sum, or to deliver and goods, or to do or forbear from doing anything for the benefit of any person, on any event or contingency which is relative or applies to the drawing of either any ticket, or lot, or number, or figure, in any such lottery, shall be punished with fine extending up to one thousand rupees.

The first part of the section requires that there must be keeping of any office or place. The same must be for the purpose of drawing any lottery which is not a State lottery or not a lottery authorised by the State Government.

According to the latter part of the section there must be publication of any proposal to pay any sum, or delivery of any goods, or doing or forbearing to do anything for the benefit of any person, or any event or contingency which is relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery. While the first part punishes keeping of a lottery office or place, the second penalises publishing of any proposal regarding a lottery not authorised by the government. Keeps any office or place The Madras High Court held the view that the use of the word ' keeps' shows a degree of habitualness or continuity of operation, and the use of the words ' office or place' means the presence of a fixed or ascertained locality.

Also buying lottery tickets does not amount to abetment by aiding of keeping any office. Drawing any lottery The office or place must be for the purpose of drawing any lottery. The word ' drawing' has been used in the physical sense meaning that there must be actual drawing of lots etc. and not merely conducting. The process of doing so could be mechanical or through the human agency. Lottery is a scheme for distributing prizes by lot or chance. But if the organiser of a lottery keeps all the stakes with himself and does

not distribute anything to anyone else, the transaction continues to be a lottery.

If the office or place is actually not for the purpose of drawing any lottery but for any other purpose like doing the correspondence of maintenance of accounts etc., this section is not attracted. If in a prize chit transaction the prize winner is ascertained by drawing of lots and he is not required to pay future subscriptions once he wins the prizes, it amounts to lottery. While in a lottery only a few get the benefit and many subscribers do not, if some such mechanism is developed whereby all subscribers by turn get the return, the first part of section 294-A will not be applicable. Whoever publishes? The expression ' whoever publishes' in the second part of the section includes the sender of a proposal as well as the proprietor of a newspaper who is responsible for the printing of the advertisement.

Canvassing of an already decided scheme with the intention of getting the subscribers to subscribe is also publication, and in this sense a formal publication in the form of an advertisement is not always necessary. Giving of pamphlets to persons who were depositing money in the bank does not amount to publication of the scheme. The offence under section 294-A of the Code is non-cognizable, bailable and non- compoundable, and is triable by any magistrate.