

Twelfth Lok Sabha

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**Participants :** [Reddy Dr. T. Subbarami](#), [Advani Shri Lal Krishna](#), [Goel Shri Vijay](#), [Kurien Prof. P.J.](#), [Kalita Shri Bhubaneswar](#), [Lalu Prasad Shri](#), [Aditya Nath Shri](#), [Soz Prof. Saifuddin](#), [Jain Shri Satya Pal](#), [Sedam Shri Baswaraj Patil](#), [Chikhhalia Smt. Bhavna Devraj](#), [Sunder Singh Shri](#), [Reddy Dr. T. Subbarami](#), [Shiv Shanker Shri P.](#), [Khurana Shri Madan Lal](#), [Lalu Prasad Shri](#), [Vora Shri Motilal](#), [Radhakrishnan Shri Varkala](#), [Sen Smt. Minati](#), [Singh Shri Virendra](#), [Singh Shri Mohan](#), [Yadav Shri Mitrasen](#), [Singh Dr. Raghuvansh Prasad](#), [Bwiswmuthiary Shri Sansuma Khunggur](#), [Ghatowar Shri Paban Singh](#), [Yerrannauidu Shri Kinjarapu](#), [Kumar Shri Shailendra](#), [Advani Shri Lal Krishna](#)

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Title : Disapproval of the Lotteries (Regulation) Ordinance and Lotteries (Regulation) Bill, 1998.

MR. SPEAKER • The House will now take up item Nos. 27 and 28, namely, Statutory Resolution regarding Disapproval of the Lotteries (Regulation) Ordinance, 1998 and Lotteries (Regulation) Bill, 1998.

DR. T. SUBBARAM! REDDY (Visakhapatnam) : I beg to move :

"That this House disapproves of the Lotteries (Regulation) Ordinance, 1998 (No. 6 of 1998) promulgated by the President on 23 April, 1998,"

Sir, the conduct of certain types of lotteries in the country, the malpractices thereof and their impact on the poorer sections of the society have been under scrutiny of the Government for quite some time. The continued prevalence of the popularly known single digit and instant lotteries and temptation offered by them have resulted in undoing of many families especially those belonging to poor, daily wages and low income group. Of course, this point is arguable on the one side we may go in (or allowing lotteries legitimately, legally without giving any opportunity for any private people to indulge in any malpractice.

**16.00 hrs.**

At the same time, if the Government takes an immense interest and acute caution and conduct it very systematically without giving an opportunity to private people, you are definitely bound to get more revenue to the exchequer of the respective Governments. It will definitely be used for good purposes like removal of poverty and also for doing a lot of social welfare activities. That is one side of the argument.

The second side of the argument is that several people feel that this is gambling. If this type of lotteries are encouraged, this might inspire several poor people to go into a wrong track and deprive them of their hard-earned money in a day. They are inspired just to put their money. They are betting on these lotteries. As a result, there are so many poor families who have been totally destroyed. So, the argument goes both ways.

But only after the judgment of the Supreme Court and after seeing various defects, the Government felt that they must have a system after a lapse of many years. When late Shri Gulzari La! Nanda was the Minister of Home Affairs, he had introduced a legislation to abolish it. After various exercises, the Government has now come forward, after several years, to implement the judgment of the Supreme Court and various views, observations and suggestions put forward before the Supreme Court. Now, they have come forward to implement these ideas. In spite of the guidelines issued by the Central Government over a period of time as also the guidelines issued in the recent past by the hon. Supreme Court in the matter, the evil has not been totally eliminated. It is felt that a Central legislation to regulate the conduct of lotteries is necessary to protect the interests of the poor people.

As I have already told, the following argument is going both sides :

Considering the exigencies of the matter and as the Parliament was not in session, an Ordinance, namely, the Lotteries (Regulation) Ordinance, 1997 (Ord. 20 of 1997) was promulgated by the President of India on the 1<sup>st</sup> day of October, 1997. In order to give continued effect to the provisions of the said Ordinance, the Lotteries...

But as my hon. friend, Shri Radhakrishnan had said, what was the necessity? As I have already told, like in *the Mahabharata*, Arjun only very sparingly ■ used his *astras* you must also use an Ordinance very very cautiously. Where was the need for issuing the Ordinance in October, 1997? It is not welcome. In future, the Government should at least bear in mind that Ordinance should be utilised when it is a bare necessity.

Otherwise, they must not make an effort like this just by skipping lunch and sitting for 24 hours and passing all the Bills by taking everybody into confidence and having everybody's ideas. That is always possible. Previously, what have they done? Without making an effort now, it is not possible. First, you have the Ordinance and you come afterwards to this House for discussing and passing the Bill.

Now, I propose Amendment No. 4 to the proposed Bill. I have given an amendment with the sole purpose that the draw of lotteries should be reduced to once in a month instead of once in a week. It is once in a week. Already, there is an argument that if these lotteries are encouraged,

there is bound to be more damage to the earnings of the families of the poor people. If you have it every day, it will be more dangerous. Therefore, I propose an Amendment to have it once in a month. Otherwise, it will create the same position as it was earlier. Since the poor people spend money four times in a month, the result will be that their families will continue to suffer as it used to be earlier.

Then, there is Amendment No. 5. The number of bumper draws should also be reduced from six to three in a year. As there are a number of bumper draws and as the lottery tickets are costlier and more attractive, the result is that a large number of people go and purchase lottery tickets for the bumper draws. At the same time, they do not realise that they are spending a lot of money at the cost of their families. It is a sort of a disease. In the Law of Nature, that is, in God's creation, there are so many vices of human lives in a man's inclination and fascination. And the result is frustration afterwards. He is always inclined towards sparing his hard-earned money for the lottery system.

Though I am arguing this point, yet keeping in view the motivation of raising more funds for spending on welfare activities, we have to agree on this but I would like to submit that it is not desirable to have bumper lottery so many times. Therefore, I propose an amendment to reduce it to three times.

I would also like to propose another amendment and that is regarding the punishment period of two years. It is not sufficient. It is not that we are not interested to punish the guilty, but a fear should be created in the minds of the people who does it illegally by adopting illegal means, by not following the statutory rules and by deceiving the poor and the innocent people. Therefore, this period of punishment should be increased from two years to five years.

The Ordinance has already been issued and the philosophy of the Government is to modify and streamline the system in order to avoid the various malpractices inflicting the present system and introduce it in all the States all over the country. With these three amendments to the proposed Bill, I would now like to request the hon. Minister to give his views on the Bill.

*[Translation]*

SHRI LALU PRASAD (Madhepura) : Mr. Speaker, Sir, I am on a point of order. You must remember that you had sought views of leaders of all political parties on this Bill in the meeting of 'Business Advisory Committee' and the consensus emerged therein was that all of us were against the lottery. But in spite of this, this Bill has been introduced. Are we there to make people indulge into gambling? When there was a consensus that there should be a total ban on lotteries, why this Bill has been introduced? There was a unanimity in this regard.

However, it is very sad that the people of this country desire something, while the Parliament wants something else. The lottery system is being imposed against the wishes of the people. You should have convened a meeting of all Chief Ministers in this connection and the views of leaders of all political parties should also have been elicited.

SHRI VIJAY GOEL (Chandni Chowk) : The Standing Committee on Ministry of Home Affairs has put forward a unanimous proposal. That proposal reflects the wishes of Shri Lalu Prasad also.

SHRI MOHAN SINGH (Deoria) : It says that there should be a total ban on lotteries. However, people with vested interest want that three digit lotteries should be excluded from it.

SHRI VUAY GOEL ; He says that it was a unanimous view of the Committee that all sorts of lotteries should be banned. However, lest this ordinance should in the meantime lapse and sale of lotteries resume, this Bill has been introduced.

SHRI DIGVIJAY SINGH (Bank-a) : We cannot discuss what transpired in the meeting of that Standing Committee. We cannot hold discussion on what decision was taken in that meeting.

SHRI VUAY GOEL : It has been brought forward to do away with the menace of single digit lottery. We too want that all sort of lotteries should be banned.

SHRI DIGVIJAY SINGH : It is a malady. All sorts of lotteries should be done away with. The House is unanimous on this view that there should be a total ban on any digit lottery,

*[English]*

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, though the reaction that was expressed jointly by all sections of the House was of anguish and anger, I appreciate and welcome it. In fact, I find that the Standing Committee which had considered this Ordinance and Bill following a decision taken at a meeting convened by you, the Government pointed out that unless an expeditious decision is taken, this Ordinance will lapse.

Therefore, all the Members present had agreed that they would try to see that before it lapses the Standing Committee considers the matter and comes to a conclusion. I would compliment the Standing Committee for having carried out this task very expeditiously. The last paragraph of the

Report has been expressed just now by all of you. I would like to read it out. The Report was laid on the Table of the House this morning. It says : "Having considered this matter in all its aspects, the Committee recommends that as a first step, the present Bill may be passed with some amendments as suggested in the succeeding paragraphs.

At the same time, in the light of the overwhelming view in the Committee for across the board ban on all kinds of lotteries, it strongly recommends to the

Government to come forward with a comprehensive Bill at the earliest, in consultation with all the State Governments and the Union Territory administrations,

imposing a complete ban on the lottery trade in the country, having regard to the feasibility of effective implementation in the recommended legislation.

I would say that this is a very worthy recommendation which the Government is willing to accept. And also, as a first step, it has been said to pass the Bill not in the present form but with the addition of certain amendments. With your permission, I have already included the amendments that have been suggested by the Standing Committee so that we have accepted the Standing Committee's unanimous recommendations in-toto. The Government has accepted them and on that basis I, proceed to move what has been described by the Standing Committee as the first step towards eliminating this social evil.

SHRI DIGVIJAY SINGH (Banka) : Can you give us some time limit by which the comprehensive Bill is expected to come?

SHRI L.K. ADVANI ; As the Committee has recommended, we will have to consult the State Governments and then proceed with it.

The Lotteries (Regulation) Bill, 1998 was introduced on the 27th May, 1998 by this Government in order to replace the Lotteries (Regulation) Ordinance, 1998. The Bill on introduction was referred to the Department related Parliamentary Standing Committee of Home Affairs for consideration and report. The Report of the Committee has now been placed on the Table of the House and I have just read out just one paragraph from that.

This Bill has a history and that history is also unique and remarkable. On the 17th May, 1997, that is last year, a memorandum was submitted to the then Prime Minister, Shri I.K. Gujral by 124 Members of Parliament cutting across Party lines, demanding that a ban be placed on the lottery trade by the Central Government, as lottery was nothing but another form of gambling. It was further demanded that as a first step, single digit lottery should be immediately banned by way of an Executive Order. Personally, I believe that at that stage itself if there had been a legislation, it would have been better. As Dr. Reddy has correctly said, one should enact laws by taking Bills to the legislature and not by Ordinance. I entirely agree with that. In this case, if we had not enacted the Ordinance what would have happened was that the trade which had been suspended for such a long time would have revived and during this brief period when the ban was not there, it would have done immense harm to the poorer sections of the society who are the worst sufferers. So, considering the exigencies of the matter and as Parliament was not in Session, the Lotteries (Regulation) Ordinance, 1997 was promulgated on the first day of October, 1997 and later on re-promulgated on the 30th day of December, 1997.

As the Lotteries (Second) Ordinance, 1997 was going to lapse on the 5th May, 1998, the President promulgated on 23rd April, 1998, the Lotteries

(Regulation) Ordinance, 1998 which we are about to replace with a regular Bill.

As most hon. Members would be aware, the salient features of this Bill are :

- (i) it bans the conduct and sale of single-digit instant lotteries in the country;
- (ii) it regulates the conduct and sale of other types of lotteries by stipulating certain conditions;
- (iii) it enables the State Governments to ban the sale of lotteries of other States in their own jurisdiction.

Some States have gone to court on this issue. I would appeal to them to consider the public opinion in the country which regards lotteries as a kind of gambling, and cooperate with everyone to see that matters are sorted out.

- (iv) and it enables the Central Government to issue such directions as are considered necessary to conduct the lottery trade.

The amendments that I have proposed are :

- (i) an explicit provision in clause 4 of the Bill that the sale proceeds of the tickets, either sold in retail or wholesale, should be credited to the funds of the Government;
- (ii) the term bumper draw has been suitably defined to achieve the desirable objective;
- (iii) clause 5 of the Bill which relates to prohibition of sale of lottery tickets in a State is sought to be suitably modified with a view to

ensure its uniform application by all the States; and

(iv) clause 7 of the Bill which relates to penalty is being suitably modified so as to include State authorities.

.' In addition to these, the amendments suggested by the Departmentally-related Standing Committee I have been accepted by the Government and have been moved separately.

! With this, I request that the Bill regulating the lottery trade be considered and passed by the august

House along with the amendments suggested by the Parliamentary Standing Committee.

I beg to move :

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

MR. SPEAKER : Motions moved :

"That this House disapproves of the Lotteries (Regulation) Ordinance, 1998 (No. 6 of 1998) promulgated by the President on 23 April, 1998."

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

SHRI LALU PRASAD : ' Hon'ble Minister of Home Affairs, all parties and people consider it to be an evil to indulge into lottery gamble. Even school children are also falling prey to this evil. The poor are being robbed of their hard earned money- As hon. Home Minister says it is correct that all of us are unanimous on this issue...(Interruptions) when you treat it as an evil and since the ordinance is going to lapse then why do you want to revive it?... (Interruptions)

SHRI VIJAY GOEL : This Bill would not be introduced in the intervening period...(Interruptions)

SHRI LALU PRASAD : My point is that this can be deferred. You may seek opinion of all parties. However, this lottery sale purchase should not be encouraged. People are paying heavy price for it...(Interruptions) I have a suggestion that if at all the lotteries are to be retained, then a lottery ticket costing Rs. 50,000 should be introduced. If a person is in a position to afford a lottery ticket, he should be allowed to indulge into lottery gamble. Why the poor people are being robbed of? When we go to a poor man, he would ask us as to what we have done for him. Hence, we should also think of him.

SHRI BASWARAJ PATIL SEDAM (Gulbarga) : You could not get their point. Once this ordinance lapses, the lottery trade would revive...(Interruptions)

[English]

SHRI P. SHIV SHANKER (Tenali) : I compliment the hon. Home Minister for having made an observation that ultimately he wants to ban the lotteries.

But he is relying on the last paragraph of the Standing Committee's recommendations, which he has read out. It is unfortunate that the Standing Committee should make such a recommendation because they feel that for the present so far as the Ordinance is concerned, it should be converted into a law and later on, in consultation with the Chief Ministers, the matter should be entirely banned. That is how he has read out...(interruptions)

I would not like to go into the controversial niceties which have been brought out. What I would like to just bring to the notice of the hon. Home Minister is that framing the law on lottery, either by the Government of India or by the State Government, is an exclusive domain of the Union. It is the Entry 40 of the Union List that enables the Parliament to frame the law. The State does not come into the picture at all. It is not in the Concurrent List so that the States may come into the picture.

Therefore, there is no necessity of consulting the Chief Ministers. It is you, as a Union Minister, who have to frame the law or you have not to frame the law. I agree that by way of courtesy, you might consult — it is only a courtesy — but there is no obligation. That is where I am differing with the recommendation of the Standing Committee that they should not have made this recommendation which is not in conformity with the law. Therefore, my request would be, you may kindly consider even at this stage — why not to straightway go ahead with the last portion — and drop the entire matter to which you are agreeing instead of going ahead with these matters...(Interruptions)

SHRI VI JAY GOEL : It is in the Union List...(Interruptions)

SHRI SATYA PAL JAIN (Chandigarh) : Kindly study article 302...(Interruptions)

SHRI P. SHIV SHANKER : I read Entry 40...(Interruptions)

SHRI SATYA PAL JAIN : Kindly read articles 302 and 303. Unless we consult all the States, we cannot do. That is a must. It is mandatory...  
(Interruptions)

SHRI P. SHIV SHANKER : Lotteries are authorised by the Government of India... (Interruptions) There is no entry in the Concurrent List... (Interruptions)

SHRI SATYA PAL JAIN : There is a Supreme Court judgement. We cannot do it. The States have to be consulted. It is mandatory. It is in the article 302. Read Entry 34 of the Constitution .. (Interruptions)

SHRI VIJAY GOEL : Mr. Speaker, Sir, I want to felicitate hon. Home Minister as well as the who; House. It is absolutely right that this Bill would have been introduced had the whole House not been unanimous on it. I fully support the point made by Shri Lalujji. There should be a total ban on all so-called lotteries in the country. I do not know whether you are aware of the history of it or not. During the meeting of the Committee I had asked whether the Members knew as to why this lottery trade was going on. They told that the Government earn from it as people get employment. I asked them whether they knew how much Government earn from it. If you go through this fact how much the Government earn from it, you would definitely say that the whole exercise is futile. I want to cite some figures in regard. The total turnover from lottery trade in Arunachal Pradesh is to the tune of Rs. 3.04 crore while the Government earn only one crore from it. In Goa, the total turnover amounts to Rs. 3 crore and the earning is Rs. 2 crore only. In Himachal Pradesh, it is Rs. 240 crore and the earning is Rs. 2 crore only. In Kerala, they get Rs. 11 crore from its sale. The turnover from lottery trade in Maharashtra is to the tune of Rs. 3000 crore and the earning is Rs. 50 crore and in Delhi its turnover was Rs. 13 crore. While the earning was Rs. 50 crore only. It is to say that the earning is so meagre while the destruction caused by it is so mammoth. I am not going into the details of 'churnat lottery scam' or Bhutan lottery scam. I want to emphasize this that the lottery leaves a trail of destruction only. I asked people whether they knew the difference between single digit lottery and multi digit lottery, as well as other Members do not know the difference between the two lotteries.

[English]

SHRI LALU PRASAD : We are not lottery dealers; We have no idea about this. We are poor people

[Translation]

SHRI VIJAY GOEL : Now it has become necessary to do away with the lottery system going on for years together because earlier this trade was going on only at few places and it was termed as multi digit lottery. But the problem started with introduction of single digit lottery because every household has been affected by it. With its sale at every nook and corner, children and housewives and clerks playing truant from the offices have got addicted to it. I want to bring into your notice a startling fact that was Delhi Government which first banned lottery then the Government of Madhya Pradesh did it. Shri Vora ji is present here, he knows it. In Delhi, it

multi digit lottery system was in operation, there was a turn-over of Rs. 31 crore from its trade in 1988-89. Next year Rs. 45 crore were got from its sale. Thereafter, in 1990-91, the sale went to Rs. 60 crore; in 1991-92, Rs. 101 crore; in 1992-93, Rs. 222 crore i.e. it registered 100 per cent increase and the turnover reached Rs. 1393 crore in 1993-94. People came to see me and told that the people have become unemployed. I asked how many people have lost their jobs, they told 4 lakh people have lost their jobs. I said it did not matter much because if a single person sell 100 lottery tickets, in all 400 crore people are ruined due to this. Now, you are talking of single digit lottery. We managed signature from 124 Members who belonged to all parties. I once held discussion with Shri Devegowda ji. He banned single digit lottery in Karnataka when he was Chief Minister of the State. Because the lottery was playing havoc, I am in favour of banning all sorts of lotteries. The Standing Committee held that single digit lottery sells 95 per cent and rest of the lotteries account for 5 per cent sale.

Mr. Speaker, Sir, I want to felicitate hon. Home Minister as he wants to bring forward another Bill for banning all sorts of lotteries. People ask what was the haste to promulgate this ordinance. However, it should have been promulgated earlier because the lottery mafia is playing havoc and they are manipulating by offering bribery. They show that there is an earning of Rs. One crore from it. Seemingly it is Rs. one crore but they are earning Rs. four crore and it is the organisers who are minting money.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Are you opposing it or supporting it?

[Translation]

SHRI VIJAY GOEL : I am supporting this Bill.

[English]

MR. SPEAKER : Please address the Chair and not the Members. What is this?

[Translation]

SHRI VIJAY GOEL : I, therefore, want to emphasise that single digit lottery is playing havoc. Once I asked people indulged into lottery gambling and trade if they could show me even a single person who turned rich with its earning. You would not find even a single person who made fortunes from lotteries. Let me relate how lotteries have ruined the families. Once somebody came and asked me to cite any case in which the lotteries have ruined any person, I told him to visit any house at Sangam Park and he would find how lotteries have ruined each and every house.

That is why, I say it should be decided once for all. It is indeed a matter of pleasure that rising above party line this House stands united on this issue that the lotteries should be banned. I support it.

Mr. Speaker, Sir, I had suggested an amendment to hon. Home Minister, Single digit lottery means a prize on the last digit. But the lottery trader have devised a trick and they have converted digit 1,2,3,4 into 'A', 'B', 'C' and 'D' respectively and now the prizes are offered as per the single digit lotteries. Such lotteries have not been introduced in Delhi and Haryana. I would like to urge hon. Home Minister that...

[English]

"Prizes shall not be offered on any pre-announced number or on the basis of a single digit;"

[Translation]

Further, I want to add this.

[English]

"Also ban that lottery which has the same effect as of a single digit."

[Translation]

Mr. Speaker, Sir, I am thankful to you for giving me an opportunity to speak on This Bill.

[English]

MR. SPEAKER : Shri Advani, would you like to say anything?

SHRI L.K. ADVANI ; Does anyone else want to speak? I have already spoken.

MR. SPEAKER : Shri Mohan Singh, are you moving Amendment No. 8 or not?

SHRI MOHAN SINGH (Deoria) ; I beg to move : "That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd September, 1998".

I would like to urge the hon. Minister of Home Affairs that it is a very easy job. The speech of Shri Vijay Goel implied that they wanted a ban on only single digit lotteries and continue other digit lotteries.

SHRI VIJAY GOEL : It is not so. I am the first person for a total ban all kinds of lotteries.

I do not want the single digit system to be reintroduced.

SHRI MOHAN SINGH : If they want all kinds of lotteries to be banned, then it is very easy for the hon. Minister of Home Affairs. I have moved an amendment for banning three digit lotteries also and this amendment should be accepted. It is a question of one minute and one sentence only. If you do not accept the amendment, then I am afraid to say that there was no need to conduct this long exercise. In a nutshell, I only want to say that the Hon'ble Minister of Home Affairs should accept my amendment regarding ban on all types of lotteries.

SHRI MOTILAL VORA (Rajnandgaon) : Mr. Speaker, Sir, before the Hon'ble Minister of Home Affairs moves an amendment, I would like to say that a lot of discussion has already taken place regarding ban on lotteries. The Minister has himself admitted that about 124 Members had requested him to put a blanket ban on lotteries. Shri Goel has just said that the Standing Committee had considered the issue. One more point was mentioned that a Committee was constituted under the Chairmanship of Shri Sompal. This Committee could not get time to consider the issue. I would like to tell that the lottery seller<sup>^</sup> were so shrewd that they got letters sent from- 3,24,000 people to the effect that since single digit lotteries were being banned, the three digit lotteries should be continued. On the other hand, there were only 11,000 letters which favoured ban on these lotteries also, it is the kind of conspiracy being hatched by lottery operators in India.

Sir, when I was the Chief Minister of Madhya Pradesh in 1985, I had completely banned lotteries in the State. Shri Lalu has also said that lotteries are banned in Bihar. The Supreme Court, in its ruling on the sale of lotteries of a state in another state, had observed :—

16.33 hrs

[SHRI P.M. SAYEED *in the Chair*]

[*English*]

"The lotteries being held to be goods by the Supreme Court in H. Anraj case. The lotteries being held to be goods by the Supreme Court in H. Anraj case reported in AIR 1986 (SC) 53, the provision of Section 5 seeking to empower the State Government to prohibit lotteries of another State is discriminatory. No such restrictions are placed by the lottery-running States on the goods and commodities."

[*Translation*]

Mr. Chairman, Sir, I had imposed a sales tax of 26% in Madhya Pradesh so as to put a check on the lotteries of other States. I myself saw in Uttar Pradesh that lottery was a curse there. Lakhs of families, particularly in Uttarakhand, were ruined. There should be a complete ban on both types i.e. single digit or three digit lotteries. When we call it a social curse, then what is the need for moving an amendment. There was a talk of bringing a comprehensive Bill. After consulting the Chief Ministers in this regard, it was said that the Chief Ministers used to run lotteries in their State because they mobilised funds through the sale of lotteries. But all data are witness to the fact that the poor persons and their families got ruined in lottery business and even many people committed suicide. There are thousands of such incidents in Uttar Pradesh alone. The people of all districts of Uttarakhand, particularly the women resorted to agitations to impose a ban on lottery. Do we want to restore the same lottery through an amendment? This is all because of dispute between big industrial Houses. There are four big Industrial Houses in whose name Lotteries are being carried. I do not want to name anybody, because that is not required, it is unfortunate the common man and the poor man is adversely affected by these Lotteries of Re. 1. A Comprehensive Bill should be brought about for one digit and three digit Lotteries. This ordinance is going to lapse on the 6th. Meanwhile a comprehensive Bill can be brought about.

SHRI L.K.ADVANI : Had the Standing Committee submitted its report, we would have implemented it.

SHRI MOTILAL VORA : I was also in the Standing Committee and after lot of deliberations we had left the matter at your discretion. If this is a social curse, does the hon. Home Minister want to spread this curse through an amendment. I think it would be better if this Bill is deferred or the amendment moved -by Shri Mohan Singh should be accepted. The Lottery system would be wiped out. I would appeal to all the hon. Members to come forward and make efforts to wipe it out. The people throughout the country would feel obliged for this. I have seen those families who have been ruined, because of Lottery. They have spent their hard earned money on it and even Advaniji must have seen their suffering. Therefore, I would urge the hon. Home Minister, not to insist on the amendment. You can get it passed in the amended form but then a message would go to the people across the country that this Government has done the same thing as previous Government. The issuing of the Ordinance overnight, is an indicator that in the name of sons, daughters, sisters of big " industrial groups, the Government is trying<sup>1</sup> to [ promote. Lottery business. I would urge the Government to ban this lottery business forthwith. I do not want to mention about the Standing Committee as it has already been mentioned by Shri Goel. I would simply say that all the Members of the Standing Committee had forcefully put forward this point, cutting across party affiliations that a comprehensive Bill

in this regard should be brought forward. There were members from the Samajwadi party, Rashtriya ' Janata Da!. BJP and Congress. There was time for bringing a comprehensive Bill. The- Standing Committee had submitted its report three days earlier. I had banned Lottery business in U.P. With one stroke of pen an order was passed and Lottery was banned. The Collectors were told that if any case was found in their jurisdiction, they would be punished. If the intentions of the Government are I clear, there should be a complete ban on Lottery, <sup>1</sup> whether it is one digit Lottery or three digit Lottery. We do not know anything about either of these Lotteries. We know the plight of people who are h-jjined because of Lotteries. I would once again urge ; Government to seriously think over this issue and ban Lotteries.

THE MINISTER OF PARLIAMENTARY AFFAIRS : AND MINISTER OF TOURISM (SHRI MADAN LAL I KHURANA) Mr. Chairman, Sir, just now Shri Vora was saying that he banned Lotteries in U.P. during this tenure as Governor. That was worth appreciating. , Similarly, Laluji also banned lotteries in the State. That was a good step. It was possible because police was also under your control. I also banned Lotteries when I was the Chief Minister of Delhi, whereas police was not under my control. We imposed sections 144 of Cr. P.C. and found out a *my...(Interruptions)* Both of you had the State police under your control. The police gave all possible cooperation. Shri Nikhil Kumar was the then Police Commissioner. We did not allow lottery worth single paise to be sold in Delhi for nearly two years. The exchequer lost to the tune of Rs. 105 crores. But as Shri Goet rightly pointed out that it was the hard earned money of the poor, who were ruined and their p'lght was miserable. That is why we banned iis Lotteries here. I have stood up because the name ; one Iqbal Chand Khurana...*(Interruptions)* I have never seen the face of that man. I was pained to learn that an Ex-M.P. had raised this matter in the Standing Committee. They are the people who launched a vilification campaign against me during the elections and even gave money to some people for this.

SHRI MOHAN SINGH (Deoria) : There were some people within your party also who did this.

SHRI MADAN LAL KHURANA : Had it been so the Lotteries would not have been banned in Delhi. if anybody has banned Lotteries without the help of police, it is me who has done it in Delhi ...*(Interruptions)* Therefore, I say that whether it is single digit or any digit lottery, it should be banned forthwith. The hon. Home Minister has rightly said that as the people would find some way or the other, therefore, we should bring a Bill for all the Lotteries to be banned...*(Interruptions)*

SHRI SHAILENDRA KUMAR : We congratulate you.

SHRI LALU PR AS AD : We congratulate Khuranaji. But the Government should find out who that Khurana is, who is trying to tarnish the image of the hon. Minister Khuranasahib. His entire Lottery business should be stopped.

SHRI MADAN LAL KHURANA : The person who had met you, his identity should also be *revealed... (Interruptions)*

SHRI VIRENDRA SINGH (Mirzapur) : May be that Khurana had gone to meet Laluji.

SHRI MADAN LAL KHURANA : I have never seen the face of that man in my *Ute...(Interruptions)*

[English]

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Mr. Chairman, Sir, in the State of Kerala, we started the lotteries in the year 1967 when Shri E.M.S. Namboodripad was the Chief Minister. That is about 30 years back. If I remember correct, Kerala is the first state to have introduced the State lotteries in India. The private lotteries are completely banned. Every year the State Exchequer is getting about Rs, 11 crore or Rs. 12 crore as revenue from the lotteries. There has been no criminal evidence regarding the conduct of lotteries. There were no suicides committed by any member of any family in Kerala. It is conducted successfully for over three decades. So, our experience is entirely different from that of other States. It is still continued without any fault. If at all there were some exceptional or rare cases, those have been looked into, investigated and dealt with according to law. So, my view is that State lotteries with some safeguards can be continued but no private individual should be allowed. In Kerala, they have completely banned private lotteries. Only State lotteries are permissible in the State of Kerala for over three decades and it is still being continued.

There is a separate department in the State dealing with lotteries. There is a Directorate and there is a Director of Lotteries. He is conducting them. Then, there are Tatuka officials also who are doing it well...*(Interruptions)*. You may stop them but we are not in favour of stopping them. I am giving my opinion.

MR. CHAIRMAN : Please conclude now.

SHRI VARKALA RADHAKRISHNAN : Our experience is the reverse. We stand for the conduct of lotteries honestly and with a social purpose, for development activities, for the development of hospitals, and we are doing it without any problem. So, my view is that the States should be allowed to continue with the lotteries...*(Interruptions)*.

*[Translation]*

SHRI RAJENDRA AGNIHOTRI : IT is wrong to say that there are no frauds in Lotteries. There are cases where fake Lotteries were printed.

*[English]*

SHR! VARKALA RADHAKRISHNAN : That is my view and I do not agree with the hon. Member.

*[Translation]*

SHRI VIJAY GOEL : Mr. Chairman, Sir, I have already put forth my views in this Bill.

*[English]*

PROF. P.J. KURIEN (Mavelikara) : Mr. Chairman, Sir, I have one submission to make. What I want to say is that the hon. Member, Shri Radhakrishnan, has placed the facts before the House. What he has

said is that in the State of Kerala, only the Government is allowed to run the lotteries and it has been there for the last three decades. He has also said that not a single case of fraud has been reported...*(Interruptions)*. Please try to understand me. I am not talking in favour of lotteries. That is not the point. Let me complete and then you may come to a judgement. What I am saying is that he\* has made certain statements which are in conformity with the facts because that is our experience in Kerala and the State exchequer is benefiting every year. It is for this august House to pass this Bill. That is a different thing. But to say that what he has said is not in conformity with the facts, or to repudiate that in this manner, is not, i would say, to the dignity of the House.

MAJOR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (Garhwal) : Sir, nobody is disputing it. We are not saying anything against hi<sup>1</sup>" We are only speaking against lotteries, not agah; him.

PROF. P.J. KURIEN : We are all wantir; especially the single-digit lotteries to be banned;; a first step...*(Interruptions)*

*[Translation]*

SHRI MADAN LAL KHURANA : Mr. Chairma-Str, I have been the Chief Minister of Delhi anc know that the existing Laws are such that anybo: can approach the Supreme Couit on grounds : discrimination saying'that he is r.ot ij3ing allower sell Lotteries whereas the State is being allowed:, do so. Therefore, my request is that ail types: Lotteries should be banned.

*[English]*

PROF. P.J. KURIEN : Whatever is the consensi: of the House, that is okay. There is no proble' about that. But that does not mean that what he ha-said is wrong. That is what I am saying ...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : That i; another matter... *(Interruptions)* It is only ou experience... *(Interruptions)*

MR. CHAIRMAN : Shri Radhakrishnan, what s this?

*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : That is you: decision. That is left to you.

SHRI BHUBANESWAR KALITA (Guwahati) : S<sup>1</sup> the recommendations of the Standing Committee,; has been mentioned by the hon. Home Minister r some other -Members of the Standing Committe. regarding this Bill is that this Bill is a tempos measure and the aim is to bring a comprehensive Bill for banning the lottery wholly. This House is supreme and if the House feels, if it is the consensi; of the House that there should be a total ban: lotteries, then the House can ignore the first part: the recommendations of the Standing committee arc: can go for the second part, that is, to bring; comprehensive Bill to ban lotteries. I have seenth in the debate, some of the speakers are talking o" about single-digit, double-digit or three-digit lotterie Some people are speaking only about the ev:i : single-digit lotteries. I agree that the single-ci: lottery is bad, but the-three-digit lottery is also bt. As many speakers have agreed, it is totally bad the people of this country, particularly the pr,: people of this country.

Sir, the Ordinance will lapse on 8th and we still have time and can bring a comprehensive Bill. So, instead of passing this Bill today, we can postpone t and the Government can bring a comprehensive I by 7th. That Bill can be passed simultaneously i both the Houses. There is no question of

lapsing of the Ordinance. What we want is a total ban on lotteries. So, I would like to know specifically from the hon. Home Minister when he is bringing that comprehensive Bill for a total ban on lotteries. What is his time-frame? My suggestion is that this can be brought before 8th and passed by both the Houses simultaneously. We can have a consensus in the House to ban the lottery as a whole. That is my submission.

MR. CHAIRMAN : Lalu ji, please be very brief.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir, he has already spoken.

MR. CHAIRMAN : He had raised objections at the time of the introduction of the Bill.

SHRI LALU PRASAD : I am not going to deliver a speech here as there is no scope for it. One should neither gamble nor let others do it. It is a bad thing. Gambling should not be given a legal status. It is a grave crime to earn by extracting wealth of the poor. I would like to congratulate Khuranaji. It is a fact that a gossip is doing the round in the corridors that he has some vested interest in lottery business. But today, he has... (*Interruptions*) I am supporting you. You please listen to me. The country's interest must come first and the vested interests must not find place.

I would like to congratulate hon. Home Minister, Advaniji that a consensus has emerged in this House that all sorts of lotteries, gambings and lottery shop will now be closed. Now, we have congratulated and there is no scope to make speeches. This black law should be deferred. This should be stopped, that is all.

SHRI MOHAN SINGH : Mr. Chairman, Sir, I do not want to repeat the same thing. I only want to say that lottery is a curse and a stigma on the society. When the Government accepts this, then what was the need to ban single digit through ordinance for six months and continue with three digit lotteries?... (*Interruptions*)

SHRI VIJAY GOEL : That ordinance was not issued by this Government.

SHRI RAJVEER SINGH : This ordinance was issued by the Government which was supported by you.

SHRI MOHAN SINGH : It has been brought only when the previous Government is no more in power. Had it not been brought by the previous Government, how could it have been introduced by this Government? Three months have passed since you came to power, the errors committed by the previous Government if you wish to bear that burden, it is very good, you may keep on doing so but if you think it to be a wrong deed, three months time was enough to put an end to it. It can even now be put to an end if the Government so wishes as this House is Supreme. So, my one word amendment is that three digit lotteries should also be banned. Hon. Home Minister should say in this House that he accepts it. I conclude with supporting the amendment, which I have moved, I conclude. I urge the Home Minister to accept it.

SHRI ADITYANATH (Gorakhpur) : Mr. Chairman, Sir, I would like to thank hon. Home Minister who has brought this Bill to put an end to a social evil.

In fact, when the lottery system began, it was started simply as a recreation but gradually it has spread its tentacles as a social evil and it is affecting that section of the society for which we make welfare schemes. Is it not ridiculous that we bring welfare schemes to give benefit to the down-trodden section of the society, who live below the poverty line and with a wish to be rich they easily fall prey to this trap.

Our Government had brought this Bill and hon. Home Minister has also given an assurance here that together with one digit lottery, three digit lotteries shall also be banned which is certainly a welcome step.

Together with this, I would like to say that such Bill should be supported by all. There may be some revenue loss on this account, but when the question of national and social interest come, we have to overlook financial interest and we shall have to pass such a Bill keeping in view the social interest.

17.00 hrs.

I would again like to congratulate the hon. Home Minister that by introducing such a Bill he has started a campaign to put an end to a social evil.

[*English*]

PROF. SAIFUDDIN SOZ (Baramulla) : Mr. Chairman, Sir, when this amendment Bill was circulated, I had moved an amendment to that. That amendment may now become infructuous because I see that the hon. Home Minister will respond to the urges of the House as he knows the sense of the House. My amendment was that there should be a total ban on the lotteries in the country. Let us give a message to the people of India that nobody shall indulge in gambling. Everybody must earn his or her livelihood through the sweat of his or her body.

The lotteries create a lot of tension in the family. It is the members of the weaker sections that came forward to try their luck and become richer. When the lotteries do not earn them anything, there was a lot of tension in the family. So, let this tension go and let us become clean and give a message to the country, I am so happy that on this question the Members have cut across the party lines and there is a total unanimity in the House. I do not see even a single Member opposing it.

SHRI T. GOVINDAN (Kasargod) : The people of Kerala are also against the lotteries. We are not for lotteries.

PROF. SAIFUDDIN SOZ : I thank you very much. So, we are urging the hon. Home Minister that he must ban this gambling which has got the name of lottery. Not only for this moment but for all times to come we should tell the society that never in future we shall accept this kind of menace.

SHRI SATYA PAL JAIN (Chandigarh) : Sir, I would only reply to the question which was raised by my learned colleague, Shri Shiv Shanker. Sir, all the Members are agreeing on this point that there should be a complete ban on the lottery. Fortunately for us, even in the Standing Committee all the Members agreed to that. But let us be clear about one technical problem which ultimately prevented the Standing Committee to make a blanket recommendation authorizing the Government of India to enact a law. There are three lists, namely, the Union List, the State List and the Concurrent List. Shri Shiv Shanker read entry 40 of the Union List. This List details the items on which Parliament can make laws. The entry 40 of this List says :

"Lotteries organised by the Government of India or the Government of a State."

So, we can only impose a ban or we permit lotteries to be run either by the Government of India or by the Government of a State. The State List entry 34 talks of betting and gambling. So, if we want to impose a ban today, we have to get the concurrence from the States because unless we get concurrence from the States, we cannot impose a complete ban on the lotteries. At the moment, if we impose a ban without consulting the States, this will apply only to the lotteries organised by the States. It will make the position worse. The State lotteries will be banned but the lotteries being organised by the private persons will be sold. Therefore, only with a view that the private persons who are doing it are not able to get the benefit, the Standing Committee recommended to enact the law.

Sir, we called the Law Secretary and all the officials including the Home Secretary. They informed us that if we want to bring a comprehensive legislation, we have to seek the concurrence of the States also and it has to go to the Legislative Department and certain other Departments. We asked them whether they can bring a comprehensive Bill before 8th of July.

All the Members requested them, but they showed their total inability saying that it would not be possible. Therefore, in consonance with the sentiments of the House expressed by the Members of Parliament cutting across party lines, we made two recommendations. One is that this Ordinance should not lapse and, therefore, let it be converted into a law because whatever ban had been imposed should continue. At the same time, all the Members from different walks of life and political parties, recommended to the Government of India unanimously to bring a comprehensive legislation. I think, the one thing on which the House will agree is that we may request the Government to bring this legislation within a time-bound period, be it two months or three months or four months or whatever it is, so that it is not unnecessarily delayed. I think, that will be the best solution to this problem.

PROF. P.J. KURIEN : Sir, the point is that it will create a situation by which the Ordinance will lapse and then the States will start the single-digit lotteries again. So, the sense of the House is not to have lotteries, including the single-digit lotteries. We feel that this Bill has to be passed. That is a first step by which, at least, the single-digit lotteries should go. Afterwards, the Government should come forward with another Bill. This is the sense of the House... (*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : Mr. Chairman, please hear me.

MR. CHAIRMAN : How many times do I have to hear you? Though your name was not there, I called you. You have already made your submission.

SHRI VARKALA RADHAKRISHNAN : The Bill is intended to ban the single-digit lotteries. But a total ban can be effected only through another statute for which the Government should bring another Bill because the Constitution provides for the conduct of "lotteries by the Central and State Governments.. So, if a blanket ban is to be imposed, then the Government will have to bring a new legislation with sufficient powers.

SHRI P.S. GHATOWAR (Dibrugarh) : I am in agreement with the sentiments expressed in the House regarding the total ban of the lotteries. These lotteries are a curse on the civilised society, and it is especially affecting the daily wage workers, who are below the poverty line. When everybody in this House is convinced that the most exploited people are those living below the poverty line — we are going to ban the single-digit lotteries — who can guarantee that these people will not be by the three-digit lotteries? What is the difficulty in banning three-digit lotteries and bringing a comprehensive Bill? Hon. Member, Shri Mohan Singh, suggested that in place of 'single-digit' you can insert the word 'three-digit' and then pass the Bill. What is the difficulty in that? You must bring a comprehensive Bill to impose a total ban on the lotteries. Hon. Member, Shri Vora, mentioned that many things come in the newspapers and he referred to a family managing many lotteries in the name of their relatives. I do not want to name,

but the benefit should not be given to one particular family.

I fully support the views expressed by the hon. Member, Shri Mohan Singh, that we should ban three-digit lotteries. What is the difficulty? The Government can bring a comprehensive Bill after some time. We are not against this Ordinance. But the question is: Why should the single-digit lotteries alone go and HW can give the guarantee that the poor people will not buy the three-digit lotteries? When we all agreed that it is a social evil and a curse on the poor people, then what is the difficulty in accepting the amendment moved by Shri Mohan Singh? So, I am (or the total ban on) the lotteries because it is a total exploitation of the poor people of our country, and no Government or civilised society can support the exploitation of these poor people.

SHRI BASWARAJ PATH SEDAM (Gulbarga) : Mr. Chairman, Sir, this ordinance has been brought forward in the form of Bill after lot of hurdles.

SHRI MOHAN SINGH : It was lost in the Constitutional intricacies.

SHRI BASWARAJ PATH SEDAM : It was lost, but for this, many persons are responsible. Hon. Goel ji has mentioned certain things here that new people operating three digit lotteries are also misusing it.

Like single digit lottery wherein ten times more gambling used to be played, in three digit also same wrong practice of gambling has started. Here, two view points have been expressed. Shri P. Shiv Shanker has said that as the matter falls under the jurisdiction of Union Government so a ban can be imposed against it from here itself and another Hon. Member has said that it comes under concurrent list...*(Interruptions)* There is unanimity over the issue that there should be total ban on all types of lotteries. If tomorrow, this ordinance lapses and single digit lotteries start operating once again the consequence would be bad...*(Interruptions)*

Therefore, I demand that the Minister should thoroughly ponder over this issue and introduce another new bill and get it passed at the earliest and impose a total ban on lotteries.

SHRI MITRASEN YADAV (Faizabad) : Mr. Chairman, Sir, the hon. Home Minister has introduced an important bill on this social evil and I welcome it. The way hon. Khurana ji has supported it, I welcome that also. Sir, lottery system has ruined the lives of women and children belonging to the poor class and it seems to be the worst social evil. Several technical points are being raised regarding this system. I cannot comment about them. But we have got a big opportunity to eliminate this practice and we cannot get a more opportune time than today. I would urge the Government to accept the amendment moved by Mohan Singh ji and impose ban on the whole lottery system. The whole House is unanimous about it and cutting across party affiliations it has arrived at this opinion. If we do not do so then I think, it would be against the views of the House as well as people. So, I request you to accept this amendment.

*[English]*

SHRI K. YERRANNAIDU (Srikakulam) : There are two issues here. One is the comprehensive legislation. The House is in a mood to put a total ban on lotteries. That is the wish of the people and of some of the hon. Members of this House. This ban is in force due to this Ordinance. We will pass this Ordinance, as it is, to make it an enactment within a short period. My request through you to the hon. Home Minister is that he should convene a Chief Ministers' meeting as early as possible during the next Session for passing legislation in the States to ban all the lotteries in the States. That is the wish of the people. We must put an end to this evil practice in future.

SHRIMATI BHAVNA DEVRAJBHAI CHIKHALIA (Junagarh) : Hon. Chairman, Sir, first of all I would like to thank Advani ji on behalf of the women in the

country who have been adversely affected by lotteries. Had this Bill not been introduced they would have been affected and I also want to thank him on behalf of the youths also.

If we want to achieve some objective then first of all we should take this step so as to get rid of this evil from the society. I thank the Home Minister and support this Bill. Bills regarding the issues affecting women and youths should be introduced and everyone should support them. I also thank all Members who participated in this debate. Lastly I must explain that this legislation is not going to curb this evil practice. The Government must initiate some measures to develop public awareness. The Government should also evolve some alternative measures so as to build a healthy cultured enlightened mindset to bring about a change in the outlook. This move alone can help nation building. Thank you.

*[Translation]*

\*SHRIMATI MINATI SEN (Jalpaiguri) : Mr. Chairman Sir, I thank the Hon'ble Home Minister to bring this important Bill, the Lotteries (Regulations) Bill, 1998. This lottery trade has been mushrooming everywhere in India in different forms. It is flourishing in many parts of the country as daily, weekly, monthly and so on. It comes as single digit lottery and also as instant lottery without any rules or regulations. This

gambling trade is going on because some unscrupulous traders and agents are helping it. Unfortunately the unemployed youth are also involved in this. It is really sad that they are spending the best part of their life, their youth in the unholy trade of lottery. When they are supposed to spend their prime time for some constructive work, they are wasting it on activities akin to immoral acts. The society is losing its manpower for this immoral activity of gambling. What a colossal waste of energy the society is facing! Moreover, the poor section, the people below the poverty line are the most exploited and worst affected lot. They are attracted to buy the lottery tickets because they want instant wealth. In this way the poor are ruining not only themselves, they are ruining their families also. Thus they are becoming prey of want, ill health and ignorance. The next generation of that cursed family also does not have any ray of hope for their future survival. Sometimes despair, poverty depression make them so desperate that they commit suicide. So this suicidal temptation to purchase the lottery tickets must be checked. We know this can be achieved only through total ban on lottery trade. We are not against it but we have to consider another aspect. The State Government must have a source of income. The land tax has been exempted by West Bengal Government. But they need their source of income. The Central Government must evolve some policy so that the State Government should have some source of income while banning the lottery ticket. This fact should be borne in mind.

SHRI RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Chairman, Sir, there is consensus in the House on this view that all types of lotteries should be totally banned. Shri S.P. Jain and others have raised a technical point that the time limit should be increased in respect of the ordinance to ban one digit lotteries. They, have also said that consensus of State Governments and State Legislatures of the country should be sought to impose ban on other digits' lotteries. I do not know whether one digit lottery comes under Union List or three digit lottery is in the Concurrent List. This ordinance had been issued to impose ban on one digit lotteries. Now we want to change it into law. It should be amended so as to include one digit, two digit three digit and all digit lotteries under it. What difficulty does the Government have to put ban on all digits' lotteries in accordance with the feelings of the House. It would be better to accept the amendment moved by Mohan Singh ji, It is a historical fact that Mahabharat war was fought because of gambling and Draupadi was put on stake and lost and some persons lost their kingdom. Today, the poor man is wasting his money in it and committing suicide. Therefore, we should not cause any more delay. The Government is going to impose ban on one digit lottery throughout the country but regarding ban on two, three and four digit lotteries the Government says that States would have to be consulted. But this argument has no ground. So, there is no hitch in passing it immediately. This should also be passed.

SHRI MADAN LAL KHURANA : This ordinance was issued during your tenure.

SHRI RAGHUVANSH PRASAD SINGH : Whether it is ordinance or bill, it should be passed.

SHRI MADAN LAL KHURANA : This ordinance was issued when you were a Minister. This ordinance belongs to that period.

SHRI LALU PRASAD (Madhepura) : If all types of lotteries are banned under it, then it is all right but if you oppose it, I boycott.

17.21 hrs.

*At th's stage Sh" Lalu Prasad left the House*

SHRI SHAILENDRA KUMAR (Chail) : Mr. Chairman, Sir, you have given me an opportunity to speak on Lotteries Bill. Through you I want to submit to the House that one digit lottery was banned because of the allurements offered by persons operating 3 digit lottery and plea taken for this move was that crores of poor people of the country are suffering from starvation and even then they [ purchase lottery. I want to know from the hon. Home Minister whether elite class is getting ruined due to the operation of 3 digit lottery as crores of people are on the verge of financial crunch because of this lottery. Now the question is whether three digit lottery should be banned on the pattern of one digit lottery or one digit lottery should also be allowed. On this issue. Hon. Members say that all types of lotteries Whether they are one digit, three digit or any other type should be banned. By developing atom bomb in the country, the day-today difficulties faced by country men are being ignored. Hon. Prime Minister has done this work. There is discrimination in this scheme to operate 3 digit lottery. Just now our Parliamentary Affairs Minister Shri Khurana has said that all lotteries in the country should be banned. Hon.-Home Minister spoke about making some amendments. Shri S.P. Jain spoke about making amendment as per the Constitution. All these things are not clear. Mr. Chairman, Sir, through you I want to tell the House that there should be uniformity throughout the country in regard to the operation of one digit or three digit lottery. Just now one of our colleagues from Kerala has said that they are getting benefited by it in their State. I want to say that lotteries should be banned throughout the country. This is a curse and stigma for the country. It is a sort of gambling. Labourers and rickshaw pullers are getting ruined and are committing suicides. All rich people are being benefited by it. It is vitiating the whole society. The amendment moved by Shri Mohan Singh ji should be accepted and lotteries should be banned throughout the country.

SHRI SURENDER SINGH (Bhiwani) : Mr. Chairman, Sir, it is generally being demanded in the House that the lotteries should be banned. Members from Shri Lalu Prasad's party having mastery over lotteries have delivered good speeches on this issue. All members are demanding that there should be a ban on all sorts of lotteries. However, my suggestion is that the prizes in form of lotteries awarded to the politicians should not be discontinued. This should be given a special consideration.

SHRI VIRENDRA SINGH (Mirzapur) : Mr. Chairman, Sir, through you I want to draw attention of Union Home Minister towards this fact that our society has looked down upon gambling and speculative tendencies as an abhorrent practice from primitive times. As Sh. Raghuvansh ji pointed out, this very approach led all sorts of historical events to take place. I personally feel that if the lotteries, gambling and speculations and all such business in the name of trade are stopped, India, once a paragon in the world and which nourished a glorious culture would regain its glory. It is my submission to hon. Home Minister that if the lotteries are banned in India it would help the country to march ahead towards a glorious future.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar) : Mr. Chairman, Sir and the learned Members of this august House, I do not like to prolong my speech. I will be very short in my deliberations. I would like to let you know that the lotteries should be banned or abolished in totality. I also do support the opinion made by each and every conscientious Member of this House in relation to banning of the lotteries in totality. The way the lottery is affecting the entire Indian society, it is in the best interest of the common masses that the lotteries are banned in totality.

I could not find any precise logic behind the banning of only 'single-digit' lottery and retaining other multi-digit lotteries. If the intention of the Government is to abolish the lotteries in totality, why not other multi-digit lotteries through this Bill be banned? Some doubts have arisen in the minds of the people about the approach of the Government. So, I would like to appeal the Government of India and the hon. Home Minister to bring a comprehensive Bill on the floor of this House in order to ban the lottery in totality.

In this regard I would like to draw the attention of this august House that apart from these lotteries, there is a similar type of illegal game being played in some parts of the North-Eastern region. In their local language that is known as *Teer Kala*. That is a social evil. So, that *Teer Kala* has also to be banned totally.

Therefore, from the side of the whole Bodo area, I would like to demand from the Government of India to kindly ban the lotteries in totality as well as the *Teer Kala* in the best interest of the common people.

[Translation]

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, there have been only a few issues on which the House has been as unanimous as it is today.

I am very much pleased to have listened to today's debate on this issue. I indeed rejoiced it but I am surprised at the same time as to why all sorts lotteries were not banned earlier when a ban was imposed on the single digit lotteries. I am at a fix and find it difficult to understand because all the questions being raised in this House were also raised at the meeting of the Standing Committee and it was very much stressed that single digit lotteries should be banned and three or five digit lotteries should be permitted to run which is, however, not right. There should be a total ban on lotteries. There was a consensus that all sorts of lotteries, whether it is Centre Government's lotteries or State lotteries or private lotteries, should be totally banned. In the committee meetings there are officers also. I believe all Members of the committee held a view that whatever limited ban has been imposed on lotteries last years should not be lifted. It would have *been* better if there had been total ban on lotteries. But it would be fatal for the poor, should we permit whatever limited ban is imposed on lotteries to be ineffective even for 15 or 20 days in the process of imposing a total ban on lotteries. The traders of lotteries in the meantime would make money. They did not want any ban, hence they asked the officers if the standing committee decides to bring forward Bill to this effect before 8th i.e. before the ordinance lapses, would the Government be in a position to introduce a Bill. They told that it was not possible, I do not blame them. I believe that though there may be consensus to have a total ban on lotteries, there is a powerful lobby which does not want a ban on lotteries to be effective. I do not say it without any ground because we know that this matter has been taken to a number of High Courts and Guwahati High Court has even stated that there can be no ban since certain sections of the ordinance promulgated by the Central Government are not valid, they are invalid and the High Court has struck them down. You were just pointing out several State Governments. You referred to Kerala Government that Kerala Government's lotteries cannot be sold in Delhi and a stay order has been passed to this effect. However, I am of this view that if we have a total ban, that would be better and we have accepted Sh. Mohan Singh's amendment but unless I examine it legally and I am not convinced of it that even if it is taken to Supreme Court, it should stand vindicated by Supreme Court as well. That is why I would suggest to this House that it should not be taken in haste.

[English]

After all, this is the highest legislative forum in this country. We cannot do anything in haste.

[Translation]

So, discussions were held in the standing < committee and officers were consulted, who have told me even now that so far as seeking views of

States, even if we do not take them into consideration on the ground, that is it in Union list or it relates to Central Government's lotteries or State Government's lotteries, as Sh. Shiv Shanker was standing, still it is not possible. Had he been here, he would have told Sh. Satya Pal Jain as to how his arguments are not right or in what way they are right. Both of them are legal experts. Though I have studied law, yet I have not practised it. I want to make only this point that while deciding this issue, this House should keep this thing in mind lest one should get a stay order. Such a thing should not happen. As regards taking precaution in this regard, I think as per the recommendations of the Standing Committee limited ban should continue in place of imposing total ban and for this purpose, this House should pass this Bill and then the Government can assure this House that we are in favour of total ban and before imposing total ban, States should again be consulted. A phrase has been used therein :-

[English]

It would be effective.

[Translation]

It has also been stated.

[English]

"...imposing complete ban on the lotteries trade in the country having regard to the feasibility of effective implementation of the recommended legislation."

[Translation]

There should be no lacunae in the comprehensive legislation otherwise any private Lottery owner could go to the Court for stay on the ground that it is discriminatory. Such thing should not happen. Therefore, I feel that the Bill which has been introduced should be passed with some amendments as suggested by the Standing Committee which I would move just now. It would continue to have limited ban and in pursuance of its assurance the Government would take steps to replace this limited ban by total ban as desired by the House.

DR. T. SUBBARAMI REDDY : Sir, something historic is happening today. The entire House is almost unanimous. Hon. Members have given their personal view that there should be a total ban on [the lottery trade. This means that a good day has started. On some issues, all of us are one. If this continues, the House will become much more stronger.

[Translation]

We should not oppose it everytime.

(English)

MR. CHAIRMAN : Having been given an assurance by the hon. Minister, do you wish to withdraw your Resolution?

DR. T. SUBBARAMI REDDY : Let me complete. Sh. N. L. K. Advani has given his reply in such a way that there is not much change for anybody to argue with him. Evidently, he is not bothered about or interested in the lottery trade. Basically, he is fully convinced that no benefit could be derived by supporting the lottery trade.

Shri Lalu Prasad was very much worried that lotteries are being supported by some interested parties. It is not so and the House has unanimously agreed on this.

The Ordinance has already been issued by the President of India and it has come up before the House. The single digit lottery trade is already banned. We have to accept this in order to avoid confusion. The hon. Minister of Home Affairs has said that a comprehensive Bill will be brought up as early as possible.

Another controversy is, some hon. friends say, 'Do not consult the Chief Ministers' while others say, 'No, we must meet the Chief Ministers'. What is the necessity? There is no harm in having a discussion with the Chief Ministers. Will any Chief Minister dare to support the lottery trade when the entire House is opposing it? Everybody wants socialism; everybody wants the affection of the poor people; everybody wants the votes of the poor. No party or no Government will dare to support the lottery trade. Therefore, we need not bother about this controversy 'whether to take the advice of the Chief Ministers or not. There is nothing wrong in informing them as a matter of giving them due respect. Otherwise, they would feel ignored. They could always be informed. A formal communication could be sent from the Centre to the respective States, the hon. Minister has already given an assurance that he is going to discuss this with the Home Secretaries and also with all concerned.

[Translation] We are liable to commit mistake if we do it in haste. It would not be desirable if an individual moves court and seek a stay.

[English]

Heavens will not fall. Therefore, my suggestion is let us do it so perfectly that nobody will be able to go to court and get a stay order.

At the same time, red tapism is part of our country. Setting aside red tapism. We should take it on priority basis. They should not drag on for a long time. So, my request is that we must give this top priority and instruct the officials that they must start the exercise immediately and look into the legalities, rules and procedures.

Some hon. Members do not want that we should depend on the Chief Ministers. They could be informed individually. The hon. Minister should use his good influence to see that there is no controversy and come up soon with a comprehensive Bill.

MR. CHAIRMAN : You have already spoken.

DR. T. SUBBARAMI REDDY ; Other hon. Members spoke for a longer time; iet me speak for two more minutes.

MR. CHAIRMAN : You have already spoken.

DR. T. SUBBARAMI REDDY : I seek leave of the House to withdraw my Resolution since the hon. Home Minister has assured that as early as possible he would bring forward a comprehensive Bill for a total ban on lotteries.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS : Yes. *The Resolution was, by leave, 'withdrawn.*

MR. CHAIRMAN : Now, the House shall take up the amendment moved by Shri Mohan Singh for the consideration of the Bill.

[Translation]

Mohan Singhji, are you pressing your amendment?

SHRI MOHAN SINGH : Yes, Sir. In this connection, I want to say that this Parliament is empowered to enact law on any subject placed in the Concurrent List if two States want so. After all, the Government of India is going to repeal Urban Land Ceiling Law and I want to press for my amendment keeping in view the feelings of this House because the Government has not made it time-bound.

MR. CHAIRMAN : I shall put amendment no. 8 moved by Shri Mohan Singh to the vote-of the House.

*The amendment was put and negatived.*

MR. CHAIRMAN : Now, the House shall take up the consideration motion.

SHRI MOTILAL VORA : Before we take up the Bill for consideration, I have a suggestion to make. I would like to request the hon. Home Minister to kindly give a specific date for bringing a comprehensive Bill in this Session itself so that the lottery business is totally banned once and for all. In this Session itself, he should bring forward a comprehensive Bill. This is my suggestion.

MR. CHAIRMAN : Do you want to react to it, Mr. Minister?

SHRI L.K. ADVANI : I would like to say that a procedure has been laid down, after all; and that is, the State Chief Ministers are to be consulted.

SHRI MOTILAL VORA : Please consult them.

SHRI L.K. ADVANI : I would only like to say that I would bring forward a Bill at the earliest. I do not want to make any promises which will be difficult otherwise. Already there are issues on which I have to consult the Chief Ministers, So, I cannot give any promise.

SHRI MOTILAL VORA : It is not very difficult to call the State Chief Ministers for consultations.

MR. CHAIRMAN : The question is :

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

*The motion was adopted*

#### **Clause 2**

MR. CHAIRMAN ; The House shall now take up clause by clause- consideration of the Bill. Shri L.K. Advani.

*Amendment made :*

Page 1, —

*for line 7, substitute —*

(a) "bumper draw of a lottery" means a special draw of lottery conducted on or during any festival or other special occasion wherein the prize money offered is greater than the prize money offered in the case of other ordinary draw of lotteries;

(b) "lottery", means a scheme, in whatever<sup>1</sup> form and by whatever name called, (12) '.

{Shri L.K. Advani} MR. CHAIRMAN : The question is :

"That Clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.* MR. CHAIRMAN : The question is :

"That Clause 3 — stand part of the Bill."

*The motion was adopted. Clause 3 was added to the Bill.*

#### **Clause 4**

*[Translation]*

MR. CHAIRMAN : Are you going to move your amendment?

SHRI MOHAN SINGH (Deoria) : Yes, I beg to move :

Page 1, Line 16,

*add "and three digit" after "single digit"*

(1) Page 2, Line 4,

*insert "authorised" after "through" (2) Page 2, Line 10,*

*insert "capital of" before "the state  
concerned" (3)*

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to move :

Page 2, line 11,—

*for "week" substitute "month" (4) Page 2, line 14,—*

*for "six" substitute "three" (5)*

PROF. SAIFUDDIN SO2 (Baramulla) : I beg to move :

Page 2, line 4 and 5,— ;<

*omit "either itself or through distributors or  
selling agents;" (7)*

MR. CHAIRMAN : I shall now put amendment Nos. 1, 2 and 3 moved by Shri Mohan Singh to Clause 4 to the vote of the House.

*The amendments were put and negatived.*

MR. CHAIRMAN : Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : i am withdrawing them.

MR. CHAIRMAN : Is it the pleasure of the House It-at the amendment Nos. 4 and 5 moved by Shri T. S^bbarami Reddy be withdrawn?

*The amendments were, by leave, withdrawn.*

SHRI VIJAY GOEL (Chandni Chowk) : I beg to

move :

Page 1, line 16,— ;

*add at the end—*

*"or single alphabet number or in any other form which has the same repercussion as single digit". (9)*

[English]

MR. CHAIRMAN : Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ : I will decide it just now-whether to withdraw it or not.

[Translation]

Through you, I would like to request Advaniji that the unanimity in the House, whi-ch has been witnessed after a long time should be maintained. As he is quite satisfied I would say regarding this amendment that

[English]

Why do we say that "the State Government shall or through the distributors or the agents".

[Translation]

\\ is here that the trouble lies.

[English]

Why agents and why distributors? Let the State Government do it directly.

[Translation]

Advaniji has assured us but there is lacunae in it and I would request your goodself...(Interruptions)

[English]

I will not take more time.

MR. CHAIRMAN : Are you withdrawing your amendment or not?

[Translation]

PROF. SAIFUDDIN SOZ : He should once again rise and say it would be done in this Session so that

we are satisfied and the present atmosphere continues. He should say that he can do this during this Session...(interruptions) One of the members has suggested convening of Chief Ministers' Conference. This is absolutely wrong idea. Advaniji should telephone them or write a letter. The Chief Ministers know that we are the representatives of the people in the Lok Sabha. The judge has to interpret but who would make the law. We would make the law and whatever we are speaking, we are saying on behalf of people so he should write to Chief Ministers in this regard. It is possible that he may bring the new law in current session itself. It would be good if you give a ruling asking him to assure us that he would do it in the current session itself.

[English]

MR. CHAIRMAN : I just cannot give any ruling. ;...

[Translation]

PROF. SAIFUDDIN SOZ : He can say this. With these words, i withdraw it.

MR. CHAIRMAN : Is it the pleasure of the House that amendment No. 7 moved by Prof. Saifuddin Soz be withdrawn?  
*The amendment was, by leave, withdrawn.* MR. CHAIRMAN : Shri Vijay Goel.

[Translation]

SHRI VIJAY GOEL : When total ban on all types of lotteries is going to be imposed shortly then one clause would not have any effect. I withdraw it.

[English]

MR. CHAIRMAN : Is it the pleasure of the House that amendment No. 9 moved by Shri Vijay Goel be withdrawn?  
*The amendment was, by leave, withdrawn.*

MR. CHAIRMAN : Shri Nepal Chandra Das. I think he is not there. Shri L.K. Advani.

*Amendment made : Page 2,—*

*after line 5, insert —*

'(ca) the proceeds of the sale of lottery tickets shall be credited into the public account of the State;" (13)  
(Shri L.K. Advani)

MR. CHAIRMAN : The question is :

"That clause 4, as amended, stand part of the Bill.'

: . *The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

#### **Clause 5**

MR. CHAIRMAN : Shri L.K. Advani. *Amendment made : Page 2, line 18,— for "another State."*

*Substitute "every other State." (14)*

(Shri L.K. Advani) MR. CHAIRMAN : The question is :

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

*Clause 6 was added to the Bill.*

**Clause 7**

MR. CHAIRMAN : Dr. T. Subbarami Reddy, are you moving your Amendment?

DR. T. SUBBARAMI REDDY : Since it has already been agreed that they are going to ban it, there is no point in bringing forward my amendment.

MR. CHAIRMAN : Shri L.K. Advani.

*Amendment made :*

2\_\_\_\_\_

*for line 22, substitute ~*

(1) Where a lottery is organised, conducted or promoted after the date on which this Act receives the assent of the President, in contravention of the provisions of this Act, by any Department of the State Government, the Head of the Department shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both: (7)

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act has been committed by a Department of Government and it is proved that the contravention has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

(3) If any person acts as an agent or promoter of trade in any lottery organised"

(15)

(Shri L.K. Advani) MR. CHAIRMAN : The question is :

"That clause 7, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 7, as amended, was added to the Bill.* MR. CHAIRMAN : The question is :

"That Clause 8 to 13 stand part of the Bill."

*The motion was adopted. Clauses 8 to 13 were added to the Bill.* MR. CHAIRMAN : The question is :

"That clause 1, Enacting Formula and Long Title stand part of the Bill."

*The motion was adopted*

*Clause 1, Enacting Formula and the Long Title were added to the Bill.*

SHRI L.K. ADVANI : Sir, I beg to move :

"That the Bill, as amended be passed"

MR. CHAIRMAN : The question is :

"That the **Bill**, as amended, be passed." *The motion was adopted.*

**17.53 hrs.**