

Title: Introduced Lotteries (Regulation) Bill, 1998. The motion for leave to introduce the Bill moved by Shri Som Pal on behalf of Shri L.K. Advani. Motion-Adopted and Laid

14.34 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI SOMPAL): Sir, on behalf of Shri L.K. Advani, I beg to move for leave to introduce a Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto.

I also introduce the Bill.

MR. SPEAKER : Motion moved:

"That leave be granted to introduce a Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto."

">SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I oppose the Motion. With regard to ordinance promulgation, the Supreme Court has given a final verdict on this point. In Wadhwa's case, it has been finally settled and decided that there can be no second ordinance when the first ordinance has lapsed.

Now, it appears that the present BJP Government is trying to run the administration by an Ordinance Raj. Today and yesterday, we had occasion to receive copies of dozens of ordinances.

Now the Constitution provides only an emergent situation but it has become the order of the day. Every day you are issuing Ordinances. Every day you are abrogating the powers of the Legislature. You have made the Legislature a rubber stamp. You have made the Legislature a mockery of the Constitution. Now, a legislation should originate in this House and not in the Minister's office.

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When you move an Ordinance, it becomes a committed legislation. The Members are not free to express their opinion. They cannot give a free voice with regard to the amendments concerned in the Ordinance. All the Members of the ruling party are committed to stand by the Ordinance. This becomes a mockery of the Constitution, a mockery of the parliamentary democracy. Are you entitled to run the administration by an 'Ordinance Raj'.

It appears that you have reduced the number of sittings of the Parliament from 120 to 60. What does it mean? Your intention is to reduce the number of sittings of the House to the extent possible. This cannot be allowed. It was unheard of when the First Parliament or the Second Parliament were there and there were only very very stray incidence of Ordinance. Now it has become the order of the day. This has become the order of the day not only in the States but also at the Centre. This epidemic attracts the Lok Sabha also. You issue Ordinances one after another. Take the case of Lotteries (Regulation) Ordinance, 1998. What is the intention of the Legislature? What is the intention of the Government? The intention of the Government is to prevent some malpractices. This can be done without an Ordinance. What is the lesser evil? You are abrogating the powers of the Legislature and for your convenience you are issuing an Ordinance at the expense of the Legislature. For what purpose? Is it good?

Mr. Prime Minister, you are always speaking about parliamentary democracy and you are speaking about parliamentary role but this is the practice you are adopting. So, I oppose this motion.

This is against the decision of the Supreme Court. The Supreme Court has definitely ruled that there cannot be a successive Ordinance on the same subject. Now, this Ordinance is issued for the fourth or the fifth time. This is against the decision of the Supreme Court. So, it is beyond the legislative powers of this House as the ruling of the Supreme Court is very clear. Hence, I oppose this motion.

SHRI SOMPAL: Mr. Speaker, Sir, I submit that this Ordinance had been promulgated by the earlier Government and we cannot leave an hiatus between the period when the Ordinance was

promulgated and when it is taken up by the House for conversion into a legislation. All these points can be taken into consideration when the House discussed this proposed Bill.

SHRI VARKALA RADHAKRISHNAN : Sir, your predecessor has clearly ruled that this cannot be allowed. This cannot be the practice.

The Government is bringing Ordinances. For what purpose are we assembled here? When you issue Ordinances, what is the purpose of our being here? We are here to legislate but you do not allow us to do our duty.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto."

The motion was adopted.

MR. SPEAKER: The Minister may now introduce the Bill.

SHRI SOMPAL: Sir, I have already introduced the Bill. ...(Interruptions)

SHRI SOMNATH CHATTERJEE (BOLPUR): How can you introduce the Bill before the leave is granted? ...(Interruptions)

श्रीसोमपाल जी: मैं लॉटरी विधेयक पेश करता हूँ।

SHRI SOMPAL: I introduce the Bill.

MR. SPEAKER: Now, we shall take up item no.13.

14.38 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI SOMPAL): Sir, on behalf of Shri L.K. Advani, I beg to lay on the Table an explanatory statement (Hindi and English versions) showing reasons for immediate legislation by the Lotteries (Regulation) Ordinance, 1998.

(Placed in Library. See No. LT 174/98)
