

Mr. Speaker: It is very difficult for me to say. We have decided that we end the session by the 1st of October at the latest. If necessary, time will have to be found for it. The House may sit longer or there will be some other change. I cannot say anything definitely about it.

PRIZE COMPETITIONS BILL

Mr. Speaker: As I have already announced, the House will now take up the Prize Competitions Bill, for which the time is up to 3 P.M.

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

"That the Bill to provide for the control and regulation of prize competitions, be taken into consideration."

This Bill is simple and short. It does not really call for any elaborate explanation. As its name indicates, it is designed to provide for the control and regulation of prize competitions. This menace has come to the forefront and has assumed really appalling proportions. The question of regulating and controlling prize competitions had been before the Government for a pretty long time. During this interval, the State Governments were consulted and they were all unanimously in favour of legislation more or less in the same form in which this Bill was framed and later introduced in this House.

This system of crossword puzzle competitions has become almost an organised fraud. The runners of these competitions try to allure the guileless people and make large sums of money. There is that inevitable weakness in human nature to get rich quick and easily. So, these competitions hold out such temptation. The poorer the man, the greater is his desire to secure a large sum of money if possible within a day or two. So, the victims do not belong so much to the richer as to the poorer classes. This system is particularly directed towards impoverishment of

the middle classes, and some times the students also are taken in. The illiterate, uneducated people have little interest in these competitions because they cannot manage to solve the puzzles. It is the literate and the educated people, who are often in difficulty and whose lot is not ordinarily very enviable, who fall into the trap.

The competitions as they are conducted in many places are no better than lotteries. A simple puzzle is published, advertised widely and entries are invited. The puzzle admits of five, six, seven or even more solutions, but those who organise the competitions arbitrarily select one of these and according to the prevailing practice it is open to a person to put in any number of entries. The hope that at least one of the entries may tally with the one selected by the runners induces one to put in as many entries as one can possibly afford, but ultimately it comes to this that there are seven or eight solutions. Of them one is selected and perhaps the one which very few can possibly manage to reach. So, out of these seven, only the man who happens to get that one solution earns the prize. It is like putting six or seven or twelve tickets in a bag and asking a man to pull out one. There is hardly any difference between a lottery of this type and the crossword puzzle competitions. So, it has become necessary to protect these guileless people who are so seduced and tempted.

The business has grown tremendously. I have with me a letter from one of the most respectable leaders in the country, and he says that the menace of the crossword puzzle competitions is terrible. These are the words used by him. And he adds that many young men are driven to madness by their pursuit of this craze which, once they go in for it, possesses them, so that it not only leads to impoverishment, but also has become almost a danger to society. In any case, it causes real widespread demoralisation, and the fact that it is

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mostly the youth of the country who suffer under this system makes it all the more abnoxious.

The Bill provides that no crossword puzzles which are intended to yield a prize of more than Rs. 1,000 in a month will be allowed. Crossword puzzles above Rs. 1,000 will be banned, and where these puzzles are intended to secure an award of less than Rs. 1,000 a licence will be necessary and the procedure will have to be regulated. This will meet the case of genuine, *bona fide* competitions by providing a little money which does not serve as a great temptation but can add to the zest of such solutions and such enquiries. So, it has been provided that prize competitions up to Rs. 1,000 will be admissible, but only subject to the licences which will probably prescribe conditions which will make this practice wholesome and not lead to such consequences as the existing system has produced.

I have before me figures showing that some of the persons who have formed themselves into corporations or otherwise into partnerships have been able to collect about Rs. 40 lakhs in a year. Large sums of money have been collected by way of taxes on the amounts earned by the organisers of crossword puzzle competitions in some States. So, there can be no doubt about the necessity of regulating these competitions.

As will be clear, an absolute ban has not been imposed. It is still possible that crossword competitions may be so managed that they do not lead to any evil results and still give some scope for activity to those who are interested in the solution of such puzzles. So far as these puzzles are likely to be treated as games of skill which call for real intelligence, the law will still admit of such competitions being held, but the evil will have been completely nipped now and the disastrous consequences that have followed so far will not ensue.

The provisions of this Bill have been welcomed by the press generally. Hardly anybody has spoken or written against the Bill excepting, of course, those who are directly interested in what some one has characterised as the plunder of the unwary. So, besides those who have been using this as a swindle for collecting large sums of money from innocent creatures, students, young men and others belonging to the middle classes, there is hardly any one who has his sympathy with those who have been indulging in this practice.

So, I hope this Bill will be accepted unanimously by this House.

Mr. Speaker: Motion moved:

"That the Bill to provide for the control and regulation of prize competitions, be taken into consideration."

I find that there is an amendment to this motion by Shri M. S. Gurupadaswamy. Does the hon. Member want to move it?

Shri M. S. Gurupadaswamy (Mysore): Yes.

Mr. Speaker: The amendment has been circulated to hon. Members, and it may be taken to be in the possession of the House along with the original motion.

May I request the hon. Member, Shri M. S. Gurupadaswamy, not to change his seat? He usually sits elsewhere than where he is sitting. I was just going to say that the hon. Member was absent. If Members change their seats in this manner, they take the risk of being ignored not intentionally but unintentionally. The Chair's association with Members is through the seats that they occupy rather than their faces or names.

Dr. Krishnaswami (Kancheepuram): I rise to a point of order.

Mr. Speaker: Before that, I should like to clarify one position. A time of 3 hours has in all been allotted to

this Bill by the Business Advisory Committee. I was considering what time should be allotted for the consideration motion, and what time for the clauses and the third reading. I think more time will be required for the consideration motion, since the clauses are few in number. So, shall I say, 2 hours for the consideration motion, and 1 hour for the other stages?

Hon. Members: Yes.

Mr. Speaker: We shall have 2 hours for the consideration motion, and 1 hour for the other stages, including the consideration of the clauses and the third reading. The point of order will be included in the general consideration.

Pandit Thakur Das Bhargava (Gurgaon): There are a number of amendments also.

Mr. Speaker: Hon. Members who wish to urge points of order are certainly welcome. But while doing so, they should try to see that they place only the points and not elaborate the points in such a manner as if they are arguing before a court. What is the point of order?

Dr. Krishnaswami: I rise to a point of order. At the outset, I should like to say that most hon. Members are agreed on the need for having social control on prize competitions, which like football pools in England tend to corrupt and distort the taste of people by opening out vistas of easy money. But that is not the issue here.

I submit that discussion on the motion for consideration should not be proceeded with, as the legislation proceeds on the basis of delegation of legislative power by the States under article 252 of the Constitution. The question whether the States have such legislative power has been the subject-matter of adjudication by the High Court of Bombay, and is now under appeal before the Supreme Court. Article 252 is meant to confer power on Parliament to legislate on a State matter, if two or more States

think that the matter should be regulated by Parliament presumably for the purpose of bringing about uniformity. It appears from the Statement of Objects and Reasons that four States have passed resolutions authorising Parliament to legislate.

This delegation presupposes that the subject-matter of the present legislation is relatable to Entry 34 (Betting and Gambling) of the State List. Now, it appears from the petition that has been circulated under rule 185(2) that the petitioners challenged the validity of certain laws dealing with the same subject in the High Court of Bombay. The High Court upheld the contention of the petitioners. The Bombay Government have now appealed to the Supreme Court against this decision, and the question whether the subject-matter is within the State field is pending adjudication by the Supreme Court. While the matter is pending—and by virtue of the facts disclosed in the petition—it would be difficult to have a real debate without reference to and discussion of matters which are *sub judice*. Had the Government of Bombay not filed the appeal but taken the course of passing a resolution conferring power on Parliament under article 252, then this House would have had the opportunity of a free and full discussion. If it is ultimately held by the Supreme Court that the subject-matter of the Bombay enactment, which is also the subject-matter of the present legislation, is outside the State field, then the Preamble, on the basis of which we are asked to take cognisance, would be entirely wrong and improper. If this is so, then the delegation is bad. Parliament, no doubt, would then have the power to legislate again. But legislation in the present form would be bad.

While the competence of Parliament to make laws cannot be questioned, it must be understood that legislation on a matter which is *sub judice* is always viewed with extreme disfavour, and for good reason.

[Dr. Krishnaswami]

By choosing to exercise its powers without any regard for proprieties, Parliament may unconsciously reduce the judiciary in the eyes of the common man. We are legislating for the citizen, and it must appear to him that not only are we legislating for a desirable purpose but that we are not seeking to undermine respect for the judiciary. The judiciary and the legislature are after all two arms of the State. There is an obligation on each one to respect and promote respect for the other.

It was this aspect which led President Patel,—your illustrious predecessor—the first elected president of the Legislative Assembly, to rule that the Public Safety Bill should not be taken up for consideration. With your permission, Sir, I shall quote one relevant sentence which crystallises his attitude on this matter. President Patel remarked:

“There are, as hon. Members are aware, certain limitations of debate, which are expressly laid down by standing order No. 29 in the interests of fair and reasonable debate within the House, as also in the larger interests of the public and the State.”

I want to underline the phrase ‘the larger interests of the public and the State’.

Similar to standing order No. 29 is our rule 332 which reads as follows:

“A Member, while speaking, shall not refer to (i) any matter of fact on which a judicial decision is pending;”

Can we discuss this Bill without referring to the matters referred to in the petition, which are *sub judice*? Obviously, we cannot. Therefore, we should like to have a ruling from you, Sir, on this point. If such references are permitted, which I am afraid cannot be prevented, it would involve an abuse of the procedure of this House, and hence this motion for consideration should be held out of order.

But it may be argued that the rule that a matter which is under adjudication should not be brought before the House applies only to motions but not to Bills. On page 380 of May's *Parliamentary Practice* (Fifteenth Edition), this is what is stated:

“A matter whilst under adjudication by a court of law should not be brought before the House by a motion or otherwise. This rule does not apply to Bills.”

In the footnote, it is said that it is a private ruling dated 2nd March, 1949 in the House of Commons. I have not been able to trace the reasons which led the Speaker of the House of Commons to give this ruling.

But presumably this ruling is based on two well-known considerations. Firstly, it might be in the public interest to bring about a final settlement of a dispute pending in courts, by legislation. Secondly, it might be necessary to give effect to the intention of the legislature imperfectly expressed through the medium of language thereby creating avenues for sterile controversy. Such was the basis of the legislation pertaining to the first amendment to the Constitution, that is of article 31. Such was indeed the basis of the legislation pertaining to the amendment to the Income-tax Act.

I believe that here we have a different situation. Here some of the States which have delegated the power to Parliament have already laws on the subject. The object of Parliament enacting laws, under article 252, is mainly to secure uniformity. There is no urgent public interest requiring us to act in the face of a pending suit.

It would have been more proper, and I say it with the greatest deference, if the Bombay Government when it passed the resolution, had simultaneously taken action to withdraw the suit from the Supreme

Court. If this has escaped the attention of the Government of Bombay, even now, before we proceed to consider this matter, it may be well if that Government considers this request thereby promoting the dignity and respect for the judiciary and cordial relations between this House and the judiciary, so essential for the harmonious functioning of democracy

This Bill raises many important issues. Mr. Speaker, the House would be most thankful to you for a full and comprehensive ruling, so that both the legislature and the executive might have a clear perception of the proprieties that have to be respected.

Shri S. S. More (Sholapur): I have heard Dr. Krishnaswami. He has based all his arguments on the Statement of Objects and Reasons, which says that this particular matter is covered by Entry 34 in List II. Therefore, the different State Governments have passed resolutions authorising Parliament to pass a particular legislation, which is intended to bring about uniformity. Now, this entry 34 refers to betting and gambling. I have cared to understand the whole import of the Bill—the substance of the Bill—and I find that this control and regulation of prize competitions cannot, at least in a manner which will be acceptable to all, be said to be coming under 'betting or gambling'. My submission is that the subject of this Bill does not come under entry 34, because there are many decisions of different High Courts which have stated that when in any competition, the element of chance has been eliminated and there is some play allowed for intelligence, it cannot be said to be in the nature of gambling or betting. I feel, though I have never tried to solve any crossword puzzle, that there is some element of chance and that, therefore, it will be difficult for us to say that it is not in the nature of gambling or betting. I feel, after reading Lists II and III that this question of prize competitions, in the nature in which it has become a menace, has not been covered by any entry. In that case,

we have to fall back upon article 248 of the Constitution which gives residuary power to Parliament as far as legislation is concerned. If the matter comes under List I, there is no question about the competence of Parliament; if the matter comes under List II, the States have to surrender their powers under article 252 in favour of the Central legislature so as to bestow it with the competence to pass legislation. But if it does not come under the Concurrent List, nor under Lists I and II, then necessarily we are thrown back to article 248 which vests all residuary powers in regards to legislation with the Central Parliament. Therefore, my submission is that it is not correct to state that it comes under entry 34.

Another point I want to make is this. My hon. friend, Dr. Krishnaswami, was pleased to quote the late Mr. Patel and a ruling that he gave in 1929 on the Public Safety Act. But I feel that that ruling will not be valid and applicable to the present case. This Bill refers to a certain evil which has become very widespread in the different States. If we accept that ruling in its broad perspective, as Dr. Krishnaswami wants us to accept it, then it would mean that we cannot take into consideration amendment of section 379 of the Indian Penal Code because so many prosecutions for theft are pending before different courts. I quite accept that even under our rule 332, we cannot refer to a statement of fact which is concerned with any matter pending before a court. But here we are not considering any particular fact or any particular case which is pending before the court. The evil is of a general nature—if we can call it an evil. Even in innocent matters, it will be necessary for the State to take controlling powers. Take, for instance, the Companies Bill or any other Bill in which in an innocent matter the State may be pleased to take controlling powers in its own hands in order to give uniform shape to certain aspects in the country. That way, I feel that the ruling which was given by the late Mr. Patel—though

[Shri S. S. More]

a well considered ruling has no application or validity in this particular case. I do concede that none of us shall be competent to refer to the facts of a case—now the Bombay case—which is before the Supreme Court. Unfortunately, I have not read the facts of the case, but it is quite competent for you Sir, to say that none of the Members here should refer to the facts of that particular case. But as regards the general evil or the general aspect of the matter, this House shall not be precluded from discussing it, and in view of the fact that we must do something to save innocent people, who are increasingly becoming victims of such competitions, it is highly desirable that this sovereign Parliament should proceed to discharge its duty and responsibility in a competent and prompt manner as far as possible.

Shri H. N. Mukerjee (Calcutta North-East): I would like to submit that the objection made by my hon. friend, Dr. Krishnaswami, appears to me to be completely misconceived. I should like to refer also in this connection to the fact that all of us this morning got a certain petition submitted to this House circulated to all Members of this House, a petition which included many points, which I have heard repeated in a different form by my hon. friend, Dr. Krishnaswami. I know that there is a right of petition which is prized by all citizens, but I do not think that up to date we have had circulated to all Members of Parliament, copies of petitions which had references to the legality or otherwise of certain Bills pending before this House as promptly as this particular petition has been circulated. But that is neither here nor there, as far as your ruling is concerned. But I feel your ruling would go against Dr. Krishnaswami because as far as the Bombay Act is concerned, certain questions have been raised about it and the matter is now pending before the Supreme Court. As far as the Prize Competitions Bill, as moved by the Home Minister, is concerned, it is an all-India measure based on all-India

considerations, founded upon representations received from different parts of the country, based also upon the attitude of the Government and also, I hope, the attitude of the country in regard to these prize, competitions and to these back-door instances of betting and gambling. As a matter of fact, I should think that this Bill is couched in such terms that, may be, we can extend its ambit and, may be, we can try, if that is at all possible, to bring in such things as horse racing and sweepstakes, and try to highlight an abuse which has been going on too long. My submission is that this is an all-India measure, based upon all-India considerations, and the Bombay Act had reference to certain provincial complications which, possibly, have given rise to certain legal technicalities which have been taken from court to court and are now pending before the Supreme Court. I feel, therefore, that there would be no impropriety in our discussion of this Bill. If any reference is made in the course of the discussion to a matter about which questions have been raised in the High Court and are now pending in the Supreme Court, I am sure the reference would be made in a seemly fashion with all the dignity that is appropriate to the proceedings of this House and with all the respect and deference that is due to our judiciary. But as far as the legislative powers of this House are concerned, as Shri S. S. More has pointed out, there is no question about it, that we can proceed with this legislation, and since its entire presupposition is different, quantitatively and qualitatively, from the presupposition of the Bombay Act, we can certainly proceed with the discussion of this Bill, and I submit you should rule that it is completely in order.

Shri Kamath (Hoshangabad): I would urge for your earnest consideration one aspect of the matter which has not been much in evidence here. Most of us here are agreed that there should be control and regulation of prize competitions, and the House would not have had any

difficulty in proceeding with the discussion, if this particular matter was not pending adjudication in the Supreme Court. My hon. friend Shri S. S. More, referred to theft cases pending before several courts, but I am afraid—with due deference to his legal experience and wisdom—that that is not on all fours here, because the question in regard to those cases which may be pending in the courts—is not whether theft is good or evil or is legal and all that, but one of appeal on issues of fact only. Here the point referred to by Dr. Krishna-swami with regard to the ruling given by your predecessor, the first occupant of that throne—dignified throne—here, has been incorporated in the Rules themselves, now, rule 332 or part of it. So there is no question or difficulty about it. I would only invite your attention to one particular matter, and it is this. The Statement of Objects and Reasons in paragraph 1 refers to these crossword puzzles and similar competitions. The second sentence reads:

“Though they purport to be games of skill, they really provide a form of gambling to the public”.

Perhaps most of us will agree with this statement. Yet there is one difficulty or snag—and that is this. The issue before the Supreme Court. I understand, is exactly this. An appeal has been filed by the Bombay Government under article 132 before the Supreme Court. In the Bombay High Court, a single Judge decided against the Government and in favour of the party concerned, and the appeal court held that the tax levied by Government was a tax on business, and so, the party concerned was entitled to all the rights or benefits under the particular Act. But the Bombay Government moved the Supreme Court in regard to this particular narrow issue. I am not going through all the grounds of the appeal but there is one ground—as the Bombay Government states in its petition—and it is this: the appeal

court ought to have held that the impugned tax was a tax on betting and gambling and was not tax on business or profession. This is the main ground, which is the crux of the matter in this particular case. The Statement of Objects and Reasons is quite contrary to this. The second sentence of the Statement deals with this particular issue and says “Though they purport to be games of skill, they really provide a form of gambling to the public.” I am not concerned with the question of the merits or demerits of the various prize competitions, but I am concerned with the constitutional aspect of the matter. If, for instance, the Supreme Court adjudicates and holds that it was not a tax on business or profession and that it is a tax on betting and gambling, it would be all right. But on the contrary, if the Supreme Court in its judgment holds that it was not a tax on betting and gambling but a tax on business and profession, then the ground under this Bill will be completely cut. Once it is held that it is not betting and gambling, the Statement of Objects and Reasons falls through. The Supreme Court is considering this narrow issue raised by the Bombay Government whether it is betting and gambling or business and profession, and one way or the other the Supreme Court will decide the matter, and then only we will also be competent to hold whether this is an evil as said in the Statement. For instance, the object of the Government is to remove this evil, but if this is not held to be an evil by the Supreme Court, then it will be no evil at all. And many of the businesses conducted by persons in high positions are not considered as evil but as various kinds of business—they are not regarded as evil by our Government and our Parliament also. Once the Supreme Court, holds that it is not betting and gambling but it is profession and business, then there will be no *raison detre* for the Bill. This is the constitutional aspect of the matter and I would urge your earnest consideration of it for our future guidance.

Shri Raghavachari (Penukonda): On this point of order, there is absolutely no doubt that this Parliament is competent to legislate on this matter; we are competent to change the law—may be it is decided by a series of decisions—and it is also therefore inherent in that power that we can change a law or a decision which is in the process of finalising itself. There is no doubt in my mind about this. The next thing I would submit is that apart from whether it comes under the State List or the Central List, that is a matter which is not worth considering, because the formality that is now adopted is that if we have our power, we can pass the law. If it is a thing which is in the State List, we have obtained the consent of the States. The only thing that is to be taken into account is as to how the particular individual who has been a party to the matter now pending in the Supreme Court, will be affected by the Bill that the Parliament is to consider now. The most important thing to be remembered is that it is not the Bombay State that has raised the objection that it would be prejudicial. You will see that it is the man who has succeeded in the Bombay High Court and other courts so far. If the consequence of this legislation is that the Bombay appeal is made infructuous or unnecessary, the man, who is petitioning us, has nothing to suffer. In fact, he has succeeded already. Therefore, this matter also need not raise any difficulty before us. There is one thing, namely, that the matter that we are going to legislate upon may involve directly or indirectly some embarrassment; as Shri More pointed out, it is unnecessary that we should go into the facts of the particular case that is pending. It is open to you to direct that we need not go into or refer to the facts of the pending case. Because there is a particular case pending, the powers of this House need not be kept without exercise. My submission is that this Bill is perfectly in order.

Shri S. V. L. Narasimham (Guntur): Dr. Krishnaswami has raised

his point of order on the pendency of the matter before the Supreme Court. I have also gone through the petition circulated to Members, and have come to the conclusion that there is absolutely no dispute about the powers of this Parliament to regulate these prize competitions. The question that has arisen before the Supreme Court is whether a particular competition constitutes a lottery or not and whether the restrictions imposed by the Bombay Government are reasonable or not, whether the Bombay Government has got the powers to regulate inter-State tax, etc. Nowhere has any dispute been raised about the powers of the Parliament to regulate these matters. In view of the information placed before us, I would respectfully submit that there has been absolutely no dispute about the competency of this power of regulating prize competitions. Even if the Supreme Court holds that the State Legislatures have no power in this behalf, it will in no way affect the competence of this Parliament. I would, therefore, submit that there is no substance in the point of order raised.

Shri Nageshwar Prasad Sinha (Hazaribagh East): As far as I have been able to understand, two points have been raised. The first is that this matter is *sub-judice* and the second is that it is not a game of skill but a game of chance, which falls within entry 34 of the State List, for which the Parliament is not competent to legislate unless the authority is derived from or delegated by the other States concerned.

So far as the first point is concerned, I was not in this House in the year 1950 or 1951, but I remember that there was a similar case before this House in respect of the Bihar Abolition of Zamindari Act. When the High Court at Patna declared that the Bihar Abolition of Zamindari Act was *ultra vires*, there was an appeal before the Supreme Court, and during the pendency of that appeal, as

far as I am informed, this House effected an amendment to the Constitution, the effect of which was that the *ultra vires* character of the legislation was taken out. That amendment was passed here when the matter was still pending before the Supreme Court. So, we have got a precedence and we can still find out, whether or not, in that debate matters were discussed and referred to in respect of such points as were pending before the Supreme Court for consideration.

Secondly, I can do no better justice than to quote a few lines from a very important and classic judgment on crossword puzzles which was delivered by the Lord Chief Justice of England. I will read out a few lines from it which will clear up misapprehensions. That was a case which arose in the year 1935 in respect of the Great Crossword offer of £2,000 that appeared in the *People* on the 27th January, 1935. The lower courts, of course, held that that was a game of skill and thereafter there was an appeal by the Government before Their Lordships. The learned Lord Chief Justice said:

"I have read the scheme again and again. There is nothing to suggest, much less to undertake, that the competition editor will seek to find or to prescribe the best solution. There is no clue at all to the qualifications of the editor. There is no clue at all to the frame of mind in which he will act, or has already acted at the material time. There is no clue to the criterion, if any, by reference to which the standard has been fixed..."

Further, it is very important:

"It is to be the solution that is found, on examination, to coincide most nearly with a set of words chosen beforehand by somebody not known, by a method, if any not stated, that person being perfectly at liberty to act in an

arbitrary, capricious or mischievous spirit. In other words, the competitors are invited to pay a certain number of pence to have the opportunity of taking blind shots at a hidden target."

So, thereafter, the learned Judge held that it was not a game of skill but that it was a game of chance. These matters can be disposed of now and I think there is nothing to doubt our legislative competence and so this Parliament should proceed with this Bill.

Shri U. M. Trivedi (Chittor): May I be allowed to raise another point of order?

Mr. Speaker: Let us first dispose of the first one.

Shri U. M. Trivedi: It will go together; it will help you.

The Statement of Objects and Reasons gives a misleading statement in paragraph 2 that the subject matter of the proposed legislation falls within entry 34 in List II of the Schedule VII to the Constitution. It was suggested by Shri More and I reiterate the position. Betting and gambling are the only subjects which are covered by item 34. If this Parliament is going to legislate on this particular subject, the subject covered by this Bill; then it should come only under the residuary powers of this Parliament and if it comes under article 248, the Parliament is competent. This misleading statement will create a sort of difficulty in the application of the laws to the various State which have not passed resolutions asking for the passing of this legislation. So, to begin with, if the second paragraph of the Statement of Objects and Reasons is dropped, then my submission is that we are competent to legislate. Then it will clear all difficulties for the future and the law will apply to the whole of India without any reservation whatsoever. My submission is that from the Statement of Objects and Reasons, Government should see to it that this paragraph 2 is dropped.

Some Hon. Members rose—

Mr. Speaker: No more argument is necessary. We have argued the question for nearly 45 minutes or 40 minutes. I am prepared to hear the hon. Minister. To my mind the point is very clear and simple.

Pandit G. B. Pant: Since you, Sir, have been pleased to ask me to say something in reply to the arguments advanced by Dr. Krishnaswami, I submit to your orders; but I am interested in getting a correct ruling and not in taking the time of the House myself.

I have listened to Dr. Krishnaswami with amusement and amazement. That is all I have to say.

Mr. Speaker: To my mind, the point is very small and very clear. There have been arguments on different aspects; they are no doubt very learned but some of them seem to be irrelevant.

Nobody doubts the competence of this House. Shri Raghavachari explained the position, I think, very well. Whatever name you give it, it will be for the courts later on to decide whether this is betting or gambling. What you call gambling or betting may or may not be so. The Act, if challenged in a court of law, (if the Bill is passed into an Act), will be the subject-matter of interpretation by courts including the question of the powers of this House.

The only small point raised is as to whether pending an appeal, the matter being *sub-judice*, this Bill should be taken up, if taken up, the fear is expressed that there will not be any full and free discussion or debate. That seems to be the only point at issue to my mind.

Now, if the hon. Members will look to the Bill and take the contents of the petition as correct, I am not quite sure whether the petition represents all aspects of the matter. It certainly represents those aspects which affect the petitioner. But whatever that may be, the issue is very limited.

There has been a certain dispute between certain parties and the Government of Bombay in which it appears that one issue was about the competence of the State legislature to control this kind of transactions—call them gambling, trade, industry, whatever you like—when it was outside the limit of the State. That seems to have been one point. I must say I have not read the full judgment of the first court: I only read the headlines; but that seems to me the point. The first court held that some parts of the legislation were *ultra vires* of the Government of Bombay. The appeal court took a different view; they did not hold it as *ultra vires* and thus that point is disposed of.

But it can be argued that that point is again open for argument before Supreme Court. The respondent is entitled to support his case and even to plead the same arguments which were rejected by the appellate court but upheld by the first court. For aught we know, the Supreme Court may uphold the first court. It can therefore be reasonably argued that the point of the *ultra vires* character is still a point in dispute.

But here we have to remember that this applies only to the competence of legislation by the Bombay legislature. We have nothing to do with that. Whether the Bombay legislature was competent or incompetent, the question for us is whether we are competent and that question is not raised by Dr. Krishnaswami. He concedes that this House has got the power. I am not dealing with that aspect, therefore, any longer as part of the point of order.

Now let us see why he says that the matter being *sub-judice* we need not discuss it here. I have dealt with the part of the legal aspect and whatever law might have been discussed there in the appellate judgment or the first court's judgment or is going to be discussed before the Supreme Court is not the point which we are going to discuss here at all. So, that disposes of a major portion of the argument.

What was the decision? The decision was only as regards certain specific facts and those were whether a particular set of circumstances, that have been before the courts, constitute gambling, betting and whether they are liable to the tax imposed by the Government of Bombay. These are all questions of facts; these are not general questions and the Bombay High Court did not decide as to whether gambling was good or bad whether it should be permitted or not. It was not their business to express any opinion on the policies that the Government should follow. They were only considering a certain legislation of the Government of Bombay and came to a certain conclusion. The first court came to the conclusion that it was gambling. The appellate court came to a different conclusion but it maintained the order of the first court on the ground that a licence was given and therefore the Government could not take action. That is a different proposition again.

So, my mind is clear on this point and I need not go into all details. Though Dr. Krishnaswami was good enough to request me to give a detailed ruling I do not think there is any occasion for that. This ruling is also confined to the facts of a particular case which we are considering.

1 P.M.

It has to be remembered that when the pending matter arises under a certain Act the two main questions to be considered are whether having regard to the facts of the particular case the competition amounts to a lottery and whether by reason of the licence it is protected from tax. A debate on the present Bill can take place without a reference to the subject-matter of the pending appeal. I am quite clear in my mind that we shall not and we need not discuss the facts of this case in appeal though arguments are perfectly competent on the question of the evil nature of these prize competitions, how they are arranged and how they are worked and all that. The court is not going to hear the general question; the court will res-

strict itself to particular facts of the case. Therefore, if we do not refer to the facts of that particular case to support any arguments here, there is no bar as to why this question could not be taken up in this House and I do not see how the appellants or the respondents, whoever may be interested can be prejudiced by a discussion in this House. I am clear in my mind that any debate in this House cannot prejudice the hearing of the appeal.

Then, Dr. Krishnaswami himself was good enough to point out an authority against himself and that is—what is stated in *May's Parliamentary Practice*—that this does not apply to Bills. It is the inherent power of the Parliament to legislate. Supposing there is a bad law, shall we sit with folded hands and allow the bad law to continue. The hon. Member Shri Nageshwar Prasad Sinha just now pointed out a case of the amendment of the Constitution and validation of the Bihar Act which was declared *ultra vires* by the High Court of Bihar while the appeal was pending. The legislature sits here for the purpose of taking stock as to what should be done for the welfare of the people and if the legislature feels that a particular measure declared *ultra vires* or invalid by the courts requires recasting again, I think it is perfectly competent to legislate. We have this instance of the amendment of the Constitution. It is a telling instance on that point and I need not repeat these instances here.

I may also remind the House that in this very House a Bill for controlling prize competitions was recently introduced by a private Member and it was discussed in this House even though the appeal was pending. That has happened in this House and discussion has taken place, but the private Bill was not pursued further because the Government were going to bring a Bill. So, there is a precedent also that we can discuss without reference to the particular decision or particular matter pending before the Supreme Court.

[Mr. Speaker]

I need not, I think, speak with details on the point made about the Statement of Objects and Reasons and all that. I have not been able to understand the argument. Whatever is stated in the Objects and Reasons, the Objects and Reasons are not going to control the language of the particular Bill.

Shri U. M. Trivedi: Sub-clause (2) of clause 1 does.

Mr. Speaker: What does sub-clause (2) say:

Shri U. M. Trivedi: It says:

"It extends to the States of Andhra, Bombay and Patiala and East Punjab States Union and all Part C States."

Therefore the Objects and Reasons..

Mr. Speaker: That is not incorporating the Objects and Reasons and referring to the Objects and Reasons. The Objects and Reasons are always expressed in simple language and not in the language of a law, though of course it is not very loose language. But, so far as I remember, the rule of interpretation has been that the language of the statute will be taken into consideration and only in cases of doubt that other circumstances may be referred to. But, where the language of the statute is clear, one will not be allowed to go behind the statute and, whatever the intention of the legislature is, that intention will be taken to be found in the enactment itself. Therefore, to my mind, any reference to Objects and Reasons—I will not say, is irrelevant—I will say, as a matter of courtesy to hon. Members who urge the point, that I could not understand their argument on that point.

I believe I have touched most of the important points and I need not reply to every point that has been raised. Therefore, I think I must over-rule that point of order and allow the motion to proceed, with only this request to the Members that

they will not refer to the facts—not of the law—but of the particular case under appeal. That is the only limitation on the debate. So, let us proceed. ✓

Shri Kamath: Shri M. S. Gurupadaswamy's amendment is not complete unless the names are read.

Mr. Speaker: I do not stand on technicalities of that type. If the amendment comes up for serious consideration in the House, he will suggest the names and I shall allow him to do so.

Shri M. S. Gurupadaswamy: I have given them.

Mr. Speaker: Whatever it may be I am prepared to give latitude to have the names later on. Let us see whether the House is prepared to accept that motion.

Shri Nageshwar Prasad Sinha: A little after I came to this House I gave notice of my intention to introduce an unofficial Bill on this very point and I got an opportunity of introducing the Bill in this House on the 14th of August, 1953. After that, the Bill had to pass through different processes of classifications and categorisations and thereafter it came on the order paper with my motion on the 24th of December, 1954, for consideration.

I moved my motion for consideration and after I had proceeded a little the Government intervened through the then Home Minister, the hon. Dr. Katju, who gave an assurance to this House that the Government would be coming forward with an appropriate legislation on this point and that I should not further waste the time of this House. As I thought that I was going to achieve my object, I moved another motion for adjournment of the debate and the debate was adjourned.

[MR. DEPUTY-SPEAKER in the Chair]

I am happy that today the Government has come forward with this Bill.

But, my Bill was for a complete ban of the whole system whereas the Government have come with this Bill, in which we find something, which we cannot wholly support. No doubt, we congratulate the Government for having taken an effective step in this direction, but we hope that this is the first step, and the second step that the Government will take will be to eradicate this evil from this country altogether.

I need not go into the history of these crossword puzzles, but it would not be out of place here to say a few words. Early in the eighties of the last century in Great Britain one Mr. Hamsworth, a journalist of genius, invented this device in order to boost up circulation of his paper. He thought that this was one of the best devices which could capture the imagination of the reading public and help to increase the circulation of his paper by leaps and bounds. He issued his weekly "Answers to the Questions"; he issued weekly "Tit Bits" offering curious and peculiar stories, offering prizes to the public and if I have read aright, there was one story published that the editor had hidden tubes containing 500 sovereigns each in different parts of the locality. There was the story hinting at the clues which would lead to the recovery of the tubes containing the sovereigns. One gentleman from Birmingham was reported to have found one such tube containing 500 sovereigns and one can imagine the increase in the circulation after this story was published. Then came gradually the offers of free insurance for registered readers. In other words, registered readers were insured against certain accidents, injuries and so on. Then came the system of offering free gifts to registered readers—gifts, such as chocolates, cigarettes, lighters, cameras and all those things. Finally came, what we have so far called this game of skill,—which, of course, it is not,—the crossword puzzle. There have been a series of decisions in Great Britain on this point condemning the crossword puzzles and, as I said a few minutes before, the judgement of the Chief Justice of

England in the case *Coles vs Odham's Press Limited* is classical on this point. After that, Great Britain realised that this was an evil. That judgment was delivered in 1935, but up till now in India we have not been able to follow up the principles laid down in that judgment and to bring forth any legislation until yesterday to ban this system altogether. I appreciate that the Home Minister has been able, at least, to solve the puzzles of the Government so far as crossword puzzles are concerned. We welcome this measure, but I would appeal to him to see that as soon as circumstances permit, there is a complete ban on this system.

I need not go into further details as to whether this is a game of skill or a game of chance, because that is a matter, which is still open. But I can say at least this with all the emphasis at my command, that this crossword puzzle and the system of gambling are both so much inter-twined that they are almost undistinguishable. You cannot distinguish one from the other, but the judgment of the Chief Justice of England is a settler on this point. It is clear that this game of chance cannot be classified under the head 'game of skill'; this is a gamble and a game of chance depending on lots. Here in India certain interested organisations have been running this system and they have been almost cheating the public, profiteering, blackmarketing and what not, committing all sorts of frauds. I can quote instances. The other day I got a letter from one of my friends in my own constituency. He writes to say: "Please find out whether there is any paper as *Amar Jyoti* in Delhi." I asked, "why"? The reply I got was; "One of the inhabitants here sent an all-correct solution. The first prize offered was Rs. 60,000; but the name of this man did not appear in the subsequent issue amongst the prize winners, although it should have appeared at the top." I am told that that man sent reply-paid telegrams, registered letters and so many other enquiries, because he thought he had got Rs. 60,000 as prize; but there was

[Shri Nageshwar Prasad Sinha]

no reply. I do not know what action has been taken in the matter, but if any action has been taken anywhere, I wish that the matter could be investigated with all its speed, efficiency and uprightness and the culprit brought to book immediately. I need not tell here in detail as to how the names of one-error prize winners, two-error prize winners etc. were published; but it would interest the House to know at least a few of the names. The full address was also not given. They say, "Tika Ram-Patna: Tika Ram—Kanpur..." and so on and so forth. I do not want to waste the time of the House by reading the whole list of names; I have got a copy of the paper here and I will place it on the Table of the House, so that Members may know how these puzzles are carried on at the cost of the poor.

Mr. Deputy-Speaker: The suggestion is that these are all fictitious.

Shri Nageshwar Prasad Sinha: Exactly. There is one name mentioned here—"Gov-Sevak—Poona"—I do not know how this man can be approached. The promoters of these crossword puzzles give all sorts of fictitious things. There is one name Shri A. Charan, but no address. What are all these things? The man who had sent an all correct solution had been thinking that he would get Rs. 60,000 but he was not given even 60 chips! Even now he is spending money on telegrams and so on. The point is that we do not have any reliable statistics about these prizes. I have been able to make a random and sample survey of the things and I have found that nearly Rs. 8 crores are given as prizes annually if they are given at all. In order to distribute Rs. 8 crores as prizes, they must be collecting at least 3 or 4 times that amount. It would mean that annually Rs. 24 crores are collected from the people. I do not understand why these Rs. 24 crores of the nations' money should be wasted at a time

when we are having deficit budgets and natural calamities like floods and droughts and at a time when we need money most for our development works and other building purposes.

I think this is a great social evil and it must go. There is no place for this in a welfare state like ours. We wanted that there should be a complete ban on this; but it has not been possible. We still hope that Government, who have now come forward with this Bill, and the other Members of Parliament will see that this system of competitions is banned altogether. With these words, I commend and welcome this Bill. I have got my amendments, which, of course, I will move at the appropriate place.

Mr. Deputy-Speaker: Clause 2 (d) reads as follows:

"(d) 'Prize competition' means any competition (whether called a cross-word prize competition, a missing-word prize competition, a picture prize competition or by any other name) in which prizes are offered for the solution of any puzzle based upon the building up, arrangement, combination or permutation, of letters, words or figures."

Do 'figures' mean 1, 2, 3, etc.?

Pandit G. B. Pant: Yes.

Mr. Deputy-Speaker: So far as Razona is concerned, some female figures are given and one is asked to say which is the fairest. Is that also covered by this?

Pandit G. B. Pant: Yes; that too will be covered by this sub-clause.

श्रीमती उमा नेहरू (जिला सीता पुर व जिला खेरी पश्चिमी) : इस में कोई सन्देह नहीं है कि यह बहुत छोटा सा बिल है और सिमिल भी है। लेकिन जिस वक्त यह बिल यहाँ पर शुरू हुआ उस वक्त यह तय करने में ४५ मिनट लग गये कि यह बिल सही

है या गलत, इस को पास होना चाहिये या न होना चाहिये। लिहाजा मालूम नो ऐसा होता है कि यह बहुत छोटा सा बिल है लेकिन इस बिल के अन्दर बहुत ऐसी बातें हैं जो कि जरा शोचनीय हैं ?

इस बिल को देख कर हमें यह मालूम होता है कि असल में साप्ताहिक अखबारों में जो प्राइज कम्पिटीशन बढ़ रहा है उस को सरकार कम करने चली है। लेकिन सवाल हमारे सामने यह आता है कि यह जो प्राइज कम्पिटीशंस हैं चाहे यह हजार रुपये के हों चाहे पांच हजार के हों और चाहे पचास हजार के हों यह ठीक नहीं है क्योंकि कितना ही आप कहें कि इसमें स्कल है, इंटेलिजेंस है, लेकिन इसके अन्दर एक गैम्बलिंग की स्पिरिट जरूर है और वह स्पिरिट है एक दूसरे रूप में, एक सूक्ष्म रूप में। मैं समझती हूँ कि अच्छा होगा अगर हम इस प्राइज कम्पिटीशन बिल के जरिये से इस जूये को हम बिल्कुल बन्द कर दें क्योंकि हम देखते हैं कि यह बिल जो है यह इस वास्ते है कि हमारे जो विभिन्न प्रान्त हैं, जो अलग अलग स्टेट्स हैं वहां पर यह जल्दी से जल्दी लागू हो और इस तरह से हम उनकी मदद करें। अगर हम को इस इबिल को रेगुलेट करना है या बन्द करना है तो हम को सारे भारत में इसको लागू करना चाहिये न कि केवल कुछ शहरों में या प्रान्तों में।

इसके बाद मुझे यह कहना है कि यह जो १,००० की लिमिट रखी गई है इससे भी कोई ज्यादा फायदा होने वाला नहीं है। मैं समझती हूँ कि जो रयीस आदमी हैं वह केवल पांच परसेंट हैं और वे इसकी परवा नहीं करेंगे, मगर जो बाकी के ९५ फी सदी लोग हैं वह गरीब लोग हैं मिडिल क्लास के लोग हैं और वह जरूर कोशिश करेंगे कि हमको एक हजार रुपया जो इनाम का रखा गया है मिल जावे। तो यह जो इबिल है इस से हमें निजात नहीं मिलती है।

इस सिलसिले में मैं यह कहना चाहती हूँ कि मैंने देखा है कि बम्बई में हमने प्रोहिबिशन लागू कर दी। लेकिन वहां पर जो कुछ हो रहा है वह आप सबको मालूम है। अगर आप गौर से देखें और घर घर जाकर देखें तो आपको मालूम होगा कि वहां पर वाइन स्मगल हो रही है। बम्बई में तो हमने प्रोहिबिशन लागू कर दी लेकिन चूंकि हमने इसे हैदराबाद में लागू नहीं किया और जो दूसरे उसके आसपास के इलाके हैं वहां पर लागू नहीं किया इसका नतीजा यह हुआ है कि उन इलाकों से वाइन वहां पर स्मगल की जाती है। इस लिये मैं चाहती हूँ कि अगर आपको कोई कानून बनाना है तो आपको सारे हिन्दुस्तान के लिये अगर आप बनायेंगे तो ज्यादा अच्छा होगा और इससे लाभ भी होगा। अगर हमने इस बिल को चन्द शहरों या चन्द जगहों पर ही लागू किया तो हमें कामयाबी नहीं मिल सकती है।

इस बिल को देखने से मुझे पता चला है कि एक लाइसेंस ईशू किया जायेगा और जो आदमी लाइसेंस देगा उसी के सामने जो लोग जूम करेंगे उनको अपील भी करनी होगी और वही उनको सजा भी देगा। मैं समझती हूँ कि यह ज्यादा अच्छा होता और यह ज्यादा मुनासिब बात होती अगर हम जिस तरह से कि मोटर लाइसेंस के बारे में होता है कि मोटर लाइसेंस एक देता है और अगर कोई दिक्कत होती है तो कोर्ट आफ ला में लोग जाते हैं और जो आफिसर लाइसेंस ईशू करता है उसी के सामने नहीं जाते हैं। मैं चाहती हूँ कि इसी तरह से अगर कोई ज्युडिशल इन्क्वारी हो तो ज्यादा मुनासिब होगा।

बात असल में यह है कि जितने भी यह खेल हैं, क्रासबर्ड पज्जल है, बिज है, पोकर है, या और ताश के खेल हैं यह बड़े इंटेलिजेंस के गेम्स होते हैं लेकिन इनमें जुएबाजी का धंधा जरूर पाया जाता है। मैंने अक्सर रेस्टोरों में भी देखा है कि जो जेक पाट मशीन होती है वहां पर भी जुए का खेल होता है। इस लिये

[श्रीमती उमा नेहरू]

अगर हम ध्यान से देखें तो हमारे सामने अनेकों रूप आयेंगे जिन में कि जुआ खेला जाता है। हमें इन सब को बन्द कर देना है ताकि समाज उन्नति कर सके, तरक्की कर सके। इस के साथ ही साथ मेरे सामने एक इविल और भी है कि क्या यह घोड़ों की जो रेसिस हैं या यह जो घुड़दौड़ होती है क्या यह भी एक प्रकार का जुआ है या नहीं क्योंकि मैं ने इन घुड़दौड़ों में घर तबाह होते देखे हैं। इसके साथ ही साथ मैंने तांगे वालों को देखा है कि जो कुछ थोड़ा बहुत उनके पास होता है वह भी वे लोग इस में लगा देते हैं। यह सब अगर बन्द कर दिये गये तो क्या जो डरबी के टिकट यहां बिकते हैं या जो यह जो आइरिश स्वीप के टिकट यहां बिकते हैं क्या यह भी बिकने बन्द हो जायेंगे या इन पर भी कोई रोक लगा दी जायेगी। यह रुपया बाहर से आता है। तो यह सब रूप हम इविल के देखते हैं। मैं तो समझती हूँ कि चाहे देखने में यह बिल एक छोटा सा है लेकिन मैं नहीं जानती कि यह एक सिम्पल बिल है या नहीं क्योंकि मैं कोई वकील नहीं हूँ लेकिन मैं यह ज्यादा मुनासिब समझती हूँ कि अगर इस बिल को एक मिलेक्ट कमेटी में भेज दिया जाये और वहां पर इन सब मामलों पर विचार किया जाये तो ज्यादा अच्छा है।

मेरी अपनी राय तो यह है कि चाहे इनाम १,००० रखा जाय या ५,००० रखा जाय या ५०,००० रखा जाये, यह एक इविल है और इविल ही रहता है। मैं समझती हूँ कि १,००० रखना भी उतना ही बड़ा इविल है जितना बड़ा इविल कि ५०,००० रुपये रखने का है। जैसे हम ने प्रोहिबिशन लागू कर दी है उसके बाद अगर हम यह करें कि हम ने एक बोटल शराब की पीना बन्द किया है लेकिन जो छोटा पेग है इसका पीना हम ने बन्द नहीं किया है और उसको हम ठीक समझते हैं जैसे यह बात ठीक नहीं है वैसे

थोड़े इनाम का रखा जाना भी ठीक नहीं है। इस वास्ते मेरी प्रार्थना है कि इस इविल को बिल्कुल बन्द कर देना चाहिये।

श्रीमती शारदाबती नेहरू (जिला लखनऊ—मध्य) : यह जो प्राइज कम्पीटीशंस बिल आज सदन के सामने है इसका अभिप्राय है देश में जुआखोरी को बन्द करना। इस कारण मैं इसको बहुत उचित और ममयानुकूल भी समझती हूँ। इस प्राइज कम्पीटीशंस के पदों में हमारे देश में एक बहुत बड़े पैमाने पर जुआ खेला जाता है। जिस तरह से शराबखोरी को हम बुरा समझते हैं उसी प्रकार जुआखोरी भी एक दुर्व्यसन और बुरी लत है जिस से आज हमारे देश में सैकड़ों घर बरबाद हो रहे हैं समाज को इस दुर्व्यसन से बचाना और उसकी आत्मा और उसके चरित्र को इस बुरी लत से छुड़ा कर ऊपर उठाना सरकार का कर्त्तव्य है। हमारे देश में आज कल जितने भी साप्ताहिक अखबार और मगजीन हैं उन सभी में यह क्रासवर्ड पजल रहते हैं और मैं समझती हूँ कि अधिकतर लोग तो इन अखबारों को इसी पजल के कारण ही खरीदते हैं और इन को भर भर कर भंगने में अपना सारा समय और धन नष्ट करते हैं। वे ऐसा इसलिये करते हैं इस आशा में कि कभी न कभी हम को सफलता अवश्य प्राप्त होगी और किसी न किसी दिन हमको यह प्राइज मिलकर ही रहेगा। अपना धनमोल जीवन और मेहनत को कमाई इस जुए में बरबाद करते हैं लेकिन सिवाय अफसोस के और कुछ उनके हाथ नहीं आता है क्योंकि यह प्राइज तो कभी किसी विरले मनुष्य को ही मिल पाते हैं। यह प्राइज कम्पीटीशन चलाने वाले कितना अधिक धन इकट्ठा करते हैं यह कोई नहीं जानता। जबकि बाबू बाबू समय तो एक लाख रुपये तक का इनाम घोषित किया जाता है। फिर यह भी निश्चित

नहीं होता—उपाध्यक्ष महोदय, कि इन प्रतियोगिताओं को ईमानदारी से चलाया जाता है या यह इनाम केवल अपने ही घेरे के लोगों में या अपने ही यात्र दोस्तों में बाँट कर बाँट लिये जाते हैं। और इस प्रकार से जनता को बेवकूफ बना कर लूटा जाता है। कुछ लोगों का यह कहना है कि यह जो कम्पटीशंस हैं यह गेम्बल आफ स्किल है और योग्यता बुद्धिमानी और विवेक के खेल है। और इन से हिन्दी व अंग्रेजी भाषा का ज्ञान बढ़ता है। मैं समझती हूँ कि यह बात बिल्कुल निस्सार व निर्मूल नहीं है, इसमें कुछ तथ्य अवश्य है। मैं भी यह मानती हूँ कि इन को बन्द कर देने से हमारे देश के अलवारों की भी बहुत हानि होगी। आज कल हमारे देश के जो अलवार हैं वह कोई बहुत Profit basis पर run नहीं कर रहे हैं। उनकी अल्प आय इनको बन्द कर देने से और भी कम हो जायेगी। यह विधेयक जो कि हमारे सामने लाया गया है उससे सरकार ने केवल १००० रुपये तक ईनाम रखने की आज्ञा दी है। यह रकम इतनी थोड़ी है कि अधिक लोगों का तो इससे उत्साह ही ठंडा पड़ जायगा, और फिर उनको फ़ायदा पज़ल साल्व करने में कोई दिक्कत नहीं रह जायेगी। तो फिर ऐसी प्रतियोगिताओं के लिये जैसे best story, artical कि बेस्ट स्टोरी essay लिखना, आदि के लिये, जो कि योग्यता बढ़ाने वाली चीजें हैं, यदि सरकार थोड़ी बहुत और रकम बढ़ा दे तो मैं समझती हूँ कि इससे न कोई हमारे समाज को नुकसान पहुँचेगा और न इससे देश को कोई धक्का पहुँचेगा। बल्कि इससे जो थोड़ी बहुत समस्याएँ हैं उनका समाधान हो जायगा।

दूसरी बात यह है कि मैं अपनी सरकार से यह चाहती हूँ कि जो फ़ायदा पज़ल बनाने वाली कम्पनियों पर यह कानून लागू किया जाय कि व जब इनाम बाँटें तो उमका रुपया किसी को नकद न दें बल्कि उसके National स्माल सेविंग Post Office सर्टिफिकेट्स खरीद कर दें।

फिर सरकार इस पर कुछ कम सूद भी कर सकती है, जैसे दो तीन रुपय का सूद। यह रुपया जो उन लोगों को मिलेगा वह उनका अपना लगाया रुपया नहीं है इसका कारण यदि कभी भी इस पर उनको कुछ सूद मिल जायगा तो उसमें उनको और लाभ ही होगा।

इसके अतिरिक्त मैं चाहती हूँ कि जो लोग फ़ायदा पज़ल साल्व करते हैं उनके लिये यह नियम बनाया जाय कि वे दो से ज्यादा एंटीज न दें सकें। आम तौर पर होता यह है कि एक आदमी पन्द्रह पंद्रह, बीस बीस, पच्चीस पच्चीस या तीस तीस एंटीज एक एक फ़ायदा पज़ल की बनाता है और उनमें से कुछ को अपने नाम से, कुछ को अपनी बच्चों के नाम से और कुछ को बच्चों के नाम से भेजता है। जितने भी उस पज़ल के हल हो सकते हैं उन सब के लिये इस प्रकार से एंटीज भेजी जाती है। इसमें बहुत रुपया भी खर्च हो जाता है तो उनको उसका परवाह नहीं होती क्योंकि उनको इस बात का पूरा विश्वास रहता है कि जब हमने इसके सभी प्रकार के हल बना कर भेज दिये हैं तो इनमें से एक न एक हल अवश्य ही सही होगा और हमको यह इनाम जरूर दी मिल जायगा। इसलिये यदि ३० या ३५ हजार का प्राइज मिलने वाला है उसके लिये कोई भी रुपये भी खर्च कर देता है तो वह उसको कोई बड़ी बात नहीं समझता। लेकिन उनको अफसोस तो तब होता है जब उनमें से कोई हल सही नहीं निकलता और वे कामयाब नहीं होते और उनको कोई प्राइज नहीं मिलता। कभी कभी ऐसे लोगों के मस्तिष्क पर भी बुरा असर पड़ जाता है, क्योंकि उनको पूरा विश्वास होता है कि हमने जब सभी प्रकार के हल निकाल कर भेज दिये हैं तो यह निश्चय है कि हमारा एक न एक हल अवश्य सही होगा और हमको जरूर प्राइज मिलेगा। ऐसे लोग पहले से ही अपने ख्याली पुलाव बनाते हैं कि जो रुपया

[श्रीमती शिवराजवती नेहरू]

मिलने वाला है उसका मोटर खरीदेंगे, बिलायत जायेंगे और न जाने क्या क्या करेंगे। लेकिन जब व कामयाब नहीं होते हैं तो उनको बड़ा पश्चाताप व Shock होता है इसका असर उनके मस्तिष्क पर होता है और उनका स्वास्थ्य खराब हो जाता है। इसलिये मेरा निवेदन है कि किसी भी मनुष्य को दो से ज्यादा एंटीज एक पत्रिल के लिये भेजने का इजाजत नहीं होनी चाहिये।

अगली बात मैं यह कहना चाहती हूँ कि फ़ासवर्ड पत्रिल बनाने वालों को जो पब्लिक से प्राइज देने के लिये धन प्राप्त होता है इस धन का हिसाब पूरा पूरा और ठीक ठीक रखा जाय और इसके ऊपर सरकार अपना पूरा पूरा नियंत्रण रखे।

आखिरी बात मुझे यह कहनी है कि यह जो प्राइज कम्पिटिशन चलाया जाय इसको मद्दी मद्दी और ईमानदारी के साथ चलाया जाय। उसकी भी हमारी सरकार जांच पड़ताल करे और उस पर अपना कंट्रोल नियंत्रण रखे।

इन चन्द मुद्दों के साथ मैं इस बिल का समर्थन करती हूँ।

Mr. Deputy-Speaker: Shri S. V. L. Narasimham. I will give preference to Members who come from Andhra, Bombay and PEPSU.

An Hon. Member: Hyderabad.

Mr. Deputy-Speaker: Hyderabad is not included here.

Shri T. N. Singh (Banaras Distt.—East): U.P.

Mr. Deputy-Speaker: U.P. is not included here.

Shri Raghunath Singh (Banaras Distt.—Central): U.P. has passed a resolution in this respect.

Mr. Deputy-Speaker: This merely refers to Andhra, Bombay and Patiala and East Punjab States Union. I

shall give preference to them, and call others next.

Shri Raghunath Singh: U.P. has also passed a resolution.

Mr. Deputy-Speaker: Let them persuade their State Governments to include them.

Shri U. M. Trivedi: Madhya Bharat.

Mr. Deputy-Speaker: All that can be done, but they are not here.

Shri S. V. L. Narasimham may proceed to make his speech.

Shri S. V. L. Narasimham: I am listening to the speech of the hon. Home Minister with rapt attention, and I was wondering to myself whether his speech does not call for a total prohibition of these prize competitions.

We can see that the newspapers by freely and widely advertising these prize competitions have been making large income. The expense that is incurred by these promoters of the prize competitions for the pompous and wide publicity they give in the papers should necessarily lead us to the inference that these promoters have been making fabulous profits.

The hon. Home Minister concedes that the victims of these puzzles which, to use his own words, amount to either a gamble or a swindle, happen to be the persons who belong to the poorer sections of society, and not much of the richer sections. He also conceded that it is the impoverished educated middle classes that are the worst victims. I would just request you to imagine for yourself as to how it is that the persons of educated class practically rush to be subscribers of these competitions. I may straightaway submit that their frustration, in life necessarily leads to a state of desperation, and in that state any straw is caught at as a relief. So, this is an occasion for us and also for the Government to realise the conditions under which the educated middle classes live in our country and how they are struggling. I would respectfully submit that the

mere passing of this legislation will not by itself relieve them of their distress. We must create conditions to improve the economy of the country and see to it that there shall be no problem of unemployment among the middle classes.

The previous speakers have already stated before the House that there are instances where a prize is advertised, a huge amount is also announced, but the prize does not go to the man who really deserves, but is distributed freely amongst persons who happen to be intimately related to the promoters themselves. Thus, it is clear that there is no difference of view that this evil is wide and very rampant and should have been stopped long, long ago. As such, I would naturally have expected total prohibition of these competitions.

There may be friends who argue that if we are going to prohibit totally all these prize competitions, then there will be no encouragement to skill or intelligence. The aims and objects as mentioned in the Bill also make the position clear. How is it that we can reconcile the idea of total prohibition with the scope for intelligence and skill?

When I come to the provisions of the Bill I find that licensing authority will be appointed which will have the power either to grant or refuse a licence. In the event of refusal of licence, it is said that the grounds must be given in writing. Against this an appeal is also provided. If we really stand by the aims and objects that have been mentioned in the Bill itself, I suggest that they can be achieved in this manner. As it is, we say that the licensing authority shall grant licence only when it is satisfied that the competition is not opposed to the interests of the public and does not encourage gambling. Only then a licence should be granted. If that were to be the way in which we are going to give guidance to the licensing authority to exercise its discretion, I would submit that all prize competitions which smack of the gambling spirit or swindling should be totally

prohibited and at the same time we shall certainly maintain the scope for persons of skill and intelligence. I would go a step further and submit that when an Act is passed, it is not the aim and object which will be looked into. We can achieve the object only by indicating in the provisions of the statute itself how the licensing authority should use its discretion. So, the grounds on which a licence can be granted should be specified in the Bill itself. Otherwise, we do not know what qualifications will be prescribed for the person to be appointed as the licensing authority, and whether the licensing authority will be a person who can really be credited with sufficient skill or intelligence to decide whether a particular competition is going to lead to good results or bad results. So, I reiterate the necessity of laying down in the statute itself the conditions governing the grant of licence.

Another observation I should like to make is in regard to appeals. In the Bill as it stands, it is provided that in case of refusal, suspension or cancellation of a licence, an appeal shall lie to the local Government. I would respectfully submit that it is always safe to give this power to hear an appeal to a competent court of law; it may be a district judge or a High Court Judge, to whom this power can be given. As it is, it is an employee of the executive who is going to decide the question of grant of licence, and the executive itself is going to be the appellate authority. This indeed is amazing. This particular aspect can be remedied in the manner which I shall suggest presently.

Under the Bill itself, there is provision that if a person is prosecuted for contravention of any of the restrictions imposed under this law, a presidency magistrate or a first class magistrate will try the offence. In case he comes to the conclusion that the accused is guilty, then an appeal lies to the higher court. What is there to prevent us from conferring these powers to hear appeals on that court itself? If the court can, in the event

[Shri S. V. L. Narasimham]

of a conviction and appeal, hear that appeal, it can also hear the appeal against the licensing authority who refuses the licence, or suspends the licence or cancels the licence.

I hope these facts will be taken into consideration by the hon. Home Minister at the time of the consideration of the clauses. Generally, I welcome the Bill, though I feel that it is only a half-hearted measure, and I had expected, judging from the speech of the hon. Minister, Government to come forward with a bold measure for a total prohibition of these prize competitions which are nothing but avenues for plunderers.

Shri Dabhi (Kaira North): I welcome this Bill seeking to control and regulate prize competitions, though I do not understand why Government have not brought forward a Bill banning these so-called prize competitions altogether, for they themselves have admitted in the Statement of Objects and Reasons that:

"Though they purport to be games of skill, they really provide a form of gambling to the public. These competitions have a deleterious effect on large sections of the people."

The greatest objection to these prize competitions is that they tempt people to seek easy money. The menace has not been confined to the cities and towns only or to particular classes of people. It has spread to distant villages, and among all classes of people. The young and the old, men and women, students and teachers, private people and government servants are day after day wasting their time and energy and their hard-earned money in these prize competitions, in the fond hope that they will....

Shri V. P. Nayar (Chirayinkil): Members of Parliament also.

Shri Dabhi: ...find themselves one fine morning as lakhpatis or millionaires

I shall give you just a few specimens to show how people are tempted to fill in the entries for these prize competitions. I shall give you the captions of some of these prize competitions. There is one prize competition called देदीप्यमान सवाई लक्षपति दीपोत्सवी ब्यूह offering a prize of Rs. 1,25,000 for As. 5. Another is called दंपती ब्यूह offering prizes worth Rs. 8 lakhs, the first prize being Rs. 2½ lakhs in As. 5. A third one is called शुक्रनपती (auspicious) विक्रम ब्यूह offering a prize of six digits. A fourth one is called अलबेली नारी ब्यूह यत्र नायंस्तुपूज्यन्ते रमन्ति तत्र देवता offering a prize of Rs. 3 lakhs in As. 10.

Mr. Deputy-Speaker: How does it come in As. 5?

Shri Dabhi: Really I myself do not know how it comes in As. 5. Then, there is the नातालि ब्यूह which offers Rs. 4½ lakhs in As. 10. And this is what is written below the heading of that competition:

"Prosperity as perpetual as the streams of the Ganges and the Yamuna has come in search of you. Tenzing struck the whole world in wonder by conquering the Himalayas. He unfurled the flag of Bharat's glory on the top of the Himalayas. This is as great as the Himalayas has presented itself to you, and its one prize is sufficient to brighten your whole life."

These are the ways in which the gullible people are being tempted.

It is argued that these are games of skill. In this connection, I would like to quote to you an anecdote from Shri Mahadev Desai's diary. When Shri Mahadev and Sardar Vallabhbhai Patel were in the Yerwada jail, both of them thought of filling in some entries of a prize competition just for amusement's sake. This is what Shri Mahadevbhai says at page 75, Vol. I of his diary, under the date 15th April 1932:

"We did not get any prize in the Trade Symbol competition of the *Bombay Chronicle*. Vallabh-bhai laughed and said, "We have been unlucky and made fools of ourselves". Bapu said, "It is not a matter of intelligence alone. Chance also plays a big part, and we cannot give one moment of our time or one pie of our money to games of chances'."

Mr. Deputy-Speaker: The hon. Member wants to say that even great men have been tempted.

Shri Dabhi: I wanted to point out the way in which these allurements have been held out. The instance I have narrated would show whether these prize competitions are games of skill at all. When even our Mahadevbhai or Sardar Vallabh-bhai could not succeed, how can they be called games of skill?

Shri Gidwani (Thana): This is the temptation. So, they should be completely banned.

Shri Dabhi: I do not understand why these prize competitions could not have been banned altogether. In the Bill, it is provided that Rs. 1000 will be the total value of the prize that can be offered in one month. But when the Press Commission themselves have expressed their views against these prize competitions, I do not see why we should permit a maximum of Rs. 1000 in a month. I would suggest that the total value should be reduced to Rs. 500 in a month. I have moved an amendment to this effect, and I shall speak on it when we come to the consideration of the clauses.

When once we say that these prize competitions are merely forms of gambling or lotteries, I do not see how by reducing the prize offered, we can convert them into games of skill or intelligence. Anyhow I welcome this Bill. We have begun well, and I hope a time will come when we shall ban this menace altogether from our country.

Mr. Deputy-Speaker: Now, I call Shri Radha Raman. He is from a Part C State.

Shri S. S. More: Has the right of Bombay State been exhausted?

Mr. Deputy-Speaker: The right of Bombay is coming. Bombay will get a chance.

श्री राधा रमण (दिल्ली नगर) : यह मंत्री जी ने जो आज इस विधेयक को बहस के लिये सदन के सामने पेश किया है, उसका मैं स्वागत करता हूँ। हम बहुत दिनों से एक ऐसे विधेयक की प्रतीक्षा कर रहे थे और जमा कि अभी हमारे मित्र ने इस सदन में बतलाया कि एक ऐसा ही विधेयक दो वर्ष पहले उन के द्वारा इस सदन में प्रस्तावित हुआ था उस समय उन तमाम पहलुओं पर काफ़ी बहस हुई थी जिनका सम्बन्ध इस विधेयक से है तथा जो अच्छे और बुरे इसके परिणाम हम अपने देश में देख रहे हैं। और अन्त में हमारी सरकार ने यह वायदा किया था कि वह इस प्रकार का विधेयक जल्द से जल्द इस सदन के सामने लायेगा तो अब जब कि यह विधेयक सदन के सामने आया है तो हर एक व्यक्ति, जो उस समय भी महसूस करता था और अब भी महसूस करता है कि इस तरह का विधेयक आना चाहिये इसका स्वागत करेगा।

यह विधेयक बहुत छोटा है और मैं समझता हूँ कि उन तमाम पहलुओं पर इस विधेयक में ध्यान नहीं दिया गया है जो हमारे देश में एक कोने से दूसरे कोने तक प्राइज़ कम्पिटिशन या फ़ासबर्ड कम्पिटिशन या पिक्चर कम्पिटिशन के रूप में फैली हुई बिहस से संबंधित हैं हमें देश की सांस्कृतिक मर्यादा का ध्यान करते हुए और यह देखते हुए कि आने वाली सन्तान को अच्छे उम्मीदों पर चलाता है, अच्छे मार्ग पर ले जाना है, देखना पड़ेगा कि इस प्रकार के कम्पिटिशन हमारे देश में न चले। अगर यह चलते हैं तो यह हमारे लिये बड़े दुःख की बात है। बहुत सारे पत्र इन कम्पिटि-शन्स के द्वारा अपने नाम को कायम रखने में कुछ समर्थ हो जाते हैं, लेकिन इस का जो परिणाम होता है वह उस के मुक़ाबिले में कहीं ज्यादा हानि होती है।

[श्री राधा रमण]

इस बिंदु या इस प्रकार के कम्पटीशन का मार्ग पिछले १५, २० वर्षों में बहुत-ज्यादा खुला है, और जैसाकि अभी कुछ भाइयों ने सदन के सामने धाकड़े वगैरह दे कर और पत्रों में से भी पढ़ कर बताया इन में बहुत बड़े बड़े फिगर रखे जाते हैं इनाम वगैरह के, क्योंकि जितनी बड़ी रकम एक अखबार घोषित करता है, उतने ही ज्यादा लोग उस के अन्दर फंसते हैं। आम तौर से साधारण आदमियों की प्रवृत्ति होती है कि किसी न किसी तरह वह धन प्राप्त करें और पैसे को अपनी तरफ खींचें। यह कहना बिल्कुल गलत होगा कि इस प्रकार के कम्पटीशन गेम आफ स्किल होते (Game of skill) हैं। उन में स्किल का अंश शायद ही ५ प्रतिशत होता हो, ९५ प्रतिशत तो केवल ऐसे कम्पटीशन होते हैं जो अखबार की अधिक बिक्री के लिये होते हैं, या इस लिये कि एक व्यक्ति या एक संस्था बड़े बड़े इनाम मुकदर कर के आम लोगों की जेबों से हजारों रुपये निकाल ले और उसका कोई हिसाब भी न दे तथा उसको अपने उपयोग में लाये। अगर आप इस प्रकार की संस्थाओं की शुद्धता को तथा उन की आज की अवस्था को देखेंगे तो उस से आप को स्पष्ट मालूम हो जायेगा कि उन लोगों ने बहुत थोड़ी रकम लगा कर ऐसा कम्पटीशन शुरू किया और आहिस्ता आहिस्ता लाखों और करोड़ों रुपये उन के पास आ गये। वह हिन्दुस्तान के पत्रों में भी समय समय पर घोषणायें करते हैं जिन में वह जनता से कहते हैं कि हम १० लाख रुपये, ५ लाख रुपये या १ या २ लाख रुपये प्राइज के तौर पर लोगों को इनाम में देंगे। पर आखीर में न तो यह पता चलता है कि वह इनाम किस को मिला न इस का ही पता चलता है कि किस को नहीं मिला। अगर किसी को मिलता भी है तो उस को १ लाख में से १० हजार दे दिया जाता है बाकी संस्था खुद ले लेती है। इस प्रकार की प्रणाली आज खूब चल रही है और

बहुत सारी संस्थायें इस प्रकार की बन गई हैं जो छोटे छोटे लोगों से जो कि बहुत धन अपने पास नहीं रखते, थोड़ा थोड़ा रुपया इकट्ठा करती हैं और अन्त में उस सारे रुपये को अपने ही उपयोग में ले लेती हैं। बहुत कम रकम इनामों में तकसीम की जाती है, यह बात मैं दावे के साथ कह सकता हूं।

पहली बात तो यह है कि देश में ऐसी भावना पैदा हो गई है कि नौजवानों की प्रवृत्तियों को उभारें और इस प्रकार जो थोड़ा बहुत धन उन के पास है उस को ऐसे कामों में लगाने का प्रलोभन दें। अगर हमारी सरकार ऐसा करने देती है तो यह उस के लिये कहां तक उचित होगा, यह बात सदन के सामने है। इसलिये इस प्रकार का विषयक बहुत मुनासिब और सामयिक है और हम तो समझते थे कि यह बहुत पहले आयेगा, लेकिन खैर, अब आया है और इस रूप में आया है, तब भी हम इस का स्वागत करते हैं। एक नये रास्ते पर चलने के लिये हमारे वास्ते यह एक नया अनुभव प्रदान करेगा। मैं यह मानता हूं कि बहुत मुमकिन है कि कुछ अखबार वाले या कुछ संस्थायें इस विषयक की पकड़ में आ जायेंगी और उन का कुछ नुकसान भी हो सकता है, लेकिन हमें इस बात का विश्वास है कि इस का बहुत अच्छा अंतर मुल्क पर और मुल्क के नौजवानों पर पड़ेगा और जो मेहनत से कमाया हुआ धन आज आहिस्ता आहिस्ता लोगों की जेबों से निकलता है और एक व्यक्ति या एक संस्था के पास चला जाता है, वह रुक जायेगा और जिस बात का भी अभी हमारे एक भाई ने इशारा किया है कि उस से देश का बहुत नुकसान होता है, और जो एक बहुत बुरी बात है, अर्थात् जब एक इनाम १०,१० और ५, ५ लाख रुपये का घोषित होता है तो एक एक आदमी एक एक हजार और पांच पांच सौ एन्टीज मेजता है, वह समझता है कि अगर एक एन्टी सही नहीं होगी तो दूसरी होगी, दूसरी नहीं सही होगी तो तीसरी होगी,

इस तरह में उस की आकांक्षा खत्म नहीं होती और वह एन्ट्री पर एन्ट्री भेजता है, वह भी रुक जायेगी। एक एक घादमी जिस वक्त ५००, ५०० या १०००, १००० रु० की एन्ट्री भेज कर उम्मीद पर बैठा रहता है कि जिस इनाम की घोषणा किसी व्यक्ति, अखबार या संस्था ने की है, वह उसे मिलेगा, उस समय वह धन का भी अपव्यय करता है और समय भी खगत्र करता है। मैंने कई ऐसे मित्रों को भी देखा है कि जब उन को इस प्रकार का रुपया मिला है तो जो उन का जीवन स्तर था वह बजाय ऊपर उठने के गलत रास्ते पर चला गया। जो रुपया उन्हें मिला था उस से उन्होंने अपने जीवन में ऐसी बुराइयां करनी शुरू कर दीं जिन में बहुत शीघ्र ही सारी रकम उन के हाथ से जाती रही और उन को बजाय फायदे के नुकसान हुआ।

तो जहां हम इस बिल का स्वागत करते हैं और स्वाहिसा करते हैं कि इस को पास किया जाय वहां हम यह भी चाहते हैं कि छह के अन्दर वह संस्थायें भी प्रा जायें जिन को कि हमने इस में छूट दी है कि वह १००० या ५०० रु० का कम्पिटेशन रख सकती हैं और उससे ऊपर हम उनको लाइसेन्स देंगे। अगर उन को भी रोका जाय तो ज्यादा अच्छा होगा और इस का बहुत अच्छा असर पड़ेगा। लेकिन अगर सरकार यह समझती है कि यह आवश्यक है कि किसी न किसी रूप में हमारे देश में इस प्रकार के कम्पिटेशन चलते रहने चाहियें, और इस विधेयक का अभिप्राय यह है कि सिर्फ तजुर्बा कर के देखा जाय कि इस से क्या हानि या नाम होता है तो भले ही आप इस विधेयक को इस रूप में रखें, अन्यथा सारे भारत में इस का पूर्ण बहिष्कार होना चाहिये। इस विधेयक को हम ने सिर्फ चन्द मूकों में और पाटं मी स्टेट्स में ही लागू करने का विचार किया है। मैं समझता हूँ कि यह विधेयक ऐसा होना चाहिये कि जिसे सारे देश में लागू किया जा मके और इसे इतना पूर्ण बनाया जाय

कि सम्पूर्ण देश में इस प्रकार के कम्पिटेशन न किये जा सकें जिस के कारण प्राज हमारे यहां के बहुत से नर और नारी फंसते हैं और अपनी गाढ़ी कमाई का रुपया लगा कर इन में हिस्सा लेते हैं और जब अन्त में उन को कुछ प्राप्त नहीं होती तो वह कहने लगते हैं कि शायद हमारी किस्मत में ही नहीं था कि यह इनाम मिले। हालांकि कोई भी यह नहीं जानता कि वह किमी को मिला भी या नहीं।

इस लिये विधेयक का स्वागत करते हुये मुझे इस बात की पूर्ण आशा है कि हमारे गृह मंत्री जी ने जिन भावनाओं से इस विधेयक को यहां रक्खा है उन को देखते हुये इस में जो अपूर्णतायें हैं वह भी दूर की जायेंगी और सारा भारतवर्ष इस बिद्दत से बच सकेगा जिस से कि हमारे बहुत सारे भाइयों और बहनों का इतना अहित होता है।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ।

Shri M. D. Joshi (Ratnagiri South): Crossword puzzles are a kind of organised swindling of the innocent public. Various daily newspapers which are very ably conducted are, on the one hand, trying to educate the public mind and on the other, are carrying this poison—disseminating this poison—through their advertisement columns, amassing fabulous sums of money from poor pockets. I know from my own district, which happens to be a very poor part of the country, lakhs and lakhs of rupees are every month going out of the pockets of poor people on account of this, and primarily for this reason, we have been feeling for years together that a measure of this kind was a sore necessity. So this Bill is most opportune; but, as my hon. friend, Shri Dabhi, said, it does not go far enough. It still allows competitions to the extent of Rs. 1000; that means the prize will be Rs. 1000. That means that it is like a temperance measure, not a prohibition measure. Temperance measure allows people to drink but not go tipsy.

[Shri M. D. Joshi]

So, this measure seeks to allow people to give entries for competitions but not lose enough money as to make them poverty-stricken. I do not know how that evil can be prevented in this way. I do not find anything in the Bill which limits the number of entries that a man can give. As stated before by my friend, Shri Radha Raman, people are tempted to give any number of entries. I shall give an instance which actually occurred some years ago. One of my friends, a poor clerk, gave actually 144 entries by putting all the permutations and combinations, and had to pay Rs. 144 at Re. 1 per entry.

2 P.M.

Mr. Deputy-Speaker: Did he get anything?

Shri M. D. Joshi: He did not get the prize. That is the fun of it. The result was that one of his entries coincided with the result published by the newspaper, and naturally he claimed the prize, but he was told that he would not get it. Then he came for legal advice and I gave a notice to the newspaper or the particular concern which had given this advertisement. Then those people saw that there was trouble ahead, and then there was a compromise. They said that they would return him his amount. The money was returned to him.

Pandit Thakur Das Bhargava: The entire amount of Rs. 144?

Shri M. D. Joshi: Yes, the poor man got back that money. I do not know how many hundreds and thousands of people are there who are daily and weekly giving such entries and losing their money (*Interruption*). Then again advertisements publish quotations from Gnaneshwar, Saint Tulsi-das and Tukaram....

Mr. Deputy-Speaker: For this competition?

Shri M. D. Joshi: Yes. They take out quotations from such great people and publish very good headlines,

as if to lead ignorance people to believe that Gnaneshwar asked them to indulge in such gambles. This is the way in which poor, innocent people are drawn into this vortex of calamity. Unless a ban is put on the number of calamity. Unless a ban is put on the number entries that can be accepted, this evil will, I think, enhance the possibility of people falling into the pit. What happens is this. The promoters of a particular scheme accepts entries. Each time they get lakhs of rupees, but a prize of Rs. 30,000 or Rs. 20,000 or Rs. 15,000 and some consolation prizes to the total extent of, say, Rs. 50,000 are distributed; they get several thousand rupees more. Now, we are going to limit the prize to Rs. 1,000, but unless the number of entries is limited, the result will be that the man who floats the scheme will profit more. Therefore, the number of entries must be limited otherwise, the evil-doers will prosper more and the poor people will continue to be the victims.

Shri A. N. Vidyalankar (Jullundur): There could be chance of any return of the money.

Shri M. D. Joshi: The man got it in the particular case I cited, but it was only case in a thousand and was an exceptional case. To allure the people, they publish photographs. A man with a small family gives entries in the name of his daughter or son who is perhaps one year old and this sort of thing goes on. It is catching contagion and this must be averted at all costs. I appeal to the hon. Home Minister to make it a prohibition and not a temperance bill.

Shri S. S. More:—

Mr. Deputy-Speaker: I think he has already spoken on the point of order and I thought of giving him a chance on the clauses.

Shri S. S. More: I would like to bring forward one or two important points now.

According to the Statement of Objects and Reasons, this Bill is being

brought forward under article 252, which says:

"If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act...."

This particular article assumes that Parliament has no power to legislate regarding the particular matter. I speak in a brief manner because I had argued that matter at the time the point of order was raised. I feel that it will be very difficult to say that every prize competition is a matter of betting or gambling and that it comes under entry 34 of List II. There may be certain competitions which may not be in the nature of gambling competitions or betting competitions and yet all the same they may offer irresistible temptation to the common people and the people have to be saved from temptations. It is we poor people or middle-class people who are prone to be tempted into such affairs. Life itself is a big gamble and particularly politics is also another sort of gamble. Most of us are always victims to that type of gambling. Most of us would not enter politics if we had not been victims to this craving for gambling. In the case of many competitions, it will be quite open for anyone to argue that there is no element of chance and that it is a matter of skill or intelligence. If it is held to be a matter of intelligence or skill, then it will not come under entry 34. If it does not come under entry 34, it will not come under the present measure which is conceived under entry 34. And if it does not come, in certain matters the offenders are likely to escape. I would rather request the hon. Home Minister to take this measure under article 248 under our residuary powers and make it applicable to all the States.

There is one more harmful effect which is likely to flow. You know that Bombay is one of the States which has passed the resolution. There may be many States which may not be persuaded to pass a resolution to that effect. The traffickers in all these prize competitions will immediately migrate to those States outside the purview of this legislation and the people of those States will be automatically the victims of this evil concentrated in those areas. I would make a request to the hon. Minister to have two strings. He can take the matter under article 248 under the residuary powers of this House to legislate for the whole of the country.

There is one more argument which I want to advance, with your permission. If it is held to be an evil, that is, if betting and gambling are held to be an evil, then the argument that is advanced by many is how we are permitting betting and gambling. If it is an evil, it is an evil not only in the case of prizes of more than Rs. 1000 but also in the case of a prize which carries even Rs. 5. This legislation will come into conflict with many gaming Acts of provincial legislatures banning gaming or gambling completely. The State Act will say that nobody can trade in future on price competitions and all the same this Act will permit that where they have a licence to the tune of Rs. 1,000, they may carry on the trade. I submit that we must view these competitions as competitions of skill or intelligence and that we should bring this matter under article 248 and make this applicable to all the States in the country.

Then I find one lacuna; clause 9 and clause 15 should go together. Now, clause 15 says that if any newspaper publishes or advertises certain things, every issue shall be forfeited by the State. But the publication of the advertisement is not made itself a penal offence. I speak subject to correction. I have tried to read the Bill but I find that the issues may be forfeited but the publisher of the advertisement will not be punished. There will be no punishment even if it is continued.

Mr. Deputy-Speaker: Is it not covered by clause 11?

Shri S. S. More: He will not come under clause 11.

Mr. Deputy-Speaker: Sub-clause (c) (i) of clause 11 covers this.

Shri S. S. More: It relates to anyone who prints, publishes or distributes or has in his possession for the purpose of publication or distribution any advertisement of the prize competition. I do feel that this will not be covered because it relates to advertisements in newspapers.

Mr. Deputy-Speaker: I feel that it will be covered.

Shri S. S. More: Then, I have nothing more to say.

Shri T. N. Singh: May I make one enquiry from the hon. Home Minister? Probably that will also help in considering this motion. The enquiry I want to make is this: whether this Bill as it is framed covers the cases of those newspapers which are printed outside India—say, in Pakistan, Ceylon, etc.—and which indulge in prize competitions. There is no restriction on remittance of money from here to Pakistan or Colombo, Nepal or Burma. Now these papers can simply shift their headquarters from here to some of these countries and then carry on these competitions. I am asking this question because as a member of the Press Commission I know the whole history: how these competitions grow, from beginning to end, and I would like the Home Minister to clarify the point whether tomorrow, after the passing of this Bill, when these papers shift their headquarters to these countries, how he will meet the situation. The object of the Bill is to prevent these things where the competition amount is over Rs. 1,000. I would like a specific answer. I am sorry I intervened but I would like the House to consider this Bill in that aspect. Unfortunately it has not been done so far and there are so many speakers to say something and so I had to intervene.

Shri Joachim Alva (Kanara): Does the Finance Ministry sanction every kind of remittance to Pakistan, Ceylon, etc? We would also like to know about it.

Shri T. N. Singh: It is a remittance of one rupee.

Mr. Deputy-Speaker: The question has been put; it will be answered by the Home Minister. Even in India, if there are some States where he will not be liable to any penalty. That question will arise only later when this Bill becomes applicable to the whole of India. There are other questions also: whether the customs people ought to tolerate, whether any money could be sent or not and so on. We will hear the Home Minister.

Shri T. N. Singh: Customs authorities have nothing to do with these things; these are only postal remittances—neither customs nor currency regulations could do anything.

Shri Jaipal Singh (Ranchi West—Reserved-Sch. Tribes): If I may try to elucidate, the question he has raised is this. Supposing these sponsors shift their headquarters outside this country, what shall we do?

Mr. Deputy-Speaker: They need not shift outside this country; they can go to the other States.

Shri Jaipal Singh: They can do it internally also but the better method is the other one because if they shift their headquarters from one State to the other, immediately I know what will be done by our friends over there. But if they go out and go abroad to those countries, they can operate from there.

Mr. Deputy-Speaker: If it is banned all over India, in every State, then let them go to any place outside India or heaven or hell. (*Interruptions*)

Shri T. N. Singh: There is no question of banning. Today under our Constitution, all newspapers are allowed freely from any country—from America, England, Pakistan. It is a policy of free entry. Our papers also are going there. Now the question

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really arises when these papers run prize competitions and those come here. I have come across so many cases where papers are printed here and those papers run prize competitions. They gather the money. The majority of their clients are outside India. This was what was happening; there are several such cases. If only the Government had gone through the evidence that was there before them, I think this would not have occurred. In any case, I do not know how to remedy this state of affairs; it is for the Home Minister to make suggestions.

Mr. Deputy-Speaker: Shri Gurupadaswamy's amendment referring the Bill to the Select Committee is there. I think he has also given the names.

Shri M. S. Gurupadaswamy: I beg to move:

"That the Bill be referred to a Select Committee consisting of fifteen members Shri Hari Vishnu Kamath, Shri K. S. Ragavachari, Shri B. Ramachandra Reddi, Shri N. R. M. Swamy, Shri V. P. Nayar, Shri Kadyala Gopala Rao, Shri Nemi Chandra Kasliwal, Shri K. G. Wodeyar, Shri Amjed Ali, Shri Sivamurthi Swami, Shri-mati Sushama Sen, Sardar Amar Singh Saigal, Col. B. H. Zaidi, Shri M. L. Dwivedi, and the Mover, with instructions to report on or before the 30th September, 1955."

Once a lady asked a gentleman: is racing a clean sport? The gentleman replied: yes, it will clean up a few people every day. The same thing is applicable to the case of crossword puzzles. Every day not a few people but many hundreds of thousands of people in India send entries to crossword puzzles and other puzzles and they are straightaway being cleaned up every day. Their money goes away and very few people get a return. Recently, after Independence, this craze for making money has gone to the head of everybody and it is spreading every day. It is very un-

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fortunate that so much of laxity prevails in this sphere for people to try and make easy money. I regard this menace or craze—whatever it is called—as a sign of capitalist society. In no socialist society is this permitted because people are not permitted to make money by these dishonest and bogus methods.

On this occasion I want to remind the House of the report of the Press Commission. The Press Commission has dealt with this aspect and they had said..... (Interruption).

Mr. Deputy-Speaker: Members of the Press Commission are here, in flesh and blood.

Shri M. S. Gurupadaswamy: They drew attention of the House to a different aspect altogether. The Press Commission has said that it is an evil and in certain cases which provide for purely intellectual amusements a ceiling may be fixed on the value of the prize and they have prescribed a limit of Rs. 500. In this Bill a limit of Rs. 1000 has been fixed. We are grateful to the bold and frank speech of the hon. Home Minister but the spirit of his speech is not reflected in the Bill.

Some hon. Members raised a fundamental question whether we should not take steps to abolish once and for all, right now, all competitions. I am inclined to agree with this view because it is a great evil irrespective of the hugeness or smallness of the amount involved. If the amount of prize offered is very large there may be large number of people who may be tempted to send in their entries. Even in the case of smaller amounts people may be duped or they may be tempted. So, I say, we must consider whether it is right on our part to allow even small competitions. The Home Minister said that these prize competitions have been an enormous fraud on our society. If they are a fraud on our society then why he permits these little frauds on our society? He has put a ceiling on the amount of the prize that is to be offered. He has said that the total value of the prize should not exceed Rs. 1000.

Mr. Deputy-Speaker: Having regard to the shortage of time I would request the hon. Member to say why the Bill ought to go to the Select Committee. All other hon. Members have said enough that the scope is limited and that it should be done away with. The hon. Member may, therefore, only say about the advantages of sending this Bill to the Select Committee.

Shri M. S. Gurupadaswamy: I say that this is a matter which has to be considered in all its merits by a select Committee. The amount that is proposed here, to my mind, is very high and it should be reduced. Even the Press Commission has suggested a lower figure. If my other suggestion is not acceptable; that is, if the Government is not prepared to ban all competitions, then this suggestion of lowering the ceiling or fixing lower amounts may be considered.

In the Bill there is no limit fixed on the number of entries and it is a very important matter. Hereafter what would happen is that there would be a large number of entries and, moreover, large number of people will start these small competitions because they do not require huge amounts; so to say, dishonesty or fraud will be diffused or will be spread out over a wider area.

Mr. Deputy-Speaker: Why did the Press Commission recommend Rs. 1000.

Shri M. S. Gurupadaswamy: They have recommended only up to Rs. 500.

Mr. Deputy-Speaker: Rs. 500 or Rs. 1000, why did they not recommend banning these competitions altogether?

Shri M. S. Gurupadaswamy: I do not know the basis on which they have based their recommendation, but any way they have fixed a lower prize limit, but this aspect should be considered by the Select Committee.

Then there is another point and that is about delegated legislation. This Bill gives enormous powers to Government to frame rules in respect of

so many substantive aspects. For example, even the fees that a licensee has to pay and the period for which licences are to be given—all these things are substantive matters—have been given to the rule making authority. These matters must be provided in the Bill itself.

Then I come to penalties. I need not say much about penalties as some hon. Members have already suggested various amendments to increase the penalty and in certain cases to reduce it also.

Lastly, there is another point worth mentioning and that is about appeal to the Government. If a licensing authority refuses any licence then the right of appeal is given to the parties and they have to appeal to the Government. I am not very definite on this point whether it will be advisable to have an appeal straightaway to Government only—one appeal—or whether there should not be any judicial authority for this purpose, have no definite opinion on this point and this matter should be considered by the Select Committee.

If the Bill is referred to the Select Committee all these things may be gone into in details and I have suggested the date by which the Select Committee should submit its report and that is the 30th of this month. Therefore, it is not a dilatory motion and I again request that the Bill may be referred to a Select Committee. Within a day or two it may finish the entire work and send back its report to this House by the fixed date and on the 1st of October we can pass this Bill.

With these words I commend my amendment.

Mr. Deputy-Speaker: Motion moved:

“That the Bill be referred to a Select Committee consisting of fifteen members, Shri Hari Vishnu Kamath, Shri K. S. Raghavachari, Shri B. Ramachandra Reddy, Shri N. R. M. Swamy, Shri V. P. Nayar, Shri Kadalya Kopala Rao.

Shri Nemi Chandra Kasliwal, Shri K. G. Wodeyar, Shri Amjad Ali, Shri Sivamurthi Swami, Shrimati Sushama Sen, Sardar Amar Singh Saigal, Col. B. H. Zaidi, Shri M. L. Dwivedi and the Mover with instructions to report on or before the 30th September 1955."

The hon. Minister.

Pandit G. B. Pant: Am I to reply to the general discussion or to the whole of the discussion?

Mr. Deputy-Speaker: To the general discussion and the amendment to refer the Bill to a Select Committee.

Pandit G. B. Pant: We have listened to the speeches of the hon. Members and I am glad to find that the consensus of opinion in the House is in favour of the Bill. Everyone who has spoken has supported the proposal for banning the system of crossword puzzles which is in force today. But, there has been some difference of opinion as to the licences of crossword puzzles which are limited to an award of Rs. 1000 a month. About that there is a feeling in some quarters that it would have been better if the ban had been absolute.

In fact, this Bill was introduced after consulting all the States in the country. The original idea was that the limit would be, not Rs. 1000 but, Rs. 10,000 and that prize competitions of the value of Rs. 1000 or less need not be licensed. Well, I thought that this was rather risky. So, we have brought down the figure from Rs. 10,000 to Rs. 1,000 and made any effort to promote prize competitions, even of the value of less than Rs. 1,000—even if it is Re. 1 or Rs. 2—subject to licensing by the State authorities. The whole of this scheme should be taken together.

Up to this time there was no allegation about the maintenance of accounts. There was a lot of most obnoxious and despicable type of organised fraud in this matter. It was abominable in a way because there was no system of accounting previously. As the system is being work-

ed today it is nothing but a gamble and men are tempted by large prizes that are announced by the runners of these competitions. I have got some illustrations with me. You put a figure of Rs. 1 lakh or Rs. 2 lakhs or Rs. 3 lakhs at the top and say "Contribute four annas and earn three lakhs!" Well, many are likely to be seduced by such offers. But if the amount is reduced to one thousand rupees, the sting is taken out, and the poison is no longer there.

We are not committed even to this one thousand rupees. If after some experience we find that the swindle which has been going on has not been altogether erased or mitigated to a large extent, then we will come forward with a Bill for omitting this amount of one thousand too and imposing an absolute ban.

But the scheme of this Bill permits the system of the element of gambling. It will be only under a licence that even these prize competitions up to one thousand rupees will be allowed. The conditions of the licence will be such that I hope that the offers will not be made in such a loose manner and that proper care will be taken to see that the licences are given really for prize competitions which require application of one's mind and with regard to which the results depend really on skill and not on chance. If that care is taken, I do not see why there should be a very serious objection to this very small amount that will now be admissible under the scheme of this Bill. As has just been pointed out, the Press Commission also in the course of its enquiry considered this question and it said:

"We would also like all such competitions to be banned, but this would be going beyond our province. We refer of course to competitions for which an entrance fee is charged and where the winners are awarded substantial money prizes. We have no objection to the publication of puzzles solely as amusement for the reader. Even in the case of purely intellectual amusements, we are aware that

[Pandit G. B. Pant]

the payment of a small award adds some zest to the solving, and the payment of such awards is made by many periodicals whose journalistic standards are high. We would however limit such awards to a maximum of Rs 500 in any one month."

This, I think, sums up the position. It suggested Rs. 500. We have adopted one thousand rupees, in consultation with all States. So I do not see any danger. And, as I said, if experience shows that our hopes are rather not likely to be realised, or if we find that they have been belied, then we will come forward with an amending Bill. But with the care that has now been taken I may submit that the licences will be so issued that competitions will mainly be centred round games of skill and not games of chance. When that care is taken there is not much to worry.

There were some other matters of detail referred to. Some Members raised, I think, some objection about the Government or the executive authorities having the power to grant the licences or to cancel the licences. It does not quite fit in with the general attitude of this House. They do not want the licences to be given at all; and if any licence is cancelled they should perhaps welcome the cancellation of the licence—because they are not in favour of the system being continued even to the extent of one thousand rupees. So I do not see any reason why the executive should be deprived of this legitimate function which they are expected to discharge. It is their duty to deal with these matters. Licences are, as a rule, issued by the executive, and they are cancelled by the administrative authority. So, especially when the desire of the House is that even whatever little scope has been left had better be withdrawn, then the fear that the administrative officers may cancel licences in a lax or loose manner and without due care should not in any way weigh with them. They want the licences to be cancelled, and the more

such steps are taken the better for them from that point of view. So, when they are against the licences being given at all—they would not like even one single licence to be given—then, if licences are cancelled they should I think, encourage such attitude and not ask others to interfere and to restore the licence. Therefore I do not see why there should be any worry on that account.

It has been suggested that the Bill should be referred to a Select Committee. It is a simple and straightforward Bill. One may like it, or one may dislike it. But there is nothing intricate about it; there is nothing very complex about it. I do not see why the Select Committee should waste any time over it.

Members have almost unanimously accepted the principle of the Bill. Some of them have objected to certain parts of the Statement of Objects and Reasons. But again there, opinions differ. It is sometimes tragic to find people concentrating on one clause of a Bill and attacking that, and others ignoring that clause and attacking what follows thereafter. If the whole of the picture is taken together they would find it quite handsome, and perhaps even attractive. Some of them may be seduced by it! But when they look only at a part of it, the part may look somewhat ugly, and sometimes even monstrous. But if you take the whole thing together you will find that, when pieced together in that manner, the picture is not only handsome but wholesome too.

Mr. Deputy-Speaker: The hon. Minister has become an artist!

Pandit G. B. Pant: Well, Sir, while you are presiding there, we all try to improve ourselves.

There was a suggestion by Shri Singh about the Bill not being adequate to deal with the papers that might be imported into the country from abroad. I think clause 11 deals with this point effectively. But all the

same I am giving notice of an amendment—as the entire House would like this doubt to be removed—to this effect that in clause 11, for the words “in contravention of the provisions of this Act”, the words “except in accordance with the licences given under this Act” be substituted, which will make the position clear. Whether the entries are invited by papers published from here or by papers published from abroad, if the competition is not under a licence given under this Act, then clause 11 will apply. That will remove....

Shri T. N. Singh: This may be considered in relation to clause 15 also. I would draw the attention of the hon. Minister to clause 15 which relates to forfeiture of newspapers and publications.

Shri C. D. Pande (Naini Tal Distt. cum Almora Distt.—South-West cum Bareilly Distt.—North): That is more necessary.

Shri T. N. Singh: In the same spirit, as has been done in regard to clause 11, if a slight modification is made in clause 15 also, I think that will strengthen our hands.

Pandit G. B. Pant: We may substitute those words in clause 15 too. It is obviously the desire of all of us that no loop-holes should be left; and we do not want to be robbed by people from abroad if we are not going to allow it within the country itself.

Doubts have been expressed by some of the speakers whether this Bill is to be made applicable to the entire country. I can give the assurance that every State has undertaken to adopt this Bill. Among the States whose names do not appear in the preamble and which have already passed resolutions are U.P., West Bengal and others, I am sure, will pass similar resolutions in the course of the next few weeks. So, there need not be any apprehension or anxiety on that account. We introduced this Bill here because this is a matter which should be centrally co-ordi-

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nated and unless there is complete unanimity all over the country, the purpose of the Bill can be defeated. So, we are not going to leave any part of the country out. We will see to it that this Bill is introduced, adopted and enforced with due care by every State in the country.

Mr. More raised certain legal objections. They are not objections; he made certain suggestions. I do not think it is necessary to enter into legal argument at this stage. We have got the Bill as it is and the Bill has been introduced under article 252. So, the validity of the Bill is not open to dispute or question at all. If at any time there is any difficulty, we will make such changes as may be necessary; but one should not be too sure about the new problems that might arise if another article is introduced. We are at present seeing only certain imaginary defects and thinking that if another thing were adopted, i.e., if reference is made to another clause, it would be better. But when we adopt the alternative course, I am afraid that ingenious and resourceful people might find many more loopholes than they have been able to imagine as existing under the present Bill. They do not exist so far as I am aware; we have consulted expert opinion and we are assured that it is a sound and invulnerable measure and certainly it is admirable so far as its purpose is concerned. I hope the entire House will accept the Bill.

Mr. Deputy-Speaker: There is an amendment in the name of **Shri M. S. Gurupadaswamy**.

The question is:

“That the Bill be referred to a Select Committee consisting of fifteen members, **Shri Hari Vishnu Kamath**, **Shri K. S. Raghavachari**, **Shri B. Ramachandra Reddy**, **Shri N. R. M. Swamy**, **Shri V. P. Nayar**, **Shri Kadyala Gopala Rao**, **Shri Nemi Chandra Kasliwal**, **Shri K. G. Wodeyar**, **Shri Amjad Ali**, **Shri Sivamurthi Swami**, **Shrimati Sushama Sen**, **Sardar Amar Singh**

[Mr. Deputy-Speaker]

Saigal; Col. B. H. Zaidi, Shri M. L. Dwivedi, and the Mover, with instructions to report on or before the 30th September, 1955."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the control and regulation of prize competitions, be taken into consideration."

The motion was adopted.

Clause 2.— (Definitions)

Mr. Deputy-Speaker: There are same amendments to clause 2, but perhaps hon. Members are not moving them.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): I want to move my amendment No. 35 to this clause, which reads as follows:

Page 1, line 21, after "cheque" insert "bank draft".

Mr. Deputy-Speaker: Clause 2(b) reads:

"(b) 'money' includes a cheque, postal Order, or money-order;"

The hon. Member wants to include bank draft also.

I do not know whether it is necessary.

Pandit G. B. Pant: I think money covers all these things; even if it does not, we should not make changes here.

Shri Veeraswamy: Bank draft is different from cheques and money-orders. I think it is better to include it to avoid confusion.

Pandit G. B. Pant: The House is interested in making the provision stringent and not more liberal and lenient.

Mr. Deputy-Speaker: It should be as stringent as possible. So, the

Government is not accepting the amendment. I need not place it before the House.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Interpretation)

Mr. Deputy-Speaker: Hon. Members who have given notice of amendments to this clause and who want to move them may do so now.

Shri C. D. Fande: I beg to move:

Page 2, line 10.— ✓

for "words" substitute "letters, words or figures".

Mr. Deputy-Speaker: Clause 3(a) reads as follows:

"(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form:"

The hon. Member wants that instead of "words" "letters, words or figures" may be substituted. In clause 2(d) the words "letters, words or figures" are there.

Pandit G. B. Pant: It is necessary to repeat all those words.

So I accept the amendment.

Mr. Deputy-Speaker: The question is:

Page 2, line 10—

for "words" substitute "letters, words or figures".

The motion was adopted.

Shri Nageshwar Prasad Sinha: I beg to move:

Page 2, line 10—

after "words" insert "and figures".

Mr. Deputy-Speaker: This is, the same as amendment No. 51 adopted just now. So, this is barred.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4.—(Prohibition of prize competitions etc.)

Shri Dabhi: I beg to move:

Page 2, line 17—

for "one thousand rupees" substitute "five hundred rupees".

Shri K. L. More: I beg to move:

Page 2, line 17—

for "one thousand rupees" substitute "two hundred rupees".

Shri M. L. Dwivedi: I beg to move:

Page 2—

for clause 4, substitute:

"4. No person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month exceeds one thousand rupees;"

Shri M. D. Joshi: I want to move my amendment No. 64.

Mr. Deputy-Speaker: It is not here. Is it to clause 4?

Shri M. D. Joshi: Yes; I have given it just now.

Mr. Deputy-Speaker: Then it will not be accepted for want of notice.

Shri Bogawat (Ahmednagar South): Perhaps the hon. Home Minister may accept.

Pandit G. B. Pant: I myself want to move an amendment in order to make the language clear; if the hon. Member's amendment agrees with my own, it may be considered.

Mr. Deputy-Speaker: I will come to it later on. Are there any other

hon. Members who want to move amendments to this clause?

Pandit Thakur Das Bhargava: I beg to move:

Page 2, line 17—

for "one thousand rupees" substitute "three hundred rupees".

Shri Radha Raman: I beg to move:

Page 2, line 17—

for "one thousand rupees" substitute "one hundred rupees, only".

Shri R. N. S. Deo (Kalahandi-Bolangir): I beg to move:

(1) Page 2, line 17—

for "in any month" substitute "for any one prize competition";

(2) Page 2—

after line 17, add: ✓

"Provided that no person shall promote or conduct more than four prize competitions in any one month."

Mr. Deputy-Speaker: These amendments are before the House. About **Shri M. D. Joshi's** amendment, is the hon. Minister accepting it? If so, I am prepared to waive notice.

Pandit G. B. Pant: Yes, Sir.

Mr. Deputy-Speaker: **Shri Joshi** may move it.

Shri M. D. Joshi: I beg to move:

Page 2—

after line 17, add:

"and in every prize competition the number of entries shall not exceed two thousand".

Mr. Deputy-Speaker: The question is:

Page 2—

after line 17, add:

"and in every prize competition the number of entries shall not exceed two thousand."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 2, line 17—

for "one thousand rupees"
substitute "five hundred rupees".

The motion was negatived.

Pandit G. B. Pant: I am accepting amendment No. 52, because the present clause leaves a loophole that every competition may be worth Rs. 1,000 and if they go on issuing such proposals every day in thirty days there may be Rs. 30,000. I wish to remove the possibility of that mis-interpretation of this clause.

Mr. Deputy-Speaker: The question is:

Page 2—

for clause 4, substitute:

"4. No person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month exceeds one thousand rupees."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 2, line 17—

for "one thousand rupees" substitute "two hundred rupees".

The motion was negatived.

Mr. Deputy-Speaker: Amendment No. 17 is barred.

Pandit G. B. Pant: In regard to amendment No. 19, who is to keep account of this and check it from day to day?

Mr. Deputy-Speaker: I do not think the hon. Member wants to press it. I take it, it is not pressed.

Shri Radha Raman: I do not press my amendment No. 37.

Pandit Thakur Das Bhargava: I am not pressing my amendment No. 55.

Mr. Deputy-Speaker: 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—(Licensing of prize competitions etc.)

Shri K. L. More: I beg to move:

Page 2, line 20—

for "one thousand rupees" substitute "two hundred rupees".

Shri C. D. Pande: I beg to move:

Page 2—

for lines 18 and 19, substitute:

"5. Subject to the provisions of section 4, no person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to"

Pandit G. B. Pant: I accept amendment No. 53.

Mr. Deputy-Speaker: The question is:

Page 2, line 20—

for "one thousand rupees" substitute "two hundred rupees".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

for lines 18 and 19, substitute:

"5. Subject to the provisions of section 4, no person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to".

The motion was adopted.

Mr. Deputy-Speaker: 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.— (Licences for prize competitions).

Shri S. V. L. Narasimham: I beg to move:

Page 2—

for lines 26 to 28 substitute:

“On the receipt of such application, the licensing authority, after making such enquiry as it considers necessary and on being satisfied that the Prize Competition is not opposed to public interest or does not encourage gambling spirit, shall by order in writing grant the license.”

Shri Kamath: I beg to move:

Page 2, line 28—

add at the end:

“and such order shall be made within thirty days from the date of the receipt of such application by the licensing authority.”

The object of this amendment, may I submit, is to safeguard against executive delays which have been always notorious: they have been, perhaps, more notorious lately.

Unless the Minister can hold out an assurance, if not a guarantee or a promise that orders in these cases will be passed with sufficient expedition. I think there should be a provision to safeguard against abnormal delays on the part of the licensing authority.

3 P.M.

Pandit G. B. Pant: I would like the entire business of the Government to be conducted in a businesslike way. That applies also to these cases.

Shri Kamath: Hopes; not realised.

Mr. Deputy-Speaker: Hon. Members were not in favour of granting a license at all. Therefore, the longer it is delayed, the better. I shall put it to the House.

The question is:

Page 2, line 28—

add at the end:

“and such order shall be made within thirty days from the date of the receipt of such application by the licensing authority.”

The motion was adopted. ✓

Mr. Deputy-Speaker: Then, amendment No. 8.

Pandit G. B. Pant: Such a provision cannot be introduced into the Bill. But, I hope the principle underlying this amendment will be borne in mind by the States when they deal with the system of licensing.

Mr. Deputy-Speaker: Is it necessary to put it to the House?

Shri S. V. L. Narasimham: In view of the assurance of the hon. Minister, I do not press it.

Mr. Deputy-Speaker: I do not put it to the House.

The question is:

“That clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

Mr. Deputy-Speaker: New Clause 6A. Amendment No. 41. Is the hon. Member pressing it?

Shri Radha Raman: I want to move it because I feel that certain conditions have to be prescribed in the Bill. There are no conditions laid down for the person to whom a licence is to be granted. I say that anybody and everybody should not be allowed to get a licence to run these crossword puzzles and other

[Shri Radha Raman]

things. I say there must be some conditions prescribed for such persons who want to undertake this kind of work.

Mr. Deputy-Speaker: I think it is the State Government that is empowered to frame the rules.

Shri Radha Raman: No, Sir.

Mr. Deputy-Speaker: Under clause 20, the State Government may by notification in the Official Gazette make rules.

Shri Radha Raman: That is only for licensing.

Pandit G. B. Pant: This amendment cannot be of any help to anybody. You say no person shall be granted a licence unless he fulfils such requirements as may be prescribed by the State Government. He has to fulfil certain conditions after he has obtained a licence not before he gets a licence. If he does not carry out the obligations that are imposed on him under the licence, the licence will be cancelled. No conditions to be fulfilled before grant of licence.

Shri Radha Raman: There should be some positive requirements to be fulfilled before. That is the object of the amendment.

Mr. Deputy-Speaker: That would come under clause 20. Rules will be made for carrying out the purposes of this Act: what the form of the application will be, any fees for them, what enquiry must take place, and so on. I do not think it is necessary to put this amendment to the House.

Shri Radha Raman: I do not move it formally.

Mr. Deputy-Speaker: Then we go to clause 7. Amendment No. 22.

Shri Nageshwar Prasad Sinha: I am not moving it.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8.— (Power to cancel or suspend licences).

Shri Nageshwar Prasad Sinha: I have an amendment which reads thus:

Page 3, line 1—

after "authority" insert:

"on receipt of information by police or otherwise".

Mr. Deputy-Speaker: That is, any information from any quarter.

Pandit G. B. Pant: I do not think it adds anything to the clause as it exists.

Mr. Deputy-Speaker: On receipt of some information, they will do so.

Pandit G. B. Pant: It will be from the police or from some other quarter. "Police or otherwise" does not make any difference.

Mr. Deputy-Speaker: The licensing authority may, after giving reasonable opportunity of being heard, cancel, from whichever quarter the information flows. Therefore, I do not think it necessary to put it to the House.

The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9.— (Penalty for promoting or conducting any prize competition etc.)

Shri Radha Raman: I beg to move:

(1) Page 3, lines 15 and 16—

for "three months" substitute "six months".

(2) Page 3, line 16—

for "one thousand rupees" substitute "two thousand rupees".

Shri Veeraswamy: I beg to move:
Page 3, line 15—

after "with" insert "rigorous".

Mr. Deputy-Speaker: Amendment No. 42. He wants rigorous imprisonment.

Shri Veeraswamy: Certainly.

Pandit G. B. Pant: I think it is better not to disturb things unless there is some merit in the change.

Pandit Thakur Das Bhargava: It can be of either description. He wants rigorous imprisonment.

Shri Veeraswamy: Whether it is rigorous imprisonment or simple imprisonment.....

Mr. Deputy-Speaker: It is not simple. It is of either description: either simple or rigorous. It is left to the judge. I do not think he wants to press. I am not putting it to the House.

Shri Radha Raman: We want a deterrent punishment. We want that this should be completely banned. Since the Government is bringing this Bill, we certainly want that the punishment should be deterrent so that there should be discouragement as much as possible.

Mr. Deputy-Speaker: It should also be in keeping with the provision that we have made that a first class magistrate or a district magistrate can try this case. Three months is the limit for a third class magistrate.

Pandit Thakur Das Bhargava: It is not the case of one man; so many persons will be guilty.

Mr. Deputy-Speaker: There is no obligation cast on the magistrate to impose the heaviest penalty.

That is only the maximum.

Pandit G. B. Pant: I think the provision is adequate enough.

Mr. Deputy-Speaker: Is it necessary to put it to the House?

Shri Radha Raman: Yes.

Mr. Deputy-Speaker: The question is:

Page 3, lines 15 and 16—

for "three months" substitute "six months".

The motion was negatived.

Mr. Deputy-Speaker: I think he is not pressing No. 44. So, I do not put it.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10.—(Penalty for failure to keep and submit accounts).

Shri Dabhi: I beg to move:

Page 3—

(i) line 23—

after "punishable" insert:

"with imprisonment for a term which may extend to one month or"; and

(ii) line 24—

after "rupees" insert:

"or with both,".

The marginal note to clause 10 is rather misleading. It says, "Penalty for failure to keep and submit accounts". That is not the only case. In clause 10 penalty is provided not only for failure to keep and submit accounts, but also for submitting statement of accounts which are false, and which he either knows or believes to be false. Therefore, my submission is that this is a graver offence, for which under section 193 of the Indian Penal Code seven years imprisonment can be awarded. So,

[Shri Dabhi]

here if he gives a false account at least there must be discretion to the court to either punish him with fine or imprisonment, instead of merely imposing fine as mentioned in the Bill. The court must have discretion to punish him with imprisonment also. So, this marginal note is misleading. So, I hope the Government will accept it, looking to the intention.

Pandit G. B. Pant: The marginal note does not form an integral part of the clause. It only indicates what is given in the clause. It is not exhaustive.

Mr. Deputy-Speaker: The hon. Member wants a more substantial punishment. For falsification of accounts generally a severe punishment is imposed under the Penal Code. He wants imprisonment of one month.

Pandit G. B. Pant: What is the amendment.

Mr. Deputy-Speaker: The amendment is:

Page 3—

(i) line 23—

after "punishable" insert:

"with imprisonment for a term which may extend to one month, or"; and

(ii) line 24—

after "rupees" insert:

"or with both,".

Pandit G. B. Pant: If it pleases him, let him have imprisonment.

Mr. Deputy-Speaker: The question is:

Page 3—

(i) line 23—

after "punishable" insert:

"with imprisonment for a term which may extend to one month, or"; and

(ii) line 24—

after "rupees" insert:

"or with both,".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11.— (Penalty for other offences etc.)

Pandit G. B. Pant: There is an amendment to clause 11.

Shri S. C. Samanta (Tamluk): With your permission, I wish to move the following amendment:

Page 3, line 27—

for the words "in contravention of the provisions of this Act" substitute:

"except in accordance with a licence given under the provisions of this Act."

This is to make the meaning clear.

Mr. Deputy-Speaker: What is the number of the amendment?

Shri S. C. Samanta: This is a new amendment.

Mr. Deputy-Speaker: May I make a suggestion to the hon. Minister? It will be too restrictive. Where it may mean something excluding the licence, this may be added: except in accordance with the provisions of this Act or the provisions of a licence given...."

Pandit G. B. Pant: The point is this. If an advertisement made by a paper is published in Burma or in Pakistan or in other places, then it may be said that it is not in contravention of the provisions of this Act, because the Act is not applicable to those places. So, I am substituting: "except in accordance with a licence given under the provisions of this Act."

Mr. Deputy-Speaker: Or, why should it not be added here?

"If any person with a view to the promotion or conduct of any prize competition in contravention of the provisions of this Act or contrary to the terms of any licence given under this Act".

Pandit G. B. Pant: It is not contrary to the terms of the licence. No licence has been given. Except in accordance with...

Mr. Deputy-Speaker: "Except in accordance with a licence given under the provisions of this Act", "or in contravention of the provisions of this Act"—both of them can be there.

Pandit G. B. Pant: I have no objection.

Mr. Deputy-Speaker: Let us see which will apply, one or the other. The hon. Minister will kindly see if this will fit in: "If any person with a view to the promotion or conduct of any prize competition in contravention of the provisions of this Act or except in accordance with a licence given under this Act or in connection with any prize competition promoted or conducted in contravention of such provisions".

Pandit Thakur Das Bhargava: May I just know what will be the difference? The words are: "in contravention of the provisions of this Act". This means if the Act contravenes section 6, if the licence is not given, it will be included. If it is more than Rs. 1,000 it will be included. So these

words "in contravention of the provisions of this Act" are quite sufficient.

Pandit G. B. Pant: The point is this. This Act is not applicable to Pakistan or to Burma. So, if a paper is published there and it offers a prize of a lakh of rupees in pursuance of its scheme of crossword puzzle competition, then we cannot perhaps take action against it on the ground that it is not in accordance with the provisions of this Act, because the provisions of this Act do not apply to it. So, in order to remove any doubt of that kind, I say: "except in accordance with a licence given under the provisions of this Act".

Pandit Thakur Das Bhargava: Where is the doubt? If any person does anything which is done not in accordance with the licence or against the provisions of section 6, whether it is in Burma or anywhere else, he will be certainly guilty so far as this Act is concerned.

Pandit G. B. Pant: At the most, those words are redundant. Let them come in.

Pandit Thakur Das Bhargava: That is right.

Mr. Deputy-Speaker: I wish to put these words: "except in accordance with" etc., at an earlier stage. "If any person with a view to the promotion or conduct of any prize competition except in accordance with a licence given under the provisions of this Act or in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted in contravention of such provisions".

Pandit Thakur Das Bhargava: The third is quite unnecessary.

Shri S. S. More: It is all repetition.

Mr. Deputy-Speaker: The hon. Minister feels there is some doubt raised by Shri T. N. Singh that there

[Mr. Deputy-Speaker]

may be cases where they may shift their centre of activity to Pakistan or other foreign countries and in a newspaper this advertisement may come. They are not the States as come within the jurisdiction of this Act.

Pandit Thakur Das Bhargava: I submit the hon. Minister has used two more sentences. They may be redundant or may not be, we are not concerned. If they are redundant, they cannot injure us. These last words which are now there; "in connection with any prize competition promoted or conducted in contravention of such provisions" are more than redundant. If the other amendment is there, these words have got no meaning whatsoever.

Mr. Deputy-Speaker: We need not disturb the existing language.

Pandit G. B. Pant: "In connection with" is wider. So, let us retain this: "or in connection with any prize competition promoted or conducted in contravention of such provisions".

Shri S. S. More: Any foreign competition promoted in a foreign country cannot be said to be in contravention of the provisions of this Act, unless you ban specifically any competition in a foreign country, because competition promoted in a place where this Act has no application cannot be said to be promoted in contravention of the provisions of this Act.

Pandit G. B. Pant: So, I say in order to get over that difficulty, we should have the words: "If any person with a view to the promotion or conduct of any prize competition except in accordance with a licence given under the provisions of this Act".

Mr. Deputy-Speaker: "Or in contravention of the provisions of this Act".

Shri S. S. More: Even this provision which the hon. Minister is trying to insert will not solve the difficulty.

Pandit G. B. Pant: Why not?

Shri S. S. More: A licence will be granted to a person residing in an area to which this Act applies.

Pandit G. B. Pant: But that is immaterial. We will pounce upon the man and tell him that this is not in accordance with the licence given under this Act. So we can proceed against him under section 11.

Shri S. S. More: May I put another definite question? Supposing there is a State where there is no obligation and something is promoted there—leave aside Pakistan and other countries—and some newspaper is printed there, what is going to happen?

Mr. Deputy-Speaker: If it comes into this territory.

Pandit G. B. Pant: Action will be taken under clause 11 in the State where this is in operation.

Shri S. S. More: Will not that be applicable to even foreign territory?

Mr. Deputy-Speaker: That is right. But in accordance with the suggestion made by Shri T. N. Singh, the hon. Minister wants to put in these words by way of abundant caution. There is no harm in putting in these words. Either they are useful or they are not useful. They are not harmful in any way.

Shri U. M. Trivedi: If these words are put in the sequence in which the hon. Minister wants to put them, then they will not only be redundant, but they will change the meaning of the whole thing. That is what I would like to submit.

Mr. Deputy-Speaker: The hon. Member will bear with me for a minute. Ultimately the hon. Minister wants to have the opening words of this clause as follows:

"If any person with a view to the promotion or conduct of any

prize competition except in accordance with a licence given under this Act or in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted in contravention of such provisions....".

Pandit G. B. Pant: Instead of repeating the same words at the end, we may say: 'promoted or conducted in the manner stated above'.

Shri U. M. Trivedi: As the language stands, it is quite all right. It covers everything.

Shri T. N. Singh: Or, we may say: 'as stated hereinbefore'.

Pandit G. B. Pant: We may put the words 'except in accordance with a licence....' at the end also.

Shri U. M. Trivedi: That would be something.

Mr. Deputy-Speaker: I shall now put Shri S. C. Samanta's amendment, as modified, to the vote of the House.

The question is:

Page 3, line 29—

after "provisions" add:

"or except in accordance with a licence given under the provisions of this Act".

The motion was negatived.

Mr. Deputy-Speaker: With this amendment, clause 11 will read as follows:

"If any person with a view to the promotion or conduct of any prize competition in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted in contravention of such provisions or except in accordance with a licence given under the provisions of this Act."

Pandit G. B. Pant: If you want to make any verbal improvements in this, you can do so.

Pandit Thakur Das Bhargava: I beg to move:

Page 4—

- (i) line 5, before "brings" insert "knowingly";
- (ii) line 9, before "sends" insert "knowingly";
- (iii) line 13, for "causes or knowingly" substitute "knowingly causes or"; and
- (iv) line 16, before "causes" insert "knowingly".

In sub-clause (d) I want to add the word 'knowingly' before the word 'brings'. With this addition, the sub-clause will read:

"knowingly brings, or invites any person to send....".

In sub-clause (e), I want to add the word 'knowingly' before the word 'sends'. With this addition, the sub-clause will read:

"knowingly sends, or attempts to send....".

Similarly, in sub-clause (f) I want to substitute the words: 'knowingly causes' or, in place of 'causes or knowingly'. If this substitution is made, the sub-clause will read:

"uses any premises, or knowingly causes or permits any premises to be used..".

In sub-clause (g) I want to add the word 'knowingly' before the word 'causes'. With this addition, the sub-clause will read:

"knowingly causes or....".

Mr. Deputy-Speaker: Does the hon. Member mean that somebody inserts it into a person's luggage?

Pandit Thakur Das Bhargava: It so happens that licence is given in Delhi or in some other place. And these offences are of such a general nature that they may be committed in a place far away from Delhi, such as Calcutta, or Bombay or some other town or some other village or we do not know where. Unless the person

[Pandit Thakur Das Bhargava]

in that far away place comes to Delhi and looks at the licence itself, or makes an enquiry whether the licence has been suspended or withdrawn etc., he will become liable. If he only believes the words of the man who is running all this, then he will become liable. I only want that if a person does something and he is hauled up before the court, then the *mens rea* must be there. He must knowingly have done a thing or caused another man to do a thing; only then he will come within the ambit of this law. That is what I am providing for by my amendment. I do not want that any innocent man should be punished, or enmeshed.

Mr. Deputy-Speaker: The act of bringing or inviting any person to send assumes *mens rea*.

Pandit Thakur Das Bhargava: Supposing a person publishes something in a paper in Calcutta, he is certainly inviting other people to send for the purpose of sale or distribution any ticket, coupon etc.

Mr. Deputy-Speaker: The provision here is:

"brings, or invites any person to send...any ticket, coupon or other document for use in, or any advertisement of, the prize competition".

A ticket would not get into a person's pocket unless he has paid money for it.

Pandit Thakur Das Bhargava: I only say that a person who is held to be guilty must know that he has done such and such a wrong act.

Mr. Deputy-Speaker: When he brings or invites any person to send, does he not do so?

Pandit Thakur Das Bhargava: Supposing a paper says, all right, you contribute to this thing, and that paper is published in a place which is far away from the place where the man from whom these things originate is there....

Mr. Deputy-Speaker: Suppose casually I bring a Calcutta paper into a Part C State like Delhi, for purposes of reading. Am I to be prosecuted?

Pandit Thakur Das Bhargava: Suppose I am the person who wants to advertise these crossword puzzles. I send it to a man in Bombay, and tell him, you advertise this or publish this in your paper. The publisher or any other person who does that thing must come here and find out whether I have got any licence or not, and whether my licence has been suspended or not. Suppose I write to that man, and as a matter of fact I have no licence at all, and that man publishes it or advertises it, then he will be guilty. My humble submission is that he will be guilty in Bombay, under this provision.

Mr. Deputy-Speaker: He would not be guilty in Bombay.

Pandit Thakur Das Bhargava: He will be guilty in Bombay. Unless it be that he brings it here.....

Shri T. N. Singh: I think 'printing and publishing' has specific meaning under the law, and 'printing' will include the fact that every due care has to be taken by the printer. So, it is not a question of 'knowingly'. If he has not taken care, he becomes responsible. So, if the word 'knowingly' is added here as the hon. Member suggests, then that will mean something different from what we understand by the term 'printing and publishing' under the normal law.

Mr. Deputy-Speaker: As I understand the sub-clause, it is the man who is within the jurisdiction of this Act that brings or invites the other man to send, that will be involved. Let us take the case of Uttar Pradesh for instance. Let us say, something is published in Uttar Pradesh. The U.P. gentleman does not come within the clutches of this law. It is the man from the Part C State of Delhi, who invites that man to send, or brings from that man, a ticket or a coupon

etc., that is liable. He is expected to know the law which applies to his place. If that man brings a ticket or a coupon etc., then he is liable. It is not as if somebody thrusts a bottle of wine into his pocket, or a ticket into his pocket.

If the desire is to ban it altogether and make the law as strict as possible, there is no good giving loopholes like this by putting in the words 'knowingly', 'consciously' or 'warily' and so on.

Pandit Thakur Das Bhargava: If the desire is that every person, whether he is guilty or not, whether his mind is there with the Act or not, should be roped in, then the reasoning is quite correct.

Supposing I go to a place and hire a house from a person, the owner of the house does not know what it has been hired for. The first thing that that man shall have to enquire would be whether I who have hired the house have got a licence or not.

Mr. Deputy-Speaker: The U. P. man does not come into trouble.

Pandit Thakur Das Bhargava: Kindly look at sub-clause (f). It reads:

"uses any premises....".

I do not object to this phrase 'uses any premises', for the person who uses the premises very probably knows what he is using it for. Then, the words are:

"or causes or knowingly permits any premises to be used".

Under this, the person who is the owner of the house and who gives it on rent becomes also guilty, unless he has made full enquiries....

Mr. Deputy-Speaker: The word knowingly is there.

Pandit Thakur Das Bhargava: Before the word 'causes' it is not there.

Mr. Deputy-Speaker: I think there has been enough discussion over this matter. I shall put this amendment to vote now, unless the hon. Member wants to convince the House about his point.

Pandit Thakur Das Bhargava: Certainly I want to convince the House. There is no doubt about it. In all these six sub-clauses, the idea seems to be that any person who has got anything to do with these cross-word puzzles in any manner whatsoever, will, whether he is really guilty or not, be enmeshed.

My only point is that in regard to acts which can be attributed to the person who is the originator, who takes an intimate part in it, this is immaterial, but in regard to other persons who do it unknowingly, unconsciously, without knowing whether the person's licence has been suspended or not, they should not be unnecessarily enmeshed by these words. The first principle of criminal law is that unless a person has done something knowingly, he should not be guilty of that offence and he should not be enmeshed. It is only with a desire to save those people that I have put in "knowingly". This is in reference to acts which are done by strangers who do not know whether, as a matter of fact, this man holds a licence or not or whether the licence has been suspended or not. He might go by his friend's word. A man might come and say 'All right, I want to hire this house'. If I am the owner, should I have to go about and find out if this man has got a licence or not or if his licence has been suspended or not? It is quite true that you must enmesh as many people as possible as have got intimate connection with this; at the same time, you should not cast your net too wide to include even those people who have got nothing to do with it, who cannot possibly enquire into the acts of the person who lives far away. For instance, an agent of mine goes to Bombay. Will that man there be

[Pandit Thakur Das Bhargava]

In a position to inquire whether he or his principal has a licence or not? Therefore, I appeal to the hon. Minister to kindly see that in so far as a stranger comes in, he is not unnecessarily affected. You must put in the word "knowingly" which will mean that if a person knowingly does this, then he will be brought in.

Pandit G. B. Pant: Wherever "knowingly" was necessary, it has already been introduced and forms part of the clause. If a person sends or brings a thing, *prima facie* he does it knowingly. If he is able to establish that he was made a dupe or he was befooled or that he was made an unknowing instrument of some mischief, it is open to him to put in such a plea.

Pandit Thakur Das Bhargava: He won't be acquitted, because the mechanical part constitute the offence. He cannot be acquitted if he proves that.

Pandit G. B. Pant: If you introduce "knowingly", then many of those who will do it knowingly will put in the plea that they were ignorant.

Mr. Deputy-Speaker: Is it obligatory on the part of the Judge to convict him even if it is proved?

Pandit Thakur Das Bhargava: The mechanical part is also there.

Mr. Deputy-Speaker: There are provisions in the Indian Penal Code which are of such a trivial nature that even if *mens rea* is there, he can be discharged.

Pandit Thakur Das Bhargava: Is it trivial—such an act involving such consequences?

Mr. Deputy-Speaker: The hon. Minister himself is a lawyer, the hon. Mover is a lawyer and I am also supposed to be one. Now, I will put it to the House.

The question is:

Page 4—

- (i) line 5, before "brings" insert "knowingly";

- (ii) line 9, before "sends" insert "knowingly";

- (iii) line 13, for "causes or knowingly" substitute "knowingly causes or"; and

- (iv) line 16, before "causes" insert "knowingly".

The motion was negatived.

Mr. Deputy-Speaker: I have got a draft by the Official Draftsman regarding that portion in clause 11 which we passed:

"If any person with a view to the promotion or conduct of any prize competition, except in accordance with the provisions of a licence, or in contravention of the provisions of the Bill...."

The same thing as we originally wanted to be put in there....

Pandit G. B. Pant: You may just examine it and put it in such shape as you consider proper.

Mr. Deputy-Speaker: Anyhow, the amendment is accepted. The other safeguard must also be there. Whether it should be in the middle or the earlier portion or in the last portion, will be considered and if necessary, the Speaker will be authorised to put it in the proper place.

Pandit G. B. Pant: You are requested by the House to put it in such shape as you consider proper.

Mr. Deputy-Speaker: The question is:

"That clause 11, as amended, stand part of the Bill".

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12.—(Offences by Corporations)

Pandit Thakur Das Bhargava: I beg to move:

- (1) Page 4, lines 23 and 24—omit "as well as the company".

(2) Page 4, line 33—

omit "or is attributable to any neglect on the part of".

In regard to these amendments, I do not want to make any speech. In a previous Bill, which was sponsored by the hon. the Home Minister himself, that is, the Untouchability (Offences) Bill, he was pleased to move these two amendments himself. My amendment was not accepted, but he himself made these two amendments after reading my amendment.

Mr. Deputy-Speaker: About liability of the corporation.

Pandit Thakur Das Bhargava: Yes. These words were omitted by the hon. Minister himself for very obvious reasons; if he wants, I can give the grounds again. This is an amendment of the hon. Minister himself in a similar Bill previously. I think he will be pleased to accept both the amendments. The reasoning is quite obvious. In regard to such acts, no other person, except a person who belongs to the company and is responsible for it, is made liable. Neglect has never been made into an offence. It is in very rare cases that in the Indian Penal Code neglect is made into an offence. Here this will be an exceptional case. In regard to the Untouchability (Offences) Bill also the company was not involved. Here also the reasoning is the same. In regard to the words "as well as the company", we know that unless there are lawful purposes, for which company is formed no company can be formed. When we will have passed the new Companies Bill, the managing agents, managing director etc. will be there only after they have been approved by the Government themselves. The company does not authorise any person to do any illegal thing. Why should the shareholders who are staying miles away be asked and mulcted and penalised for nothing? As a matter of fact, it is not the company which is involved, but those who are in charge of the company who have been rightly enmeshed. So these words "as well as the company" and "or is attributable to

any neglect on the part of" may be taken away. So far as the others are concerned, I have no objection, though the provision, on the whole, is not, legally speaking, justifiable. But these two matters are certainly not justifiable. The hon. Minister himself said at that time that the company is usually not culpable in matters like this. So I leave it to him, if he agrees with the view that he himself took in the previous Bill when these two amendments were made at his instance.

Pandit G. B. Pant: What are the amendments?

Pandit Thakur Das Bhargava: Nos. 60 and 61. The words "as well as the company" and "or is attributable to any neglect on the part of" may be taken away.

Pandit G. B. Pant:

"If any person guilty of an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company...."

Pandit Thakur Das Bhargava: They may remain. The company will not be responsible. Because, what has the company done? Those who are responsible may be punished fully.

Mr. Deputy-Speaker: The man who is responsible may be acting on behalf of the company.

Shri Rane (Bhusaval): The company makes money.

Pandit Thakur Das Bhargava: The company never authorised him to do any such illegal thing. The person who did this went beyond his capacity. The company never authorised this thing to be done. This was not the object of the company.

As a matter of fact, if you allow me to have my say, I would go further and say that even those persons who are in charge are not liable unless the offence is brought home to them. We are only making an exception here. Even that person in charge is made vicariously responsible.

Shri U. M. Trivedi: It is now the fashion to bring in the company.

Pandit Thakur Das Bhargava: Why do we not go further and say that the offence must be brought home to him?

Shri Rane: I oppose the amendment of Pandit Thakur Das Bhargava because the company is going to make money and I therefore say that these words are essential and should not be omitted.

Pandit G. B. Pant: The company is formed for a specific purpose. It is not one of those companies which has a very large scope and various types of work to do, but companies formed of single persons should know that honesty pays and not dishonesty.

Pandit Thakur Das Bhargava: I want to hear the hon. Home Minister on the second part of it: "or is attributable to any neglect on the part of". How can negligence of the person come in here? His mind has not gone with the act. How can you penalise him?

Pandit G. B. Pant: The company has to concentrate on this work.....

Pandit Thakur Das Bhargava: Under sub-clause (2) of clause 12, I can understand that consent or connivance being made culpable.

Mr. Deputy-Speaker: If some clerk under him goes on doing this....

Pandit Thakur Das Bhargava: If there is *mens rea* it is culpable. Negligence means that he does not advert to the consequences....

Mr. Deputy-Speaker: I ought not to allow petrol being stored in my house without a licence for it. Suppose I allow my servant to go on stocking petrol in my store, kitchen and *puja* room and everywhere there is petrol, should I not be punished?

Pandit Thakur Das Bhargava: Without your knowing, the petrol is there.

Mr. Deputy-Speaker: Is it not the duty under the Criminal Procedure Code that when a man is dead in

some one's land, it is his duty to go and lodge a report? Likewise there are certain things of which we should take notice. I cannot keep a tiger in my house.

Shri U. M. Trivedi: Everywhere we have the question of *mens rea*. It is a positive fact. In the case of neglect, there is nothing; it might be a question of the man's omission to look into a particular thing. That itself cannot impute criminality to him. I think there is some force in what Pandit Thakur Das Bhargava says. A director may be staying or residing very far away and may not know anything about it. How can he be made culpable for this? Attributable to any neglect on the part of a person is surely not an offence.

Pandit Thakur Das Bhargava: Since you are in the Chair, it is difficult to meet your argument; you speak of tigers, wolves, Petrol etc. Supposing the director is in England, his negligence will be vicariously presumed. There may be many cases of such people who are not present on the spot. Do you want negligence on their part to be an offence? This is a question of great importance. You want the vicarious responsibility of persons who may not be present even on the spot. So far as connivance or consent is concerned, I do not mind, though ordinarily it is not so very culpable, but in regard to this, namely, neglect, we are going to the greatest possible extent. Should we go to this extreme limit?

Mr. Deputy-Speaker: What is the harm if we said "has been committed with the knowledge or connivance of"? Even if he has knowledge, it is enough because it is a vicarious responsibility in the case of a company. Neglect is more negative.

Shri Lakshmayya (Anantapur): My suggestion is that both the company as well as the person concerned should be made punishable.

Pandit G. B. Pant: If you substitute the words "or is attributable to gross neglect on the part of" I have no objection. In other words, for the

word "any" the word "gross" may be substituted. I am agreeable to it.

Mr. Deputy-Speaker: Gross neglect amounting to active participation—I am not adding those words, but I am only interpreting the word "gross".

Pandit Thakur Das Bhargava: "Knowledge" would be much better.

Pandit G. B. Pant: There may be some cases in which a man may be deliberately promoting all such activities, and yet we may not be able to establish that fact.

Pandit Thakur Das Bhargava: The fact is that if he is deliberately doing it, then 'connivance' is a much stronger word. It is even more powerful than knowing.

Pandit G. B. Pant: You do not lose anything by using the words "gross neglect".

Pandit Thakur Das Bhargava: How will you prove it? I will be satisfied with the word "knowledge".

Pandit G. B. Pant: For a year, he has not examined the accounts and has not taken the care to look into the working of the company at all; he is the chairman or president.....

Mr. Deputy-Speaker: The House has heard sufficiently about this matter. I will put Pandit Thakur Das Bhargava's amendments first.

The question is:

Page 4, lines 23 and 24—

omit "as well as the company".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 33—

omit "or is attributable to any neglect on the part of".

The motion was negatived.

Mr. Deputy-Speaker: Government have just now given an amendment. It may be moved.

Pandit G. B. Pant: I beg to move:

Page 4, line 33—

for "any neglect" substitute "gross neglect".

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Mr. Deputy-Speaker: The question is:

Page 4, line 33—

for "any neglect" substitute "gross neglect".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

New Clause 12A—

Shri Rane: I beg to move:

Page 4—

after line 41, insert:

"12A. Forfeiture of receipts for unlawful prize competitions.—If a person promotes or conducts any prize competition in contravention of the provisions of this Act, it shall be lawful for a court to pass an order forfeiting to the State Government all the receipts for the unlawful prize competition in addition to the penalty under section 9, 11 or 12 as the case may be."

The wording is very clear and it only seeks to forfeit all illegal receipts or earnings. I do not want to add anything.

Pandit G. B. Pant: Let us be satisfied with the old clause. Why should we have a new clause?

Mr. Deputy-Speaker: I take it that the hon. Member is not pressing his amendment for the insertion of the new clause 12A.

There are no amendments to clause 13.

The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14.—(Power of entry and search.)

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 5, line 21—

add at the end:

“Who are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any prize competition in contravention of the provisions of this Act.”

(2) Page 5, line 25—

after “searches” insert “and arrests”.

Clause 14 authorises a police officer to enter, if necessary by force, etc., any premises to search the premises and take into custody all persons whom he finds there and produce all of them before a magistrate. I want only this. No officer, howsoever high or big should be authorised to arrest all persons who are found in a particular premises. This will be very wrong; it is against the provisions of the Criminal Procedure Code and also against decency. If a guest is there in the house or if the wife or parents or children of that person are there—all these persons will be found in the premises. They can be arrested under this clause. I never think that it could be the intention of the hon. Mover of this Bill. I, therefore, want to put in the words of section 54 of the Criminal Procedure Code. If the person who is authorised to search has got some suspicion that such and such person has been concerned with the use of such and such premises then he can search and do these things. These are not my words; I have taken them from the Criminal Procedure Code. I also want to arm the police officer with all those powers. I am also anxious to prevent the

dwindle of Prize Competition. But I do not want innocent persons who do not know anything about the place—the distant relations who are not in any way connected with these things—should be arrested. His powers of arrest should be there the same as in the case of an ordinary police officer in regard to ordinary persons. Ordinarily, if you give this power, it would not be abused but a dishonest man may use these powers to the detriment of honest and innocent persons. I am therefore anxious that he should not be armed with such powers as to harass the people.

With regard to 63, I want that the searches or arrests under this section must be made in accordance with the provisions of the Criminal Procedure Code. I want the word ‘arrests’ to be added.

Pandit G. B. Pant: I think that if Pandit Bhargava’s amendment is accepted, then perhaps the word ‘such’ will have to be omitted. It will have no meaning. I have no objection. It will be “...to take into custody and produce before a magistrate all persons who are concerned...” Then, it will be as you have given in your amendment.

Pandit Thakur Das Bhargava: The section refers to search the premises and the persons found and as such they may search as well as arrest. If the word ‘such’ is not there, it will refer to all kinds of persons who are found or not found on the premises; it will go even beyond the particular premises. If such persons are there, then those persons may be arrested. But if you do not put the word ‘such’ any person anywhere may be arrested.

Pandit G. B. Pant: I have no objection if you think it is all right.

Mr. Deputy-Speaker: He wants the provision regarding arrest should also be done in accordance with the provisions of the Criminal Procedure Code. The searches also should be made in accordance with those provisions.

Pandit G. B. Pant: How else could Government make it?

Pandit Thakur Das Bhargava: If you do not use that word and if you say 'any', then it will not be right. Searches as well as arrests have to be made according to those provisions.

Pandit G. B. Pant: In certain cases like gambling, Criminal Procedure Code does not apply. Arrests are always made according to the Criminal Procedure Code. It is redundant. Not that I am opposed to it but it has no meaning.

Pandit Thakur Das Bhargava: Then the sub-clause has no meaning.

Pandit G. B. Pant: You better tolerate this.

Mr. Deputy-Speaker: I shall put this to the vote. Here it is said "add at the end". It cannot be at the end. It would read "all persons who are concerned.....".

Pandit Thakur Das Bhargava: It should come after the words "to take into custody all persons who are concerned...." I am wrong in suggesting this amendment be made at the end.

Mr. Deputy-Speaker: As suggested by the hon. Minister, it will read "...to take into custody and produce before a magistrate all persons who are concerned.....".

Pandit Thakur Das Bhargava: With your permission, it would be better if it reads like this: "...to take into custody all such persons as are concerned.... and produce before a magistrate,".

Mr. Deputy-Speaker: What is the harm in substituting it this way: "... all such persons as are concerned...."?

Shri U. M. Trivedi: As it stands, is it all right? Such persons are those persons who are antecedently described: "to search the premises and the persons whom he may find therein and to take into custody" and produce them before a magistrate.

Mr. Deputy-Speaker: Have hon. Members followed Pandit Bhargava's amendment? He says that 'all' should not be arrested.

An Hon. Member: How will they be arrested?

Mr. Deputy-Speaker: By catching hold of them. Hon. Members must follow things.

Pandit Thakur Das Bhargava: These words "...produce them before the magistrate" should come subsequently. It will then read like this: "to take into custody all such persons as are concerned.....and produce them before a magistrate."

Pandit G. B. Pant: That will look very clumsy.

Mr. Deputy-Speaker: Then sub-clause (c) will be as it is except that this modification may be made. The amendment will be added after the word 'persons' so as to read "all such persons as are concerned or against whom.....this Act." So, I shall put this to the vote of the House.

Pandit G. B. Pant: It may be substituted, at the end. "such persons; and" occurring in line 21, may be substituted by "such persons as are concerned....."

Mr. Deputy-Speaker: The question is:

Page 5, line 21—

after "such persons" add:

"as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any prize competition in contravention of the provisions of this Act;"

The motion was adopted.

Mr. Deputy-Speaker: Now, amendment No. 63 relating to 'searches' and 'arrests'.

Pandit G. B. Pant: Arrests are governed by the Criminal Procedure Code.

Mr. Deputy-Speaker: But 'searches' is mentioned.

Pandit G. B. Pant: Searches are sometimes made by the police officers themselves. Here it suggests that a warrant will have to be obtained. Therefore, that amendment is not necessary.

Mr. Deputy-Speaker: Does the hon. Member press his amendment?

Pandit Thakur Das Bhargava: I do not press it in view of the acceptance of the previous amendment.

Mr. Deputy-Speaker: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15.—(Forfeiture of newspapers and publications containing prize competitions.)

Shri S. C. Samanta: I beg to move:

In page 5—

lines 28 and 29—

for "in contravention of the provisions of this Act" substitute:

"except where such competition is promoted or conducted in accordance with the licence given under this Act."

Mr. Deputy-Speaker: Amendment moved:—

In page 5, lines 28 and 29—

for "in contravention of the provisions of this Act" substitute:

"except where such competition is promoted or conducted in accordance with the licence given under this Act."

Of course, this is only an exception. Otherwise, the language is wide.

Pandit G. B. Pant: It actually comes here: "Where any newspapers or other publication contains any prize competition" and then it must be "promoted or conducted except in accordance with a licence given under this Act".

Mr. Deputy-Speaker: "Advertisement" is not necessary, then?

Pandit G. B. Pant: No, Sir. That will come later, and the clause will read:

"Where any newspaper or other publication contains any prize competition promoted or conducted except in accordance with a licence given under this Act, or any advertisement in relation thereto....etc."

Mr. Deputy-Speaker: So, the words "in contravention of the provisions of this Act" will continue?

Pandit G. B. Pant: No, Sir. Those words will go. The clause will read what I have just now read.

Mr. Deputy-Speaker: So, I take it that the amendment, as re-drafted, is acceptable to the House. The speaker may be authorised to re-draft it as necessary later on.

The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16.—(Appeals)

Shri Kamath: I beg to move:

Page 5, line 36,

Wherever they occur—

for "State Government" substitute "High Court".

Shri S. V. L. Narasimham: I beg to move:

Page 5—

for clause 16, substitute:

"Any person aggrieved by the decision of the licensing authority

refusing to grant a licence or cancelling or suspending a licence may, within thirty days of the order, prefer an appeal to the Court to which appeals would lie had the order become one of conviction and the decision of the appellate court shall be final".

Shri Kamath: May I just submit in 50 seconds that the grounds urged by the hon. Home Minister are very plausible indeed but I must say, with great dissatisfaction, not very convincing. He urged that because the House is entirely opposed to prize competitions and is even desirous of proposing a complete ban on prize competitions, therefore we should welcome more power in the hands of the State which will conduce to the banning of the competitions. If this argument were extended to other fields, Sir, we can also say with a greater plausibility, perhaps, that this House is opposed—not only this House but several other State Assemblies also are opposed—to liquor and we want a complete prohibition. But, we have provided in the Acts relating to that for a judicial authority to revise the decisions of various authorities, whether executive or otherwise. So also, we may say, if the House is entirely opposed to police firing do we rule out an enquiry by a judicial authority wherever there is a police firing in any part of this country? Therefore, just because the House wants a total ban to rule out any intervention or interference of judicial authority is, to my mind, not very sound. With great deference to the wisdom of the Minister I regret to say it is not a very sound argument.

I say we are all opposed to speculation but it continues to flourish in this country. More and more people are ruined by it. People commit suicide because of failure on the Stock Exchange, but the Government has not banned it even though the common man and most of us here would like to have a very strict ban on speculation on the Stock Exchange. **Nothing** has been done as regards that

matter. Therefore, I submit that so long as there is a law there should be a judicial authority to review or hear appeals against the decisions. Whatever the House may desire or not desire, the law allows competitions up to Rs. 1,000 and the Minister also has said that it is permissible under this Bill but later on Government may again come up in this House with an amending Bill imposing total ban. But, at present the Government is in favour of curtailing or controlling the competitions and not in favour of banning them entirely. Therefore, if you want to have this law it is but meet, it is but necessary in the interests of justice and fairness that the executive licensing authority should not act arbitrarily. If the Government had come forward with a Bill for total ban of the competitions this question would not have arisen at all, because then there is no licensing authority to give or refuse licence. But as we have allowed these competitions to a certain degree and the licensing authority which is an executive authority may act arbitrarily in certain cases, therefore, to safeguard against the abuse of authority and against arbitrary exercise of executive licensing authority it is very necessary in the interests of justice and fairness that an appeal from an order by the licensing authority should lie not to the State Government but to a judicial authority; and I have said, the High Court.

The State Government may act arbitrarily. All executive authorities act arbitrarily many times and they are not competent—in the public mind anyway—to give a judicious decision as the High Court or the Supreme Court is. As an instance, I may submit that recently in Bombay—some months ago—in the Bombay Assembly the Chief Minister referring to a firing in a village called Valod which is an Adivasi area said that the Government had considered this matter and did not think that a judicial enquiry was necessary. Some persons involved in that riot were prosecuted by the State Government

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and the Judicial Magistrate has passed strictures on the executive acquitting the accused.

Mr. Deputy-Speaker: You are going away from the topic.

Shri Kamath: I was trying to bring home to you and to the Government.....

Mr. Deputy-Speaker: The Home Minister is already in 'Home' and I am also.....

Shri Kamath: I was trying to bring home to the Home Minister that the State Governments should not be given this power to decide matters in appeal. It is not proper to do so because in the case which I was just referring to the Magistrate acquitting the accused said that the Bombay Government erred in not ordering a judicial enquiry in the matter. Therefore, I submit that there should be provision for a judicial review or an appeal against the order of the licensing authority, so long as we have this law in force. If there is a total ban, then it might be all right. But when we do not impose total ban, we must provide for an appeal to the judiciary against the order of the licensing authority and not merely an appeal to the executive against the executive.

Pandit G. B. Pant: I think Mr. Kamath has really greater confidence in his dignity than he now seems to disown, because he has had experience of this work. He has got certain experience himself and I am sure this will not be worked arbitrarily or unjustly. So taking the illustration, I would like him to have some confidence in his own fraternity.

Shri Kamath: I am not in the executive here; I am in the legislature.

Pandit G. B. Pant: I am reminding you of your good sound past. The hands of the High Court are already too full and if they are burdened with these petty cases, then their arrears will mount up. But if the hon. Member is interested in the ex-

peditious disposal and dispensation of justice, I hope he would agree to giving this a trial.

Shri Kamath: Only a trial.

Mr. Deputy-Speaker: The question is:

Page 5, line 36, wherever they occur—

for "State Government" substitute "High Court".

The motion was negatived.

Mr. Deputy-Speaker: I shall now put Shri S. V. L. Narasimham's amendment.

The question is:

Page 5, for clause 16, substitute:

"Any person aggrieved by the decision of the licensing authority refusing to grant a licence or cancelling or suspending a licence may, within thirty days of the order, prefer an appeal to the Court to which appeals would lie had the order become one of conviction and the decision of the appellate court shall be final."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 19 were added to the Bill.

Clause 20.—(Power to make rules)

Shri U. M. Trivedi: I beg to move:

Page 6, line 14—

for "application" substitute "licence".

I ought to have brought this matter to the notice of the House before. Clause 20 gives the Government power to make rules and a memorandum about this appears at page 8 of this Bill. One of the powers given under sub-clause (2) of clause 20 is that Government may frame rules providing for the "form and manner of application for a licence and the

fees, if any, for such application." As you know, under the provisions of article 110 of the Constitution, this will become a Money Bill and it cannot be introduced without the previous certificate of the President as provided for under article 117.

Mr. Deputy-Speaker: I am not sure; this may be exempted.

Shri U. M. Trivedi: What is exempted under article 110 is this:

"A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences...."
etc.

That is to say, fees for licences which are covered in this particular Bill by sub-clause (4) of clause 6 are certainly exempted. This sub-clause reads:

"The fees on payment of which, the period for which, the conditions subject to which, and the form in which, a licence may be granted shall be such as may be prescribed."

This is certainly exempted under article 110(2). But I am talking about charging fees on applications for licences. It has been held that if there is a principle of *quid pro quo*, for rendering some service, then it will not be called a tax; but if it is fees to be charged on an application, no principle of *quid pro quo* is involved in it. Therefore, this fee to be levied on application for licences becomes a tax.

Mr. Deputy-Speaker: Do not 'licences' come under 'services'? If they are fees for services, there must be *quid pro quo*. So, even in fees for licences, there is *quid pro quo*.

Shri U. M. Trivedi: The point here is that the fees mentioned here are for the application and not for the licences. Licences are granted to allow to do a particular thing. But here it is fees for application for licences. Some cases have been recently decided by the Supreme Court—the Madras Trust case, the Orissa

Trust case, the Bombay Charitable Trust case, etc..

Mr. Deputy-Speaker: I want some elucidation. I want to know whether in those cases they imposed a fee on applications for licences and whether that fee was held illegal.

Shri U. M. Trivedi: What was held illegal was the fees which could be charged for registering the various charitable trusts. A levy of 5 per cent. was to be charged and this was treated as tax because there was no question of service there.

Mr. Deputy-Speaker: I am talking of the fees on the application for licences. Does it not cover all the processes which lead to the issue of the licence?

Shri U. M. Trivedi: My humble submission is this. Fees charged for the licence itself is covered by the exemption; but here it is a question of fees charged on the application for a licence which may or may not be granted. Therefore, fees on the application itself is a tax. There is no choice left in the hands of the man not to apply for the licence.

Mr. Deputy-Speaker: The hon. Member suggests that in clause 20(2)(a), instead of "fees, if any, for such application," we should have "fees, if any, for such licence." What has the hon. Minister to say?

Pandit G. B. Pant: I do not quite follow the arguments.

Mr. Deputy-Speaker: If the hon. Minister will kindly turn to page 6, he will find that sub-clause (2)(a) of clause 20 reads as follows:

"(a) the form and manner of application for a licence and the fees, if any, for such application;"

But under article 110 of the Constitution, any tax measure requires the prior sanction of the President. Certain fees are exempted, for example, fees levied for issue of licences or fees for services rendered. Here the latter thing does not apply. As regards licences, it is open to State Governments to prescribe

[Mr. Deputy-Speaker]

fees under rules for issue of licences. What the hon. Member objects to is the fees which can be imposed under clause 20(2)(a) of this Bill on applications. All that he wants is that instead of saying "fees for application" we should say "fees for licence".

Pandit G. B. Pant: I have no objection.

Mr. Deputy-Speaker: Very good.

The question is:

Page 6, line 14—

for "application" substitute "licence".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, *was added to the Bill.

Clause 1.—(Short Title, etc.)

Pandit G. B. Pant: I beg to move:

Page 1, line 12—

after "Bombay" insert:

"Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat".

Mr. Deputy-Speaker: They have also agreed by resolution.

Pandit G. B. Pant: Yes.

Mr. Deputy-Speaker: The question is.....

Shri U. M. Trivedi: On this clause, an amendment has been moved by the hon. Minister. Read with this amendment, this will show that instead of the 4 States that are mentioned here, we will have 8 States. The point is this. This is a point which I wanted to make earlier also. It is true that the Statement of Objects

and Reasons is not looked into by the courts for coming to a decision whether a law is valid or not. Similarly, it is correct to say that even the preamble is generally not looked into for determining whether a law is valid or not. At times, it so happens that the preamble is looked into to find out why a law is framed in this particular manner. As the clause at present stands, although it is a pious hope of ours that we are going to apply this law to the whole of India, we have framed this law as if it comes under item 34 of list II. We have ourselves said in our Objects and Reasons that we are going to allow some reasonable scope for competitions which are mainly games of skill and intelligence. Once we say that this is a question of game, skill and intelligence, the very bottom of the case that this is governed by gaming and betting, covered by item 34 of List II, is knocked down. This does not, according to our own argument, come under item 34. Then, this preamble becomes absurd. For this particular reason I say that this law will be *ultra vires* of the provisions and that you have no power to make this law. If you are making the law under the provisions of what we call residuary powers as provided for in List I, and also as provided for in article 248, it would be better for us to drop this provision completely that it extends to the States of Andhra, etc. We can say that it extends to the whole of India. There would be nothing wrong if we say that this is not betting and gaming. Once we say that there is skill and intelligence, it lies within our powers, within the powers of Parliament to say that this law applies to the whole of India. My suggestion is this. If the hon. Home Minister can take stock of the situation, he will see that there would be nothing wrong in putting it down that this law applies to the whole of India and it need not

* In view of the amendment to part (b) of Sub-Clause (2) of Clause 20 adopted by the House, the word "the fees on payment of which", occurring in part (b) of Sub-Clause (2) of clause 20 were redundant and were omitted as per order under the direction of the Speaker.

be specified that these are the States to which this law will apply. Otherwise, it would create a paradise for the lawyers and it may allow certain mischievous elements to carry on something in contravention of the law. Therefore, it is essential that this law must apply to the whole of India. As it stands today, we have got powers to do so.

Pandit G. B. Pant: I have already dealt with this matter. I am afraid that it would be risky to omit this portion and to make this law applicable to the whole of India forthwith. We have followed a certain course. We are advised by our lawyers that this is perfectly valid and right. In these circumstances, we have to maintain the scheme of the Bill as it is.

Mr. Deputy-Speaker: The question is:

Page 1 line 12—

after "Bombay" insert:

"Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat"

Pandit G. B. Pant: And Saurashtra also after Pepsu.

Mr. Deputy-Speaker: All right, I will put it as modified.

The question is:

Page 1, line 12

(i) after "Bombay" insert "Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat"; and

(ii) after "Patiala and East Punjab States Union" insert "and Saurashtra".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Clause 15

Mr. Deputy-Speaker: Before going to the Preamble, let me read out the re-draft of clause 15. I had already stated

that the amendment may be adopted subject to such modifications in drafting as the hon. Speaker may make, and we had authorised him to do so. The amendment has been already adopted. I am reading out the re-draft.

Page 5, lines 28 and 29.—

for "competition or any advertisement in relation thereto in contravention of provisions of this Act" substitute:

"competition promoted or conducted in contravention of the provisions of this Act or except in accordance with the provisions of a licence under this Act or any advertisement in relation thereto."

I think it meets with the approval of the House.

Hon. Members: Yes.

Clause 11

Mr. Deputy-Speaker: In clause 11 also, it was agreed by the House that such verbal alterations as may be necessary to fit amendment 65 into that clause may be made by the Speaker. Subject to this, the amendment has been already adopted by the House. I may now read to the House the final form of that amendment as re-drafted by the hon. Speaker.

The final form reads thus:

Page 3—

for lines 26 to 29 substitute:

"11. If any person with a view to the promotion or conduct of any prize competition except in accordance with the provisions of a licence under this Act or in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted except in accordance with such provisions—"

I think it meets with the approval of the House.

Hon. Members: Yes.

Preamble etc.

Mr. Deputy-Speaker: In the Preamble, there is an amendment. It is similar to the one carried out to clause 1.

Amendment made:

Page 1, line 3,—

(i) after "Bombay" insert:

"Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat"; and

(ii) after "Patiala and East Punjab States Union" insert "and Saurashtra".

—[*Pandit G. B. Pant*]

Mr. Deputy-Speaker: The question is:

"That the Preamble, as amended, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Preamble, as amended, the Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended, be passed."

We have already exceeded the time limit by 90 minutes. I do not like to encroach upon the time of the House any further. I hope this motion will be accepted unanimously by all the Members.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

Mr. Deputy-Speaker: I must congratulate the House for the manner in which all the Members co-operated and applied their mind very seriously to it and tried to make it as perfect as possible.

Shri Kamath: Thanks are due to your guidance also.

Mr. Deputy-Speaker: Though we exceeded the time, it does not matter.

DEMANDS FOR SUPPLEMENTARY GRANTS

Mr. Deputy-Speaker: The House will now take up discussion and voting on the Demands for Supplementary Grants in respect of the Budget (General) for 1955-56.

Half an hour has been already allotted for Demand No. 22. That has been already published in the Bulletin of the 19th September, 1955. Therefore, I shall take up Demand after Demand and place before the House both the Demand and the cut motions, and then conclude in the time allotted for that particular demand in the bulletin and by the Business Advisory Committee already.

In regard to the cut motions, hon. Members will kindly bear with me. Not that they do not know, I am only reminding them that so far as cut motions are concerned, matters of policy cannot be introduced with respect to any particular item except in so far as that item is a new service and was not contemplated at the time of the budget.

Secondly, in the case of economy cuts, there must be substantial sums and they should try to show how that economy can be effected,—for example, if the demand is for Rs. 3 or Rs. 4 lakhs, it can be reduced by Rs. 2 lakhs. It is purely an economy cut, and one has to justify as to how that economy can be achieved.

Thirdly, there is the token cut, for the purpose of drawing the attention of the House to a particular grievance. Matters of policy other than under the items of service cannot be embarked upon.

Judging from those standards, I find that these cut motions are not in order: No. 26 relating to Demand No. 22.

Shri S. L. Saksena (Gorakhpur Dist.—North): It is in order.

Mr. Deputy-Speaker: When it comes, I will see. For the time being hon. Members may be prepared with their