

Constitution of India – Entry 40 of List I and Entries 34 and 62 of List II – Whether there is any apparent conflict/overlapping between the same – It is not in dispute that a scheme of lottery is a form of gambling – The expression ‘betting and gambling’ is a genus while the expression ‘lottery’ is a species of betting and gambling – Term ‘lotteries’ being a species of the activity of ‘betting and gambling’ is carved out of Entry 34 of List II and placed in Entry 40 of List I only to the extent of lotteries organised by the Government of India or the Government of a State – That means lotteries organised by private parties or entities in a State or lotteries authorised by government of a State continue to remain within the scope and ambit of Entry 34 of List II dealing with ‘betting and gambling’ – The inference is that in so far as lotteries organised by the Government of India or the Government of any State is concerned, in order to have uniformity of laws throughout the country governing such lotteries the framers of the Constitution have intentionally included the said activity in Entry 40 of List I – Consequently, the Parliament has legislative competence to pass laws on lotteries organised by the Government of India or the Government of any State – This means the Parliament can pass laws to regulate organisation of lotteries by the Government of India or the Government of a State uniformly throughout the country, as indubitably the conduct of such lotteries by the sovereign State is a source of revenue for the Government of India – Therefore, in order to enhance the faith of the people in the organisation and conduct of such lotteries throughout the territories of India by the Government of India or the Government of any State, said regulation by the Parliament is enabled by placing the subject in Entry 40 of List I – Consequently, the 1998 Act has been passed by the Parliament which is regulatory in nature, as has been discussed above – If, for the purpose and object of regulation of lotteries organised by the Government of India or the Government of any State, any fee is to be levied it is as per Entry 96 of List I.

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[\*\*STATE OF KARNATAKA v. STATE OF MEGHALAYA , 2022 PLRonline 2094 , 2022 SCeJ 0419\*\*](#)