

MINISTRY OF FINANCE (REVENUE DIVISION) NOTIFICATION *re* FURTHER AMENDMENT TO THE CENTRAL EXCISE RULES, 1944

THE DEPUTY MINISTER FOR LABOUR (SHRI ABID ALI): Sir, on behalf of Shri A. C. Guha, I lay on the Table, under section 38 of the Central Excises and Salt Act, 1944, a copy of the Ministry of Finance (Revenue Division) Notification No. 42, dated the 20th August, 1955, publishing further amendment to the Central Excise Rules, 1944. [Placed in Library. See No. S-288/55.]

THE SPIRITUOUS PREPARATIONS 'INTER-STATE TRADE AND COMMERCE) CONTROL BILL, 1955

THE MINISTER FOR INDUSTRIES (SHRI N. KANUNGO): Sir, I move:

"That the Bill to make provision for the imposition in the public interest of certain restrictions on inter-State trade and commerce in spirituous medicinal and other preparations and to provide for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, in making this motion, I beg to submit that the necessity for such a piece of legislation was being felt by the States for a long time. With the imposition of prohibition in several States, either total or partial, the State Administrations were finding it difficult to control the misuse of the medicinal preparations which was occurring in those States. To cite one example, the consumption of certain medicinal preparations containing alcohol in the Bombay State in 1951-52 was 9,075 lbs. and in 1954-55 it jumped up to 24,99,676 lbs. Though these items were medicinal items, obviously people were misusing these medicinal preparations as substitutes for intoxicants. But under the Constitution, the State Governments have not got control over inter-State trade. Therefore they can only control the movement and sale

etc. of these medicines which, of course, are used for genuine purposes also within their States. They had no power to control the import and subsequent movement of these preparations in the States concerned. Apart from that, without such a legislation, the other States from which these exports emanated could not know of it and could not cooperate, even if they wanted to. Therefore, with the concurrence of all the States, the Central Government decided to introduce this legislation which gives the Government power, as has been described in the Bill, to control the trade—the inter-State trade—in the medicinal preparations containing alcohol. It does not prevent the trade. It does not restrict the trade. It does not prohibit it. All it provides for is that the movement of such preparations from State to State will be controlled and the authorities in the States concerned will know what is happening. They can get information about the quantities of import, the quantities consumed for bona fide purposes and also for mala fide purposes. That is what is provided in this Bill. I believe the House will agree that it is absolutely necessary to prevent the state of conditions which has arisen where genuine medicinal preparations are being misused for other purposes.

Sir, I commend that the Bill be taken into consideration

MR CHAIRMAN: Motion moved:

"That the Bill to make provision for the imposition in the public interest of certain restrictions on inter-State trade and commerce in spirituous medicinal and other preparations and to provide for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

SHRI S. MAHANTY (Orissa): Mr. Chairman, this is a very simple Bill whose objective and aim is to make the prohibition programme of some of the prohibition States fool-proof and I welcome it.

Article 47 of our Constitution enshrines the idea of prohibition which is a Directive Principle of State Policy. The only limited issue that I would ask the hon. Minister as well as the House to consider is whether by such penal measures, by such restrictive measures we are going to attain the objective. There is no gainsaying the fact that there has been a very clear admission on the part of the Government as set forth in the Statement of Objects and Reasons that prohibition in the prohibition States has resulted in failure; the reasons may be varying but one of them is the manufacture and inter-State trade and commerce in spirituous preparations, boot polish and varnish, etc. There has been a clear admission in the Statement of Objects and Reasons that prohibition has been a failure. With all humility to the hon. Minister, I would like to say, that he has not been fair either to prohibition or to the House in the manner in which he has piloted the Bill. It is in the fitness of things, that we ought to have been informed of the various reports received from the State Governments; we ought to have been informed of the reasons for the frustration of the prohibition programme which is a Directive Principle of State Policy. In that case alone, we would have been in a better position to judge the merits of the Bill. I venture to think that the manner in which the various State Governments like Bombay and Madras have pursued prohibition is never going to make prohibition a success because of the following fact which has to be borne in mind. It is not alone a question of morality; it is not alone a question of public health but it is also a question of human psychology. This fact also has to be borne in mind that human ingenuity always challenges and overcomes authoritarian impositions. If there is going to be any prevalence behind any problem then it is not going to succeed with any amount of penal restrictions which we may bring into operation with the majority at our command.

Of course, the hon. Minister has not given us any figures and, therefore, I

shall have to rely on my own figures. I understand that in Bombay State, with its classical enthusiasm for prohibition, the illicit manufacture of drinks has gone up tremendously. In 1950, the production was 24,640 tons; in 1951 this was increased to 36,620 tons.

SHRI N. KANUNGO: Where does the hon. Member get the figures from?

SHRI S. MAHANTY: If the hon. Minister has no source, he may take my source.

SHRI D. NARAYAN (Bombay): May I know the source?

SHRI N. KANUNGO: I would like to know the authority for the source?

SHRI S. MAHANTY: These are the figures given by a member of the Prohibition Enquiry Committee. He can very well verify and get satisfied. I will be very happy to be told that I am wrong.

In 1952, I am told, production of these illicit spirituous preparations was in the neighbourhood of 30,000 tons. When we come to the spirituous preparations which reach the consumers under the guise of medicinal preparations, the picture is quite alarming. In 1952-53, it was 1,63,000 pounds; in 1953-54 it was increased to 4,97,000 pounds and in 1954-55 it was further increased to 8,60,000 pounds. In Poona, another important city of Bombay State, the same pattern can be noticed. I do not wish to bother the House by quoting all these figures. These figures relate only to spirituous preparations but this tendency also holds good in respect of tinctures, other varieties of toilet preparations, Eu-de-cologne, boot polish, varnish and all that.

I would like the House to bear with me for a moment. Article 47 containing the Directive Principles of State Policy aims at improvement in the general health and nutrition standards of the people and towards that end, prohibition of injurious drinks has been considered as one of the means.

[Shri S. Mahanty.]

Therefore, this little fact has to be borne in mind that prohibition is not an end in itself but that it is only a means towards an end. Its result has been that by the most impractical and unrealistic implementation of the policy, these spiruous drugs have resulted in an overall deterioration of public health which is admitted by the Government in the Statement of Objects and Reasons. Therefore, the first point that I would like to urge upon this House is that it is high time the Government considered this question of prohibition from other angles than the coercive angle which has been proposed in this Bill.

Again and again I am coming back to the question of prohibition because this Bill, though very simple and innocuous, has raised certain issues whose importance and dimensions are considerable. The whole thing can be judged only in the light of the fact whether prohibition has been a success or not. If it has not been a success then certainly, while giving assent to this Bill, we must consider and explore other ways and means by which we can make this Directive Principle a success. In this context I am reminded of the Ramamurthy Committee Report. I do not know what has happened to that Report. In that Report it was pointed out that more people have taken to drink than before prohibition came into operation. The other day in this House, in reply to Starred Question No. 16, notice of which was given by one of the most indefatigable champions of prohibition—Mr. D. Narayan, the hon. Home Minister gave a very interesting and illuminating set of answers. The question related to prohibition in Part C States. I am giving you one simple example in regard to Kutch. In Kutch, before prohibition, there were 70 centres operating; after prohibition, those seventy have been reduced to eight. Now, what does the House expect? The House legitimately expects that the consumption of liquor must have gone down. In 1951, with seventy centres working, the consumption of foreign liquor was worth

Rs. 3,195/2 and *deshi* wine worth Rs. 70,000. In the year 1954-55, with the seventy centres reduced to eight, you will find that foreign liquor worth Rs. 9,812/8 and *deshi* wine worth more than a lakh of rupees were being consumed. That is the pattern that we get in respect of all the Part C States, the figures for which I am not going to quote; I do not wish to bother you but these figures give one the impression as if people have been drinking with a vengeance. In all the States where prohibition programmes are being implemented, you will find that the consumption of liquor has gone up and where coercive prohibition laws come, people take to illicit distillation, drugs and other things. I do not blame the Government for it; nor do I blame the people because it has to be borne in mind that in the ultimate analysis it is a question of human psychology over which it is not always possible for man to triumph. Therefore I venture to think that this kind of coercive penal measures will lead us nowhere. The more we will try to impose our authority, the more the people will take to alcohol and in the bargain you will not only degrade the people; you will not only degrade public health; you will also degrade public morals. You will force law-abiding citizens to violate the law.

The other day I went to Bombay. What did I find? I found Hall's wine selling as tonic which contains Vitamin B Complex and iodine, so on and so forth. It was very popular. It was being sold even in grocers' shops. That amused me and so I enquired. They said that it contained 17 per cent. alcohol. I was also told that that Hall's wine was produced not in India but in the U.K. and that the importers who imported this kind of Hall's wine have become multimillionaires during the period of seven years of prohibition in Bombay.

Therefore without opposing this Bill my only submission will be: Let there be a practical approach. This is a question where authority is posed against free will; this is a question

where reason is posed against romanticism, this is a question where philosophy is so posed against practical considerations. This Bill which provides a penalty of rupees one thousand as fine and one year's rigorous imprisonment—that is the maximum limit—is going to lead you nowhere. People will pay these fines, yet they will carry on these illicit distillations as they have been doing. Now this is also the time when we can have a review of the experiments in prohibition in other countries where prohibition was brought into operation by such coercive methods without public sentiment behind it.

Now let us look at the United States of America. It is not to the credit of India that for the first time it enshrined the idea of prohibition. Even then in our Constitution it is a Directive Principle only and it is left to the free will of the States—they may implement it or may not implement it. But there in the Constitution of the United States of America, prohibition was mandatory. But what they did? They, after thirteen years, came to the painful conclusion that prohibition had resulted in bootlegging, in degradation of human values, human morals, in racketeering and in all kinds of social vices.

SHRIMATI SAVITRY DEVI NIGAM (Uttar Pradesh). Is it a debate on prohibition?

SHRI S MAHANTY It relates to prohibition, Madam. Now in Finland in 1919 prohibition was brought into operation. And what was the result? My hon friend Mrs Nigam is very much interested in sociological questions and it will profit her to learn what the result was of that prohibition. It was smuggling, private distillation, abuse of medicinal preparations, which ultimately ruined public health which we are so enthusiastic to guard. Therefore the investigating committee there came to the conclusion that prohibition should be scrapped, and it was ultimately scrapped in 1932.

Look at the Union of Soviet Socialist Republics. After the October

Revolution in their revolutionary urge there was prohibition of vodka which in 1925 they had to repeal.

In Norway, in Turkey, in so many other countries you will find that the Governments at one time or other in their reformatory urge have taken to prohibition, but they have been forced ultimately to scrap it because it has led them nowhere. The public health which they were so enthusiastic to guard had only resulted in its deterioration. Therefore, Sir, not these coercive methods—this may be one of the measures to which we can give our seal of imprimatur—but other measures should also be explored. The slogan should be rationalisation not penalisation. For example, as they did in Norway by exempting drinks or beverages which contained alcohol from 10 to 14 per cent, they too sought to minimise the evil of drunkenness which article 47 of the Constitution tries to avert. Therefore while giving my very qualified support to this Bill I will only urge before the Government that this prohibition policy has already resulted in a catastrophe the nature of which I have tried to indicate, most inadequately. Now by further taking to such penal measures we will be driving this evil underground. We will be making distillation of liquors a cottage industry, may not be of the Gandhian brand. If the Five Year Planners want to provide employment, this prohibition will come in handy in their way, which will be a cottage industry which will provide

MR CHAIRMAN That will do.

SHRI S MAHANTY I am just closing. As I was saying, that way it will provide profitable employment to lakhs of men. But we must avert that kind of contingency.

With these words, Sir, I lend my qualified support to this Bill.

SHRI K MADHAVA MENON (Madras). Sir, I support the principle underlying this Bill. It will be rather unfortunate if we go on discussing the merits of prohibition or anti-prohibition over this Bill and we will not end

[Shri K. Madhava Menon.]

anywhere in a discussion on that point. As I said, I support the principle of this Bill and I come from a State which is defined as "prohibition State" in clause 2(c) of this Bill and I know very well the malpractices that have been practised or are being practised in the name of medicinal preparations. Madras State had prohibition from 1937 onwards and there was complete prohibition by 1947. By about that time, Sir, there was such an urge for the sale of tincture zingiberis in particular and various essences that so much of tincture zingiberis was being imported into Madras and the situation became so bad that the Government had to issue a rule under the prohibition law that tincture zingiberis should not be sold except on the prescription of a medical practitioner and the markets were flooded with prescriptions for tincture zingiberis. So this Bill has not come any the earlier. But I feel one great danger in this Bill and it is the definition of 'spirituous preparation' given in clause 2(d) (i). The definition given there, namely, 'spirituous preparation' means any medicinal preparation containing alcohol, whether self-generated or otherwise, is so wide that I am afraid some mischief may be done for the preparation and sale of some famous Ayurvedic medicines, particularly called *asavas* and *arishtas* and under the rule-making powers under the Madras prohibition law the Government had exempted those Ayurvedic preparations like *arishta* from the provisions of this Act. Sir, I come from Kerala—Malabar, Cochin and Travancore—which is very famous for the practice of Ayurveda and preparation of Ayurvedic medicines. I fear, Sir, that this Bill may adversely affect the practice of the Ayurvedic system itself as these *asavas* and *arishtas* have since time immemorial played a very important part in the treatment of almost all diseases, and, above all, these have been resorted to by ancient people never using alcohol in any form whatsoever. Sir, I have the authority of some famous Ayurvedic physicians that ailments of liver or spleen, etc., due to

excessive use of alcohol are treated with these *asavas* and *arishtas*. No alcoholic drug is used in the preparation of these *arishtas* and 12 Noon *asavas* but a negligible percentage of alcohol is self-generated in them and that comes within the mischief of this Bill. The percentage so generated is very small. If you keep a bowl of rice water for a few hours, it will generate a small percentage of alcohol. The alcohol contained in these medicines will not be more than that *Arishtas* and *asavas* are manufactured according to ancient formulae which the Government can demand for scrutiny. The restriction that is now sought to be imposed by this Bill on the preparation of and trade in these *arishtas* and *asavas* on the plea that alcohol may be self-generated in them is not reasonable. Alcohol can be added to tea or coffee but for that reason we are not going to prevent the drinking of tea or coffee. The common man—that much exploited word—still resorts to Ayurveda and we will be hitting him unconsciously if we prevent the preparation of and trade in these Ayurvedic medicines because some of them self-generate a little alcohol. Ayurveda, which is still playing a very important role in the treatment of masses in general, will be adversely affected by this Bill. Sir, I am almost a fanatic in the cause of prohibition and I want that we should take every step to make it a success and I am sure those who prepare these Ayurvedic medicines also wish it but the Bill is likely to do much harm to these Ayurvedic medicines and I therefore make a fervent appeal to exclude *arishtas* and *asavas* from the scope of this Bill. There is an amendment tabled to that effect by Shri Prasada-rao and if that could be accepted, so much the better. But if the Government does not find it possible to accept it, then there is another amendment tabled by Mr. Leuva which gives the Government power to exempt. At present there is no power even for the Government to exempt anything. I think at least this amendment may be accepted by the Government so that

we may not hamper the practice of Ayurvedic system of medicine. That is all that I have to say

श्री ईशकीनन्दन : सभापति महोदय मैं इस विधेयक का अन्तःकरण पूर्वक स्वागत करता हूँ। आप जानते हैं कि यह विधेयक खास प्रोहिबिशन के हित में लाया गया है। मद्रास राज्य में और बम्बई राज्य में प्रोहिबिशन शुरू होने को करीब १७, १८ वर्ष हो गए। सन् १९२६ में वहा प्रोहिबिशन शुरू किया गया। १९४६ से सम्पूर्ण प्रोहिबिशन बम्बई और मद्रास राज्य में जारी किया गया और अनुभव यह है कि दोनों राज्यों में प्रोहिबिशन से गरीब जनता का काफी फायदा हुआ है। बम्बई राज्य ने सालाना १२ करोड़ की अपनी पैदाइश गवाई, परन्तु ईसा जाय तो वहा की जनता का, पीने वालों का, ३५ करोड़ रुपया बचा। मैं यहां पर माननीय अर्थ मंत्री बम्बई राज्य के कुछ वाक्य उद्धृत करना चाहता हूँ

"It has been estimated that as a result of the prohibition policy of Government it has nominally to forego a possible revenue of about Rs 10.77 crores but against this amount the benefit to the consumers has been of the order of Rs 35 crores. This has helped to improve the standard of living of the working backward and poorer classes"

मैं सम्माननीय मित्र महती जी से कहूंगा कि वे कुछ दिन के लिए बम्बई राज्य में जाकर अपनी आंखों से देखें कि इस प्रोहिबिशन से गरीबों का और मजदूरों का कितना लाभ हुआ है। मैं ऐसे मजदूरों के केंद्र से आ रहा हूँ जहां कहीं मिलें चलती हैं और काफी मजदूर हैं। मैंने अपनी आंखों से देखा है कि वहा मजदूरों की हालत इस प्रोहिबिशन की वजह से कितनी सुधर गई है और यही कारण है कि आपने देखा होगा कि आई० एन० टी० यू० सी० यह आग्रह कर रही है कि सारे हिन्दुस्तान में पूरा प्रोहिबिशन जल्दी से जल्दी शुरू कर दिया जाए। आई० एन० टी० यू० सी० ने यह आग्रह खास कर पंच वर्षीय योजना के संचालकों से किया है कि द्वितीय पंच वर्षीय योजना में इस कार्यक्रम को जल्द दाखिल किया

जाए। मेरा तो तर्जुबा यह है कि प्रोहिबिशन से बहुत कुछ फायदा खासकर गरीब जनता का हुआ है। आप हमारे देशों में चलिए और वहा की बहनों से पूछिए कि उन बहनों का कितना लाभ हुआ है। जिनकी रोजाना बंडूजती होती थी, जिनकी रोजाना मार पीट होती थी, उनकी अब कितनी अच्छी हालत है। जिन घरों में चूल्हा नहीं जलता था उनमें अब दोनों टाइम रोटी बनने लगी है। जिन घरों में बर्तन नहीं थे उनमें अब अच्छे अच्छे बर्तन दिखाई देंगे। अगर आप पढ़ी लिखी सांसाइटी की निगाह से देखेंगे तो मैं कह नहीं सकता कि आपको क्या अनुभव होगा। परन्तु अगर आप गरीबों मजदूरों और किसानों की निगाह से और खास कर हीर-जनो की निगाह से जाकर बम्बई राज्य में और मद्रास राज्य में देखेंगे तो आपको पता चलेगा कि इससे बहुत कुछ फायदा हुआ है।

हां, यह मैं मानता हूँ और यह स्वाभाविक बात है कि जब आप किसी चीज को बन्द करते हैं तो कुछ स्वार्थी लोग उससे नाजायज फायदा उठाना चाहते हैं। क्या कंट्रोल के जमाने में यह नहीं हुआ? आप जानते हैं कि अगर कंट्रोल न होता तब हिन्दुस्तान के लाखों आदमी अन्न के बगैर मर जाते। अब आप यह कहें कि कंट्रोल के जमाने में हजारों ने नाजायज फायदा उठाया, ब्लैकमार्केटिंग किया, इसलिए कंट्रोल ही नहीं लगाना था और इसी तरह से अब आपका यह कहना है कि कुछ स्वार्थी लोग प्रोहिबिशन से नाजायज फायदा उठाते हैं, इसलिए प्रोहिबिशन को ही बन्द कर दिया जाए, इस तरह से तो मैं समझता हूँ कि आपको बहुत सी अच्छी अच्छी बातें बन्द करनी होंगी।

यह कहा गया कि बम्बई राज्य में अब पहले से ज्यादा इंडिलिस्ट डिस्टिलेशन होने लगा है और अब बहुत ज्यादा आदमी शराब पीने लगे हैं। मैं पहले यही पूछना चाहता हूँ कि आपको क्या पता है कि प्रोहिबिशन शुरू होने से पहले वहां कितने आदमी शराब पीते थे। पहले बम्बई में और बम्बई राज्य के देशों में कितने आदमी शराब पीते थे कितनी दुकानें शराब की चलती थीं और एक एक जिले में कितनी पैदाइश

[श्री दंबकीनन्दन]

होती थी, जब तक आप ये सब मालूमात सामने न रखें तब तक आप यह तुलना कैसे कर सकते हैं कि प्रोहिबिशन के बाद इतने लोग पीने लगे। मैं आपसे कहना चाहता हूँ कि मुझे पता है कि चोरी से दारू पैदा की जाती है। मैं यह भी जानता हूँ कि इन टिंचर्स की वजह से बहुत से लोगों को दारू मिल जाती है, शराब मिल जाती है। परन्तु जिस तरह शराब पहले बम्बई राज्य में और खास कर कुछ जिलों में पाई जाती थी उसको देखते हुए यह करीब नहीं के बराबर है जो आज डील्लिसिट डिस्टिलेशन के नाम से वहाँ चल रही है। आप पता लगाइए कि पहले वहाँ क्या हालत थी तब आप को पता लगेगा कि आज जो कुछ चोरी छिपे हो रहा है वह बहुत नहीं है।

जब से यह प्रोहिबिशन शुरू हुआ तब से ही इस तरह के कानून की मांग बम्बई राज्य ने और मद्रास राज्य ने की। अभी मंत्री जी ने कहा की "For a long time they had been asking" वह बड़े दुःख की बात है कि जब इतने दिनों से यह मांग की जा रही थी तो इसकी ओर ध्यान क्यों नहीं दिया गया। अब भी आपको याद होगा कि शायद पार्लियामेंट के गए सेशन में वादा किया गया था कि यह बिल आ रहा है, परन्तु यहाँ पहुँचते पहुँचते छः महीने लग गए। आप को पता नहीं है कि इस बिल के न होने से कितनी दिक्कतें बम्बई जैसे राज्य को उठानी पड़ती हैं। अभी दो चार दिन पहले जो मैंने अखबार में एक खबर पढ़ी, उसको पढ़ कर मैं सुना देना चाहता हूँ। उससे आपको पता चलेगा कि किस तरह से दिक्कत बम्बई राज्य में इस तरह का कानून न होने की वजह से पैदा हो गई है। अगस्त १६ की न्यूज़ है और अहमदाबाद की है:

"August 19, Ahmedabad —The Excise Police seized a wagon load of tincture bottles worth about Rs. 20,000 at the Ahmedabad Railway Station this morning. Working on prior information, the Excise Superintendent intercepted a consignment of 280 bags of bottles containing

tincture under the label of syrup. The consignment, it is stated, was being imported from outside Bombay State in the names of some fictitious firms"

यह तो एक ही न्यूज़ आइटम है जो कि अभी कुछ दिन पहले मुझे मिला और वह मैंने आपको पढ़ कर सुनाया परन्तु शायद ही कोई हफ्ता ऐसा बीतता होगा जिसमें कि बम्बई राज्य में इस तरह की वारदातें न होती हों। २, ४, ६ दिन के बीच ऐसी खबर आती ही रहती है कि बाहर से फलाने टिंचर्स आए हैं। खास कर पंजाब के गाजीपुर, अम्बाला, अमृतसर और कलकत्ता शहरों से ये टिंचर्स बम्बई राज्य को भेजे जाते हैं। इसका परिणाम यह हुआ है कि जहाँ जहाँ पहले शराब की भिट्टियाँ थीं, शराब की दुकानें थीं वहाँ वहाँ, करीब करीब, टिंचर्स की दुकानें खुल गई हैं और सब तरह से धोका दिया जाता है। किसी एक टिंचर को बम्बई सरकार बन्द करती है तो दूसरे नाम से वही टिंचर वहाँ बेचा जाने लगता है। अपने एक भाषण में बम्बई राज्य के अर्थ मंत्री ने यह कहा था:

"It is, however, noticed that as soon as one drug was notified another drug comes in the market."

जिजी बेरीज बन्द किया गया तो "कमला" आ गई, "कमला" गई तो "बिमला" आ गई और "बिमला" गई तो "सरस्वती" आ गई। इस तरह के नाम हैं। यह मैं अपनी बगल से नाम नहीं दे रहा हूँ। इन नामों से टिंचर्स बन रहे हैं बिक रहे हैं। "कमला", "बिमला" ऐसे ऐसे नाम दिए जाते हैं जिससे कि शक की बहुत कम जगह रह जाती है और पूरा धोका दिया जाता है। बहुत से टिंचर्स तो सीरप के नाम से बेचे जाते हैं।

श्री राजेश्वर प्रसाद नारायण सिंह (बिहार): क्या मैं माननीय सदस्य से यह पूछ सकता हूँ कि बंबई स्टेट के लोगों को ही पीने से इतना शॉक क्यों है ?

श्री दंबकीनन्दन : आखिर मैं इसका जवाब देने वाला हूँ। बम्बई के लोगों को शॉक नहीं है, शॉक है खासकर उन इस्लाम व्यापारियों को

जो प्रोहिबिशन से इस तरह से नाजायज फायदा उठाना चाहते हैं और मुझे जहां तक पता है कि ये जो फॅक्ट्रीज हैं जहां से टिंचर जाता है, गाजीपुर, अम्बाला और कलकत्ता से, उनके साथ ऐसे बड़े धनाढ्य लोगों का सम्बन्ध है जिनका कि मैं यहां नाम नहीं लेना चाहता क्योंकि उन में से कुछ लोग ऐसे हैं जिनके लिए मुझे आदर भी है, नहीं तो मैं उनके मालिकों के नाम भी सुनाता कि पैसे के लिए ये लोग गरीब जनता को किस तरह से धोका दे रहे हैं। सुना है कि उनमें कुछ तो ऐसे हैं जो कि महात्मा गांधी के साथ बैठे हुए हैं।

डा० डब्ल्यू० एस० बार्लिंग (मध्य प्रदेश): अगर ये पीने वाले न होते तो व्यापारी कैसे होते ?

MR CHAIRMAN: Please wind up.

SHRI D. NARAYAN: Only five or six minutes.

MR. CHAIRMAN: No, no.

SHRI D. NARAYAN: I shall just finish.

सबसे आखिरी सवाल जो मुझे पूछा जा रहा है वह यह है कि चूंकि इतना टिंचर जाता है और बिकता है इसलिए इससे यह पता चलता है कि आपके प्रोहिबिशन का प्रोग्राम कामयाब नहीं हो रहा है। तो इसका एक जवाब मैंने शुरू में आपको दे दिया कि आपको यह पता नहीं है कि पहले क्या होता था, पहले कितनी ताड़ी बिकती थी, कितनी शराब बिकती थी और कितनी परदशी वाइन बिकती थी। जब तक उसका पता न चले तब तक आप यह बात नहीं कह सकते कि आज यहां यह चीज बिक रही है इसलिए वहां प्रोहिबिशन कामयाब नहीं हुआ। मैंने तो कहा कि आप इस बात को उन लोगों की निगाह से सोचिए जिनको इसके लिए दुख और संकट भेलना पड़ता है, जिनको गर्ज लेना होता है, जिनको इसके लिए घर की चीजवस्तु बेचनी होती है और सरबाजार में आबरू बेचनी पड़ती है। दूसरी बात यह है कि जो कुछ बम्बई राज्य ने किया वह सर्वसम्मति से किया, यह मैं खास कर कहना चाहता हूं। आप जानते हैं कि

अब तो लोक राज्य है और लोक राज्य में कोई जबरदस्ती नहीं कर सकता। यहां भी सरकार यदि जबरदस्ती करना चाहे तो क्या आपकी पार्लियामेंट की सलाह के बगैर कुछ कर सकती है। तो यह तो लोक राज्य है और वहां की असेम्बली की बहुत बड़ी बहुमत से, बहुसंख्यक सहमति से, यह प्रोग्राम जारी किया गया और हर साल इसके ऊपर वोट लिया जाता है और यह पास किया जाता है। मैं आपसे यह भी कहना चाहता हूं कि गत एलेक्शन के वक्त हमारे समाजवादी भाइयों ने यह 'ईशू' रखा था और उनके मीनिफेस्टो में यह बात लिखी हुई है कि यदि वे जीते तो शराबबन्दी उठा देंगे और आपको पता है कि उनके इस 'ईशू' का, उनके इस कहने का कि शराबबन्दी उठा देंगे, नतीजा क्या हुआ ? मेरे खयाल से २, ४ समाजवादी भी बम्बई राज्य में चुने गए नहीं आ सके। इससे आपको पता चलेंगा कि वहां के लोकमत ने यह निर्णय कर दिया कि हमें शराबबन्दी चाहिए और इसमें आज प्रजा पूरा सहयोग दे रही है। हां, कुछ लोग ऐसे जरूर हो सकते हैं जो इससे नाजयज फायदा उठाना चाहते हैं। तो मैं यह कहना चाहता हूं कि आज जो यह विधेयक आपके सामने आया है उसका इम्प्लीमेंटेशन कड़काई से होना चाहिए। जिस तरह से कंट्रोल के जमाने में ब्लॉक मार्केटियर्स के साथ कड़काई की गई उससे भी ज्यादा कड़काई इनके साथ करनी चाहिए क्योंकि इससे लाखों गरीबों के जीवन को नुकसान पहुंचता है। मैं यह मानता हूं कि टिंचरों का आरोग्य (स्वास्थ्य) के ऊपर भी बहुत बुरा असर होता है।

एक बात इस विधेयक में यह है कि रूल्स प्रगाने की सत्ता, रूल्स बनाने का अधिकार, सरकार ने अपने पास लिया है। मैं मंत्री महोदय से प्रार्थना करूंगा कि यह अधिकार खासकर के उन राज्यों को दे दिए जाएं कि सम्पूर्ण प्रोहिबिशन जारी हो गया है। आज यदि प्रोहिबिशन के मामले में कहीं थोड़ी बहुत कामयाबी राज्यों को नहीं प्राप्त होती है तो उसका कारण यह है कि उन राज्यों के आसपास के प्रदेशों में प्रोहिबिशन नहीं है इसलिए वहां से पूरी तरह से स्मगलिंग चलता रहता है, जैसे कि हैदराबाद

[श्री द्विवकीनन्दन]

स्टैंड से बम्बई राज्य में हर वक्त स्मगलिंग होता रहा, गोआ से होता रहा और इस वजह से बम्बई राज्य को सब तरह की तकलीफें और दिक्कत उठानी पड़ीं और अधिक पुलिसों का उपयोग करना पड़ा।

मेरी आखरी प्रार्थना यह है कि यह तो मानी हुई बात है कि जब हमारे विधान में भी यह लिखा है, यह आदर्श दिया हुआ है कि सार्व दश में प्रोहिबिशन किया जाए, तो यह मानना ही होगा कि हमने प्रोहिबिशन को मान लिया है। यह कहना फिज़ल है कि प्रोहिबिशन फेल हुआ था प्रोहिबिशन अस्वाभाविक है। अब तो हमें यह गारंटी देनी चाहिए कि हम किस तरह संदश में प्रोहिबिशन को कामयाब बना सकते हैं और आपको पता होगा कि इस काम के लिए प्लानिंग कमीशन ने जो कमेटी कायम की है उसने अपनी इंटरिम रिपोर्ट में यह सिफारिश की है कि १९५० के अक्टूबर २ तक सार्व दश में सम्पूर्णतः प्रोहिबिशन दाखल कर दिया जाए। तो जब यहां तक हम पहुंच चुके हैं तब कोई यहां आकर यह कहे कि साहब प्रोहिबिशन को छोड़ देना चाहिए तो यह अस्वाभाविक बेकार बात है? यह सर्वसाधारण के हित के खिलाफ है और इस तरह के शब्द नहीं कहना चाहिए। मैं तो अब यह कहूंगा कि यह बहुत पुरानी बात हो गई और अब इस बात को कोई सुनने वाला नहीं है। आखिर में मुझे यही कहना है कि.....

MR. CHAIRMAN: That will do.

SHRI D. NARAYAN: Only one sentence, Sir.

यह बहुत पुराना सनातन वाक्य है कि "Alcohol is the mother of all evils."

MR. CHAIRMAN: I think we have taken about 50 minutes. We have 70 minutes more. The allotted time is two hours and, therefore, I hope the speakers will be as brief as possible and I want the Minister to answer immediately after we re-assume after lunch.

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Chairman, this Bill has been primarily introduced in the interests of the prohibition States in order to stop the illicit movement that is going on there, as has been pointed out by so many speakers.

[MR. DEPUTY CHAIRMAN in the Chair.]

Sir, this is a laudable object and I stand for prohibition. We must put down with a heavy hand all those who are out to defeat the purpose of prohibition.

I have listened with attention to the speech delivered by my hon. friend Mr. Mahanty. But I am not convinced by the arguments that he advanced. We should not scrap prohibition merely because it has failed in other countries. On the contrary, we must profit by the experience of other countries and by our own experience and correct our own methods in such a manner that prohibition may succeed. If Government is able to make prohibition a success, it will be a feather in their cap. But this, question does not stop at that. We have to consider it from a wider angle and I would like the House to bear with me if I point out to them the other aspects of this question. The pharmaceutical industry is an infant industry, but at the same time a very important industry. We are importing large quantities of drugs which is a drain on our resources, and it is but right that we should become self-sufficient in the matter of supply of drugs as early as possible. Even a country like the U.K. had to give a good deal of encouragement and protection to the pharmaceutical industry in their country in order that they might stand against the competition of the German products after the first World War. Committees were set up by the Government of India to examine the difficulties and hardships which this infant industry was facing. An Expert Committee was appointed by the Finance Ministry and the Pharmaceutical Enquiry Committee was appointed by the Ministry of Commerce and Industry. Now, their find-

ings have been more or less unanimous. They have pointed out that the two great handicaps from which this pharmaceutical industry was suffering were firstly, the varying rates of duty which different States imposed, which was corrected by the passing of the other Bill in the House during the last session, for the imposition of a uniform rate of duty. The other difficulty which is being faced by this industry is the restrictive control on the inter-State movement of pharmaceutical products. This control was previously introduced for revenue considerations: and it has been kept on in the interests of the prohibition States. Now, a spirituous preparation cannot be sent out from one State to another unless a cumbersome and long procedure is followed. An indenter in a State has to obtain an import permit and state the amount of duty and all that that will have to be paid on the quantity of the spirituous preparation that he imports. And then the manufacturer has to obtain an export permit, and so on. There are so many other restrictions. All this takes about two months before a product can move from one State to another. Another difficulty is this. Supposing a product is brought from Bengal to Delhi, after an effort of two months, that product cannot be sent out again from Delhi to Punjab. It must rot here. These are the serious handicaps from which this industry is suffering.

The Pharmaceutical Enquiry Committee has reported on this question at page 94 and says:

"The whole procedure is very cumbersome and annoying causing needless trouble to the manufacturers. Preparations containing alcohol imported into the country and for which customs duties have been paid at the port of entry have no restrictions in their movement to any part of the country. This places similar products made in the country at a disadvantage as compared to the imported article."

This point has been made out very lucidly by this Committee that the indigenous product is placed at a disadvantage compared with the imported product because a similar imported product has a free movement throughout the country, whether it is a prohibition State or a non-prohibition State. I cannot appreciate this different treatment to the same set of medicines meted out merely on the fact that the one is an indigenous product and the other is an imported product. This difficulty has not yet been solved. The Government have not implemented the recommendations of this Committee.

I find that the Indian Chemical Manufacturers in their letter dated 25th April 1955 which they have addressed to the Ministry of Commerce and Industry, copy of which they have sent to me, have stated that:

"If cumbersome restrictions, as sought by the present Bill, are placed on such specialities also as also on tinctures which can, by no stretch of imagination, be used for other than medicinal purposes, it can be realised that the indigenous industry will have to labour under a great handicap. The effect ~~for~~ the Bill now contemplated to be passed will be to add more restrictions to those existing at present."

Sir, the question is, can we give relief to the pharmaceutical industry without in any way hampering the cause of prohibition, without in any way interfering with prohibition? The Expert Committee which has gone into this question in great detail and examined it from this point of view has given a very bold answer in the affirmative. They have said, let us divide all the spirituous preparations into two categories. The restricted type will be that category of medicines, or spirituous preparations you can call them, which are liable to be misused as alcoholic beverage. As a matter

[Shri Rajendra Pratap Sinha.]
of fact, they have drawn up a comprehensive and exhaustive list of such spirituous preparations which are or which are likely to be misused as an alcoholic beverage. This list can go on expanding as new products are brought under different names. From experience the prohibition States can point out which are the products that are being misused today. The Expert Committee have suggested that we should impose all kinds of restrictions on the movement of this restricted category of spirituous preparations. The Pharmaceutical Enquiry Committee has gone further and said that we should prohibit the manufacture of such preparations which are likely to be misused. They have examined all the preparations and they have come to the conclusion that all these preparations are not manufactured according to the British Pharmacopoeia. They are not at all medicinal products. Therefore, it will be in the fitness of things if we prohibit the manufacture of such products which are not meant for medicinal purposes, as they have pointed out in their report at page 96.

Now, the Expert Committee has suggested that there should be a list of spirituous preparations called 'unrestricted' type which are never liable to be misused as an alcoholic beverage because of the ingredients that are supposed to be in those medicines; or because the alcoholic content is very small, they are not likely to be used or have never been used as an alcoholic beverage. They have also made a list of medicines which are purely medicines and which have never been misused. The Bombay State or other prohibition States also confirm that these preparations which are on the unrestricted list or type of medicines have never been misused. (Time bell rings.) They suggest that all restrictions and control on the movement of this type of spirituous preparation should be removed. Sir, we should not put the products of the pharmaceutical indus-

try at a disadvantage *vis-a-vis* the imported stuff. We should place both these products at par. And, therefore, it would be in the fitness of things if the Government declare a list of spirituous preparations which are not misused and give them a free hand for movement throughout the country, whether they are prohibition or non-prohibition States.

MR. DEPUTY CHAIRMAN: It is time.

SHRI RAJENDRA PRATAP SINHA: Sir, one question. I would like to find out from the hon. Minister whether this Bill will also restrict the movement of the imported stuff or whether as before, the imported stuff will have liberty to move throughout the country—in the 'prohibition States' and 'non-prohibition States'. Thank you, Sir.

SHRI N. D. M. PRASADARAO (Andhra): Mr. Deputy Chairman, I would have supported this Bill if the prohibition policy had been properly implemented. But that is not so. This Bill is intended to stop certain medicines being imported into the prohibited areas. But what is the situation in the prohibited areas? Is the prohibition policy being successfully implemented there? Sir, I do not want to go into all the details about the prohibition policy that is being implemented, because some of my friends have already dealt with that aspect of the matter. Today, you go anywhere, in any village in Andhra, and you can get any amount of liquor in any place. It has become almost a cottage industry, as Mr. Mahanty has already said. Therefore, Sir, when the prohibition policy is being worked in this way, what is the use of just stopping the import of these medicines which are being used by the people for medicinal purposes?

Sir, this prohibition policy is being implemented in at least three major States. Why don't you look into the

affairs of these three States and find out how the prohibition policy is working there? I do not know the state of affairs in Bombay. But in Andhra, an enquiry committee has been appointed. Already Mr. Mahanty has dealt with that matter. The Ramamurthi Committee's report is there, which contains certain recommendations. Why does not the Government go into those recommendations, study them and find out the causes of failures?

Sir, Shri Deokinandan Narayan has said that the prohibition policy has been laid down by the Constitution. That is quite true. Nobody says that a person should drink and do all sorts of mischief and create nuisance. Nobody says that. But does the Constitution lay down that prohibition should be enforced by police methods? Does the Constitution lay down that if you drink liquor you will be sent to prison? Sir, no measure can be successful by such police methods. Therefore, I only wish to suggest that the Government should find out the reasons why the prohibition policy has been a failure, and then it can chalk out certain better methods of implementing the prohibition policy, not just by stopping the import of medicines.

You will also find from the reports that after the introduction of prohibition, the number of crimes has also gone on increasing, particularly in the matter of prohibition cases. Sir, they want to implement this policy not only through the excise police, but also through the ordinary police. At least that is the case in Andhra, where we find that the ordinary police is given the charge of implementing this prohibition policy. We find that the number of prohibition cases has considerably increased, particularly in Chittoor, where not only the excise police but also the ordinary police has been entrusted with this work. In fact, Chittoor tops

the list in the matter of prohibition cases.

Then, Sir, the intention of this Bill is to stop the import of medicines containing liquor. Shri Madhava Menon has already dealt with the question of Ayurvedic medicines. And I am thankful to him for supporting the cause of Ayurvedic medicines. It is not only the Ayurvedic medicines, but also various other medicines, which are very effective and very useful, though they contain some liquor. Therefore, it will not be good if you prevent these medicines from being imported. Of course, some of my friends have said that in the name of medicines some spurious drugs and other things are being imported. I say, you can by all means stop them, and there is no dispute with regard to that point. But genuine medicines should not be disallowed from being imported; otherwise, there is going to be a lot of trouble and inconvenience without them. Therefore, Sir, I suggest that at least these genuine medicines should be exempted from the provisions of this Bill, particularly the Ayurvedic medicines. My friend, Shri Madhava Menon, has already dealt with this aspect of the matter, and almost everybody knows how useful and how effective these Ayurvedic medicines are. I think everybody knows that there are certain very reputable firms preparing these Ayurvedic medicines, for example, **Sakti Sadhna** Aushadhalaya, Ayurvedashrama and such other big firms. Therefore, why are you not in a position to exempt such medicines here? After all, you are not providing medical facilities in every village, and we find that hospitals are few and far between. Therefore, particularly our poor people will find these Ayurvedic medicines readily available. And they are cheaper also. Sir, Shri Madhava Menon has already pointed out that *asavas* and *arishtas* are self-generating. Nobody will put liquor in them. They are self-generating. It is also said that if you keep *kanji*—the rice preparation—for twelve hours, it will generate as much alcohol as

[Shri N. D. M. Prasadarao.]
is found in *asavas*. Therefore, I suggest, Sir, that at least such medicines should be exempted, otherwise this measure is going to hit the Ayurvedic system itself.

MR. DEPUTY CHAIRMAN: Yes, no repetitions.

SHRI N. D. M. PRASADARAO: Thank you, Sir.

MR. DEPUTY CHAIRMAN: Dr. Barlingay. Just five minutes only.

DR. W. S. BARLINGAY: Mr. Deputy Chairman, I would not take much of your time; I can assure you that much.

Mr. Deputy Chairman, while I wholeheartedly agree with the spirit in which this Bill has been brought before this House, I feel, and feel very strongly, that all the material on the subject has not been properly digested before this Bill was presented to this House. As I said, I am not going to deliver a long speech. I want to be very brief. And I do not want also to repeat the very cogent arguments that have been advanced in this connection by Mr. Madhava Menon and Mr. Prasadarao. I would immediately come to the point of the case and read to this House a paragraph from the Report of the Expert Committee on Excise appointed by the Government of India itself in the year 1950. I am referring now to paragraphs 26, 27, 28 and 29 of that Report. I am not going to read the entire paragraphs, but only some brief portions contained therein. The Report says as follows:

"The essential problem, therefore, is of devising measures to ensure that medicinal preparations are not misused as beverages by ex-addicts in prohibition areas, and not of controlling or discouraging manufacture itself."

This is a very cogent argument, and it has got to be considered. Then, Sir, further it says:

"The Committee felt that in respect of medicines, the formulae of which are not found in the recognised pharmacopoeias, it is desirable that their formulae should be disclosed to competent authorities, so that their misuse may be anticipated and checked. It has been brought to the notice of the Committee that the provisions on these lines exist under the Drugs Act of 1940 and the rules thereunder....."

"In respect of Unani, Homeopathic and Ayurvedic preparations, it is not necessary to enforce similar provisions."

I don't want to read further but merely want to say that in the following paragraphs, viz., in paragraphs 27 and 28, the Committee has stated that you have got to classify the spirituous medicines into two classes,—one the class of restricted medicines and the other one will naturally be the class of free medicines. The restricted medicines would naturally comprise of those medicines which can ordinarily be used as alcoholic beverages. I will inform the Minister and I am sure the hon. Minister knows about this that in the Bombay State they have prepared lists of medicines and they have classified all those medicines into two classes. Class 1 comprises of those medicines which can ordinarily be used as alcoholic beverages, and there is another class of medicines viz., which cannot be used, ordinarily at any rate, as alcoholic beverages. What I was going to suggest is that this is in effect my amendment. I am not worried about the wording of it. It is the spirit of the amendment with which I am concerned. What I am going to suggest is that it is not all medicines, especially ayurvedic medicines, which can be used as beverages. Only some can be used and it is quite possible for the Drug Controller or other relevant authorities to prepare proper lists of these medicines. Now it is only such medicines which can ordinarily be used as beverages which ought to be prohibited and their import and export and the rest of it has

got to be restricted but what I find to my astonishment is that this has not been done in this Bill. I would suggest that at any rate if it cannot be done in this Bill—it ought to have been done in this Bill and actually the phrase 'spirituous preparation' ought to have been defined in the proper manner—but if it cannot be done I should say that at any rate so far as the rules are concerned, they should provide for the distinction between medicines which can ordinarily be used as beverages and which cannot ordinarily be so used. I feel the rules ought to provide for this matter and then all those rules, in the interests of Ayurveda and other important systems of medicines in this country, should be not only published in the Gazette but ought to be placed on the Table of the House and opportunities should be given to this House to discuss the propriety of these rules. It will be observed that sometimes rules are made but nobody observes or reads them with the result that there is a lot of trouble or hardship caused to people and since after all this is a very important point affecting large-scale manufacture of Ayurvedic preparations, I suggest very respectfully to the hon. Minister that if he thinks of making rules on this subject such as I have suggested, then all those rules should be placed on the Table of the House and opportunity should be given to this House to discuss those rules. Thank you.

PROF. A. R. WADIA (Nominated): Mr. Deputy Chairman, I felt rather disappointed with the way in which the hon. Minister had introduced this Bill. I wish he had given some lead as to his attitude towards the amendments which have been officially given notice of. It would have helped us to see how far the hon. Minister was prepared to accede to some of the reasonable arguments that have been advanced in favour of those amendments. I have not the slightest desire to enter into a debate on the very much mooted question of prohibition but I must say that I listened to my

friend Mr. D. Narayan's speech with as much interest as I used to read the fairy tales in my own school days. I think Mr. Mahanty has given a much more realistic picture of the situation in Bombay and that is absolutely corroborated by Mr. Prasadarao's picture of the situation in Andhra. Well, Sir, one thing is certain, that prohibition has not proved a success anywhere. I have it on the authority of a very leading Member of the Bombay Congress Party that some of the supporters of the Congress Government are boot-leggers themselves and that is the reason why the Government finds it so difficult to proceed against the boot-leggers as effectively as they could. It has been rightly said that you cannot reform a society by applying police methods. You cannot reform a society by mere legislation and it was really surprising for any Member to suggest that the real criminals are the merchants who manufacture these things or sell these things. The merchants are not the consumers. They produce these things because there is a real demand for them, because there are ever so many more people who are willing to benefit by these drugs. I have always felt that whatever abuse might have been made of these medicines for alcoholic purposes, it does not take away from the real legitimate use of these medicinal things and that is why I am entirely in sympathy with my friend Mr. Madhava Menon and Mr. Prasadarao. I would wholeheartedly support Mr. Prasadarao's amendment and I do hope that the Minister will find it possible to accept it. If he is not prepared to accept that, I hope he will at least accept the amendment moved by my friend Mr. Leuva because that is the second best. Anyway, so far as legislation is concerned, I would be sorry if the Central Government is used merely as a cat's paw of the various State Governments to draw their chestnuts out of the fire. The Central Government ought to give a really better lead in these matters. There is a degree to which we can proceed by legislation. Beyond that we cannot go and it is for that purpose that I

[Prof. A. R. Wadia.]
whole-heartedly—I don't say that I support the Bill but—support the amendment of which notice has been given by Mr. Prasadarao and by Mr. Leuva.

DR. R. P. DUBE (Madhya Pradesh):
Mr. Deputy Chairman, I have got up to speak from the medical profession side because you will find on page 2 of the Bill as follows:—

“any medicinal preparation containing alcohol, whether self-generated or otherwise; or

any mixture or compound of wine with medicinal substances, whether the wine is fortified with spirit or not; or any other substance notified under section 4 to be a spirituous preparation.”

There are certain medicinal preparations where this alcohol is there. All tinctures are made out of alcohol. There is Spirit Ammonia aromatic which is nothing else but spirit with a little aromatic in it. This is very essential. I don't know what the other Governments are doing about medical practitioners but if separate licence rules are made to such an extent that every medical man will have to account for every ounce of the medicine which contains alcohol, it will be a great hardship for a private medical practitioner who has a dispensary to keep account of every drop of the medicine. I dare say there are certain people who are misusing them. But just because certain people are misusing them we should not think they are beverages. These medicines are not meant to make anybody drunk. People do not generally drink them. I mean the medicines containing alcohol. If you misuse them, surely they give you somewhat of a kick. That is all. Therefore, I request that when Government makes the rules, as my hon. friend Dr. Barlingay said, they should discriminate and see that no hardship is caused to genuine medical practitioners and more burden by

way of keeping records and taking out licences and things like that, is not put on them.

Thank you, Sir.

श्रीमती सावित्री वंदी निगम : उपाध्यक्ष महोदय, मैं इस विधेयक का हार्दिक समर्थन करने के लिए खड़ी हुई हूँ। मेरा यह यकीन था, विश्वास था कि शायद सभी एक स्वर से इस के द्वारा हम लोग उपयोगी औषधियों का जो गलत प्रयोग हो रहा था उसको रोकने जा रहे थे। जिन औषधियों का गलत तरीके से लोग इस्तेमाल कर के जनस्वास्थ्य के लिए घातक साबित कर देते हैं उसको इस विधेयक के द्वारा रोकने जा रहे हैं।

श्रीमन्, संचिप्त शब्दों में शराबखोरी के नर्क का जो पिछला दरवाजा है उसको बन्द करने के लिए यह विधेयक लाया गया है। यों तो सभी प्रकार के पिछले दरवाजे बंद होनी चाहते हैं, इसी पिछले दरवाजे के द्वारा निकम्मे लोगों को नौकरियाँ दिलाई जाती हैं और डिजिटिंग लोगों को रिजेंट किया जाता है, इसी के द्वारा तमाम तरह की ब्लैकमार्केटिंग होती है लेकिन मैं यह बताना चाहती हूँ कि शराब का यह जो पिछला दरवाजा है यह तो सबसे अधिक घातक होता है क्योंकि इन पिछले दरवाजों पर वे लोग बैठ रहते हैं जिनके बारे में हम स्वप्न में भी शंका नहीं कर सकते कि इनके हाथों से ऐसी उपयोगी वस्तु का जैसी कि ये औषधियाँ होती हैं, इस प्रकार से इतना बड़ा मिसजूस हो सकता है। श्रीमन्, यदि टिचर को उचित मात्रा में औषधियों में मिलाया जाए तो सैकड़ों रोगों को अच्छा कर सकते हैं लेकिन उल्टे उनका ऐसा उपयोग होता है कि वे हजारों लोगों को घातक बीमारियों का शिकार बना देते हैं। श्रीमन्, जनस्वास्थ्य के साथ साथ नैतिक स्तर की भी रक्षा करने का इस विधेयक का उद्देश्य मेरी समझ में आता है। जिन जिन जगहों में शराबबन्दी हो चुकी है यदि हम उनके आंकड़ों को देखें, जैसा कि अभी माननीय

गदस्यों ने बताया, तो हम देखते हैं कि वहां भी इसका दुरुपयोग बहुत बढ़ी मात्रा में हुआ है लेकिन जहां शराबबन्दी नहीं हुई है वहां का भी आप हाल सुनिए। कोई दो वर्ष पूर्व हमारे भारत संघ समाज के कार्यालय में कुछ कार्यकर्ता आए। उन्होंने बताया कि अमुक अमुक डाक्टरों की दुकानों में टिचर्स शाम को इस तरह बिकते हैं कि जितनी शराब का एक पैग होटल में चार रुपए का बिकता है उतना ही टिचर वह चार आने या छः आने में दते हैं। हम लोगों ने पता लगाने की कोशिश की और कई बार अधिकारियों को भी इसकी सूचना दी गई कि इस तरह के व्यक्तियों को पकड़ा जाए लेकिन उन्होंने कहा कि कानूनी कमी की वजह से उनके पास कोई चारा नहीं है कि इस प्रकार के लोगों को, जो कि दवा के नाम पर टिचर को बेच रहे हैं, पकड़ सकें। फिर, श्रीमन्, पकड़नेवालों को भी सस्ती शराब बुरी नहीं लगती है। उनमें से बहुत से ऐसे लोग हैं जो कि पकड़ना चाहते ही नहीं। बहरहाल, पूरी पूरी इंफार्मेशन होते हुए भी और सब कुछ जानते हुए भी ऐसे विधेयक के न होने के कारण हम लोग उनको किसी प्रकार पकड़ नहीं पाए। इसीलिए मैं एक बार फिर इस विधेयक का स्वागत करती हूं। लेकिन, श्रीमन्, एक बात है कि इसमें यह जो एक हजार रुपए जुर्माने और एक वर्ष की कैद की सजा रखी गई है वह मेरी समझ में बहुत कम है क्योंकि जो लोग इस तरह के चोरी व्यापार करते हैं, ब्लैकमार्केटिंग करते हैं, वे तो हजारों रुपया कमा लेते हैं और उनके लिए हजारों रुपया कमाने के बाद एक हजार रुपया जुर्माना देना कोई मुश्किल नहीं होता। मुझे इतिहास से इसके एक व्यापारी को अपने कार्डिफर्स में लेने का मौका मिला, जिन्होंने कि इस कार्य को छोड़ दिया था, उन्होंने मुझको बताया कि इस व्यापार की क्या हालत है। उन्होंने बताया कि वे नाकरो को इस अंडरस्टैंडिंग पर रखते हैं कि उनको जेल जाना होगा और उनको कैद होगी और कैद के जमाने में भी उनको बराबर तनखाह देते रहते हैं। जब तक वे कैद से लौट कर आए तब तक के लिए अफीम या शराब के नाजायज व्यापार के

लिए दूसरा आदमी तैयार रहता है और लौट आने पर वह फिर वही काम करने लगते हैं। इस तरह से अफीम या शराब का नाजायज व्यापार चलता रहता है। इसीलिए जब तक सख्त सजा नहीं रखेंगे तब तक यह बूट लैगिंग, यह नाजायज व्यापार बन्द नहीं हो सकता। इसीलिए मेरा अनुरोध है कि अगली बार इसमें एक अमंडमेंट ला कर इस सजा को बढ़ाया जाए।

श्री महन्ती ने प्रोहिबिशन के ईशू को लेकर डिस्कशन किया। यहां कोई प्रोहिबिशन पर डिबेट नहीं हो रही है और प्रोहिबिशन के लिए तो हम लोग वेड्ड हैं लेकिन चूंकि उन्होंने उस ईशू को उठाया है इसीलिए मैं उस पर भी एक मिनट में कुछ कहना चाहूंगी। उन्होंने कहा कि लोग "विथ वैनजियेंस" पीते हैं। मुझे तो ऐसा लगता है कि कहीं वह यह न सज्जस्त करने लग जाए कि चूंकि राजस्थान और भिड़ में डाकेंजनी बहुत बढ़ गई है इसीलिए अगर पुलिस बढ़ाई तो वहां "विथ वैनजियेंस" डाकेंजनी और बढ़ जाएगी इसीलिए पुलिस न बढ़ाईये। यह तो इसी तरह की बेवूनियाद दलील है। It has got no legs in it. चूंकि लोग पीते हैं, गुनाह करते हैं इसीलिए गुनाहों को न रोकें ? मैं तो इस दलील को सुन कर हैरान हो गई हूं और मैं सोचती हूं कि उन्होंने यह दलील इसीलिए दे दी क्योंकि वे जनसम्पर्क में आए नहीं। यदि उनको शराब से होने वाले नुकसान और होने वाली बर्बादी को देखने का एक दफा भी मौका मिला होता तो उनके मुंह से ये शब्द नहीं निकल सकते थे लेकिन उन्होंने तो केवल दो चार लक्ष्मीपुत्रों के साथ झाड़ंग रूम में बैठ कर खाने पीने के बाद इस विषय पर विचार किया है और ऐसी ओपीनियन फार्म की है, इसीलिए उनकी ओपीनियन ऐसी प्रिजुडिस्ड हो गई है। मैं चाहूंगी कि एक शाम के मेरे साथ या मेरे कार्यकर्ताओं के साथ वह दिल्ली के मजदूरों की बस्ती में चले जाएं। उनको कोई कठिनाई नहीं होगी।

SHRI S. MAHANTY: I am not going.

श्रीमती सावित्री देवी निगम : वह वहां देखेंगे कि वहां एक अजीब तमाशा है। बाप पिट रहा

[श्रीमती सावित्री दैवी निगम]
हैं, मां के ऊपर गालियों की बाँछार हो रही हैं, मजदूर बस्तियों में एक अजीब हालत है। जो मजदूर चार या पांच रुपए रोज तक कमाते हैं उनके घरों की भी हालत यह है कि वे भिखारी से मालूम होते हैं और ऐसा मालूम होता है कि हम किसी भिखारी के घर में गए हुए हैं। यह हालत उन बंचारों की शराब के कारण है। अगर उनको शराब पीने वालों की स्त्रियों से भेंट करने का कभी मौका मिला होता तो वह जानते कि शराब के कारण वह और उसके बच्चे पिता के जीते जी जन्म भर एक एक पैसे को तरसते रहे और शराब के कारण जब उसका स्वास्थ्य इतना गिर जाता है कि कम उम्र में ही वह नहीं रहता तो उस बंचारी स्त्री को वैधव्य का दुख भोगना पड़ता है और कर्जदारों के चंगुल में फँसना पड़ता है। थोड़े दिन हुए मैंने मजदूरों की बस्ती को बम्बई में देखा। मुझे बम्बई के मजदूरों की बस्ती को देखने का मौका मिला। मुझे ऐसा प्रतीत हुआ कि मैं मजदूरों के स्वर्ग में आ गई हूँ। उनमें इस समय इतना परिवर्तन आ गया है। यहां की मजदूरों की बस्ती का और वहां की मजदूरों की बस्ती का कोई कम्पैरिजन ही नहीं है। अगर महन्ती साहब इतना भी नहीं कर सकते कि वहां चल सकें तो कम से कम एक दिन भारत सेवक समाज के कार्यालय में ही आकर बैठें तो वह देखेंगे कि २००, २०० या ३००, ३०० रुपया पाने वालों के बच्चे भी बिल्कुल फर्ट हाल, रंग्स, में आते हैं और दो, दो या चार, चार रुपए की मदद लेने के लिए और पुस्तकों की मदद लेने के लिए हमारे सामने हाथ फैलाते हैं। अगर वह यह सब बर्बादी देखें तो कभी भी उसको देखने के बाद ऐसी दलीलें नहीं दे सकते जैसी कि उन्होंने प्रोहिबिशन के अगेंस्ट दी हैं और जिस तरह से कि फिक्टीशस फीगर्स दी हैं वह नहीं देते।

इसके अतिरिक्त मुझे आयुर्वेदिक औषधियों के बारे में कुछ कहना है। अगर उनको कैंटोगे-गड्ड कर दिया जाता और रूल्स के द्वारा उनको किसी तरह से थोड़ी सी सेफ्टी दी जाती, थोड़ा सा संरक्षण दिया जाता, तो बड़ा अच्छा होता

और जहां तक मेडिकल प्रैक्टीशनर्स का सवाल है मैं सोचती हूँ कि अगर उनका यहां भी रिकार्ड रखा जाए तो कोई नुकसान नहीं। उसमें ऐसी कोई बहुत ज्यादा मेहनत पड़ने वाली नहीं है। हम लोगों का बहुत से ऐसे मामले मालूम हुए हैं जिनमें कि लोग मेडिकल प्रैक्टीशनर्स के नाम पर बने हुए बैठे रहते हैं और इस तरह का व्यापार करते हैं। इसलिए मैं सोचती हूँ कि किसी भी सम्भव व्यक्ति को, जो कि देश का भला करना चाहते हैं देश-हित के लिए इतना छोटा सा कष्ट उठाने में कोई भी भिन्न नहीं पेश होगी।

इन शब्दों के साथ मैं फिर से इस विधेयक का हार्दिक स्वागत करती हूँ।

MR. DEPUTY CHAIRMAN: Mr. Vaidya can begin in the afternoon. The House now stands adjourned till 2.30 P.M.

The House then adjourned for lunch at one of the clock.

The House re-assembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

श्री कन्हैयालाल दाँव बँध (मध्य भारत) : उपाध्यक्ष महोदय, इस बिल का मैं हृदय से समर्थन करता हूँ। बिल बहुत सरल है और इस सदन में सब सदस्यों ने इस का प्रायः समर्थन ही किया है। विरोधी बेंच के मित्रों ने कुछ खामियां बताई हैं कि इस देश में यह शराबबन्दी का जो महान कार्य हम करने जा रहे हैं उसका लाभ कुछ तत्त्व उठा रहे हैं। इस देश के अन्दर यह बात बड़ी खुली हुई है कि जितने भी अच्छे काम हमारी सरकार करती है उसमें बाधाएं डाल के उसके द्वारा अनुरिचित लाभ उठाने की चेष्टाएं ने करते रहते हैं और देश में अशान्ति फैलाने, बुराइयों को पनपाने, बुरे कामों से जनता का मॉरल बिगाड़ने से जितना भी देश के अन्दर ज्यादा अंधकार फैलाया जा सके फैलाना इन तत्वों का काम रहता है, यही इनकी परिपाटी रहती है।

मैं एक ऐसे प्रान्त से आता हूँ जो बम्बई इलाके के पास में है और वहां रहकर मैं रोज यह तमाशा

दखता हूँ कि ऐसे तत्व किस तरह से काम करते हैं। जैसा कि माननीय मित्रों ने कहा, शराब का व्यापार तो कार्टज इंडस्ट्री का रूप धारण कर रहा है, इस कार्टज इंडस्ट्री के पीछे कैंसे कैंसे लोगों के हाथ हैं और किस तरह का धंधा ये लोग करते हैं। इस बात को वहाँ के राजनीतिक व्यवस्था को चलाने वाले लोग अच्छी तरह से जानते हैं और केन्द्र में भी उसकी रिपोर्टें हैं.....

श्री ह० प्र० सक्सेना (उत्तर प्रदेश): वही मानसिंह वाला ।

श्री कन्हैयालाल दौ० बच्च: निश्चित रूप से मानसिंह से भी ऊंचे दर्जे के लोग इस धंधे में लग चुके हैं और नियंत्रित रूप में यह धंधा यहाँ से वहाँ बम्बई प्रेसीडेंसी तक चलता है और इसके जरिए से नाजायज धन वे लोग कमाया करते हैं। यह बड़ी खुशी की बात है कि सरकार का ध्यान इन बातों की तरफ जा रहा है और सरकार वास्तविक कदम इसको रोकने के लिए उठा रही है।

इस कानून के सम्बन्ध में बहुत से मित्रों ने आयुर्वेद की चर्चा की है। मैं स्वयं भी आयुर्वेद का समर्थक हूँ और जितनी बातें यहाँ सदन में आयुर्वेद के विषय को ले कर के इन बेंच से या विरोधी बेंच से कही गई हैं, उनका मैं भी समर्थन करता हूँ। किन्तु मैं उन मित्रों को एक बात बता देना चाहता हूँ कि आयुर्वेद के नाम पर शराब का धंधा करने वाले लोग अपना मुनाफा कमाने के लिए बहुत सी दवाइयाँ, जैसे कि टिक्कर वर्गों और दूसरी चीजों का व्यापार ऐसे लोग करते हैं, जो कि आयुर्वेद के अन्दर आती हैं उनको भी बच कर फायदा उठाएंगे क्योंकि मैं जानता हूँ कि जो लोग उस कार्य में निपुण हैं उन्होंने अपना उद्देश्य सिद्ध करने के लिए आयुर्वेद को भी नहीं छोड़ा है। एक प्रसंग में एक वैद्य मित्र के यहाँ मैंने द्राक्षासव, जिसकी चर्चा अभी कुछ मित्रों ने की है, चखा। एक वकील साहब मेरे साथ थे, वे कहने लगे मैं तो यंत्रसिद्ध द्राक्षासव पीयूंगा। मैंने उनसे कहा यंत्रसिद्ध द्राक्षासव तो बिल्कुल आसव होगा और आप कुछ चक्कर में पड़ेंगे। वे कहने लगे, नहीं द्राक्षासव तो मैं वही पीयूंगा और उन्होंने उसका

जो सीमित डोज था वह ले लिया। लेकिन आप निश्चित मानें, वह यंत्रसिद्ध आसव बिल्कुल आसव सिद्ध हुआ। घर पहुँचने तक उन्हें बिस्तर में सोना पड़ा, बोले "मेरा तो दिमाग बिल्कुल काम नहीं कर रहा है"। तो इस प्रकार आयुर्वेद के नाम का दुरुपयोग कर के द्राक्षासव के नाम पर बेईमानी करने वाले लोग बहुत से हैं। इसलिए सरकार को यह अधिकार जरूर देना चाहिए कि इस प्रकार जो लोग गलत तरीके से, किसी भी बुरे काम के लिए किसी अच्छी चीज के नाम का एक्सप्लॉइट करते हैं, उनकी रोक हो। मैं आयुर्वेद की दवाइयों पर रोक लगाए जाने के बारे में शंका नहीं करता और आयुर्वेद का समर्थन करने वाले जो दूसरे मित्र हैं उनको भी नहीं करना चाहिए क्योंकि बम्बई प्रान्त के अन्दर शराबबन्दी का कानून लागू है, यह कानून जो बन रहा है अन्तःप्रान्तीय कानूनों के नियंत्रण के लिए है, अगर बम्बई प्रान्त में ही आयुर्वेद के विषय में बड़ी बड़ी संस्थाएँ काम कर रही हैं और उनकी जितनी औषधियाँ, आसव और अरिष्ट हैं वे बाजारों में, बिक रही हैं, न केवल बम्बई में बिकती हैं बल्कि सारे हिन्दुस्तान में वहाँ से जाती हैं, तो फिर हमें शंका नहीं करनी चाहिए कि आयुर्वेद की जो दवाइयाँ हैं, उनके जो आसव हैं या अरिष्ट हैं उनके निर्माण करने में, उनके बनाए जाने में कोई रुकावट होगी। अगर बम्बई सरकार इस तरह की नीति पर चलती तो आज तक उन आसव और अरिष्टों के निर्माण की छूट न देती। लेकिन उसने ऐसा नहीं किया। न तो बम्बई प्रान्त में जहाँ शराबबन्दी का कानून राज्य है वहाँ इस प्रकार की रोक लगी हुई है और न इस कानून के बन जाने से जिसके द्वारा केन्द्रीय सरकार को अधिकार मिल जाएगा, उस स्थिति में कोई फर्क होने की आशंका हो सकती है। हाँ, यह जरूरी है कि उसके अन्दर जो खामियाँ रह गई हैं, जिनको दूर करने के लिए माननीय सदस्यों ने कुछ एक सुझाव रखे हैं, अगर आवश्यक समझा जाय तो माननीय मंत्री महोदय को उन पर ध्यान देना चाहिए।

विशेषतः एक बात की और जरूर मैं मंत्री महोदय का ध्यान दिलाऊंगा कि सरकार ने

[श्री कन्हैयालाल दौ० वेंध]

शराबबन्दी के प्रश्न पर ध्यान देकर जो यह एक अंत-प्रान्तीय रूप से कानून बनाया है, तो मैं समझता हूं कि इस विषय पर उसके पास बहुत सी रिपोर्टें आई होंगी। मध्य भारत हमारा एक बॉर्डर एरिया है बम्बई प्रेसीडेंसी का। बम्बई प्रेसीडेंसी की शराबबन्दी की नीति के विषय में हमने बहुत कुछ सुना है। लेकिन पास के प्रान्त मध्य भारत के रेलवे स्टेशन के बाहर २५ कदम पर एक शराब की दुकान है, रेलवे के जो पैसेंजर या ड्राइवर्स बंगौरा हैं वे उतरते ही, आप देखिए, सीधे वहां चले जाते हैं और बोतल पीकर चले आते हैं। तो यह जो परिस्थिति है इसके ऊपर भी सरकार को ध्यान देना चाहिए। इस विषय में बम्बई के जो मुख्य मंत्री हैं, श्री मोरार जी, उन्होंने भी अभी शिकायत की है और मैं समझता हूं केंद्रीय सरकार तक यह बात पहुंच गई होगी।

मेरा अन्तिम सुझाव है राजधानी दिल्ली के बारे में। यहां पर शराबबन्दी अवश्य होनी चाहिए। यहां हम कई बार देखते हैं नई दिल्ली की सड़कों पर कि कैसे बुरा दृश्य देखने को मिलते हैं। आठ नाँ बजे रात को सभ्य लोगों का कई रास्तों पर चलना मुश्किल होता जाता है। राजधानी में जहां केंद्रीय सरकार के सारे मंत्रीगण रहते हैं वहां इस शराबबन्दी के प्रश्न पर हमें जल्दी से जल्दी निर्णय कर लेना चाहिए जिससे सारे हिन्दुस्तान पर उसका असर पड़े।

इन शब्दों के साथ मैं इस बिल का पूर्णतया समर्थन करता हूं।

SHRI KISHEN CHAND (Hyderabad): Mr. Deputy Chairman, I wholeheartedly support this Bill. There is absolutely no clause against which objection could be taken. Some hon. Members have given amendments and I may be permitted to oppose them. The object is very clear. This Bill prohibits inter-State trade in certain articles but if Government is satisfied that there is any genuine article which will be hit hard by this, certainly trade in that article will be permitted I think no amendment should be accepted to this Bill. The Bill, as it

stands, is all right because once we accept the idea of prohibition, we should not permit any group of Ayurvedic or any foreign material being used as an invigorating article. It should not be permitted to be imported into India.

Certain hon. Members referred to the Ramamurthy Committee Report, to Andhra and to the general question of prohibition. This matter of prohibition is such a subject that I have yet to come across a person who is not a teetotaler who finds anything in support of prohibition. It is a question of personal likes and dislikes and the moment a person does not get the drink he wants, that person will never look upon prohibition in a favourable light. Instead of having this Ramamurthy Committee, if another Committee had been appointed on which there were only teetotalers, from the same data and from the same facts, the latter committee would have arrived at the conclusion that prohibition has been a success, that it should be continued and that it should be introduced in other States. A certain hon. Member gave certain figures. Whenever figures are placed before us, they are sometimes distorted in such a way that they try to convey a wrong impression. The hon. Member, speaking about Kutch, said that Rs. 3,000 worth of foreign wine was imported whereas the figure now is Rs. 9,000. From such small numbers as three thousand and nine thousand, you cannot draw any conclusion.

SHRI S. MAHANTY: They run into lakhs.

SHRI KISHEN CHAND: I do not know what the hon. Member is referring to as the Report is there and the figures for Deshi liquor are Rs. 70,000 last year and a lakh and some thousands for this year. The figures are there in the Report and he may correct that statement of his.

SHRI S. MAHANTY: The hon. Member is misrepresenting me. I do not object to his speech but he should be accurate when he speaks.

SHRI KISHEN CHAND: Anyhow he gave certain figures about Kutch—the figures of Kutch may be right—and my contention is, when you are dealing with small numbers the comparison is not justified. You cannot say that when the consumption goes up from 3,000 to 6,000, it may be inferred that consumption has doubled up. My contention is against this. Prohibition may not have been successful in America and other countries for various other reasons and, I suppose, in our country it would have been more successful if different methods had been adopted. I submit, Sir, that, instead of attaining the objective of total prohibition—certain States by the method of progressively introducing prohibition in a few districts—if we had followed the method of restricting the content of alcohol in beverages, say, to 10 per cent. and permitting the sale of such beverages for sometime, for a year or two, and then further reduced the alcoholic content to 5 per cent. and then to 2 per cent., so that after a few years we would have the stage of full prohibition, the latter method would have been more successful. I would conclude by once again wholeheartedly supporting the Bill and requesting the hon. Minister not to accept any amendment because they are indirect loopholes for defrauding the public from the benefits of this Bill.

SHRI H. P. SAKSENA: Sir, for once Mr. Kishen Chand and I agree on this point that there should be no exemption of any kind of preparations, whether they be Ayurvedic or otherwise so far as the application of this *Spirituuous Preparations Control Bill* is concerned.

My friend, Mr. Mahanty, is, I believe, a new adherent to the MRA. He is making a very intensive study of human psychology and is slowly and gradually progressing towards....

SHRI V. K. DHAGE (Hyderabad): Prohibition.

SHRI H. P. SAKSENA:morality, whole and entire. While he was delivering his speech, I thought he

believed that he was sitting in his editorial office and was writing a leader for his paper. He brought in all manner of arguments and very beautiful language to prove his arguments which after all were very weak. He made startling comparisons. He compared the failure of the policy of prohibition in the United States of America and from that he drew the inference that similarly prohibition would not be a success here in India. I would remind my friend, Mr. Mahanty, of the fact that we emulated the United States of America only so far as the winning of independence from the unwilling hands of the British people was concerned, and we succeeded. Similarly, so far as the success of the prohibition policy is concerned, we will prove and demonstrate to the people of the U.S.A. also that even a greater population than theirs can go dry. My friend, Mr. Mahanty, is inclined towards going wet and I beg to submit that I am always dry.

Now, Sir, I would give a humble warning to the hon. Minister who is sponsoring this Bill that it is not simply the passage of the Bill that counts. It is so easy to get it passed in this House, but it will be very difficult to implement it because there are snakes and serpents lurking all around and they will leave no stone unturned in making this Bill ineffective, and a very vigilant eye will have to be kept so that the purpose of the Bill is not frustrated.

My very eminent friend, Mr. Wadia, spoke of Congress bootleggers. Unfortunately I have never come across anybody amongst the Congressmen who is a bootlegger and I wonder what sort of company my friend Mr. Wadia keeps that he always comes in contact with Congress bootleggers, never with those Congressmen who strictly and implicitly follow the teachings of Mahatma Gandhi which he gave us 35 years back.

PROF. A. R. WADIA: I do come in contact with people like my friend Mr. Saksena.

SHRI H. P. SAKSENA: Well, I was just going to place before you myself as an example, but then you have anticipated me.

One expression that my friend Mr. Mahanty used was that these coercive measures would not do. Now, Sir, if this measure which is brought with all the honest and best motives is considered to be a coercive measure, I do not know how far the use of the word 'coercive' is correct, and I am really sorry that any good and beneficent measure that is brought forward in this House is characterised by my friends on the opposite benches as a coercive measure. Now I humbly submit that this is not opposition. Opposition lies in making such criticism as would better the things, not that which would simply condemn the Government, although you know in your heart of hearts that you unfortunately are not in a position to replace the Government if it goes away. Now with that knowledge in your possession, I hope, you will be better advised not to use such expressions in future.

Now, Sir, we are living in a very scientific age. There are the hunger tablets which were used by that police force which was hunting the late dacoit Man Singh, tablets which you may use and you may not stand in need of food for days and days to come. Similarly I am quite sure that some manufacturers will discover some other such tablets as would give, all the benefits, as they call them, of alcohol to the users without coming under the clutches of the law. These are the things that I want the hon. Minister to guard himself against.

Sir, my friend Mr. Mahanty invoked the blessings of social workers for putting a stop to the deceptive actions of those who sell tinctures and other things in the name of tinctures when they are nothing else but pure alcohol. If you have just a little faith and belief in it, you will find that prohibition is a step towards longevity, and if you do not believe it, I am a living example before you. If you have

not practised it, practise it now and you will live a very long life—I do not know if the life will be happy or not.

(Time bell rings.)

I am just finishing; I won't request for any more time. I have only to make one submission and it is this, that the framers of the second Five Year Plan should make it a rule that the entire country will be a dry country by the time the second Five Year Plan is put into effect, say by the year 1957 or 1958. This should be the one condition precedent so far as the Second Five Year Plan is concerned.

With these words I give this Bill my wholehearted support.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, I am afraid the legislative authorities are somewhat obsessed by the peculiar conditions prevailing in the two States of Madras and Bombay. I come from a State which is also a prohibition State but without any legislative measure of prohibition. In the good old days of British rule Bengal produced a revenue of hardly a crore and a half under Excise and the British Government went out of its way to pay compliments to the moral level of the community to which I belong. I therefore feel that perhaps the level of moral life may be achieved much better in freedom than by legislative coercion. That is of course a fundamental point and it is a psychological approach.

Now, coming to the Bill itself, I again have to say that Bengal happens to be the abode of Ayurveda although it does not yield to any other State in regard to its pre-eminence in the matter of Allopathic medicine. Bengal has produced many prodigies of physicians both in the sphere of Ayurveda and also in the sphere of Allopathic medicine. What I feel is that the exact point that I have in view has been embodied in the very opportune amendment of which notice has been given by my friend Mr. Prasadaraao. It seems that this amendment is inspired by a provision in the Madras law of

prohibition under which these two Ayurvedic tonics, namely, the *asavas* and the *arishtas*, are expressly exempted from the scope of that Act in Madras. If exemption is not given to such important Ayurvedic medicines upon which depends the very success and popularity of the system, I am afraid you will be striking at the very root of the Ayurvedic system of medicine. I do not know whether you are justified in going so far simply because of the evil that is concentrated in the State of Bombay which is represented here by so many eminent personalities. So the special conditions that prevail in Bombay should not be made the basis of legislation that may affect hard the other States which have different conditions. If the Bombay Government insist on this measure in order to cope with their own special conditions, the best remedy would be to ask the Bombay Government to pass their own local legislation on the subject. Why drag in other innocent States which do not know of the evils of prohibition, like Bengal? And at the same time they are committing another mischief; that is, they are striking at the very root of the Ayurvedic system of medicine which for its success depends on these *arishtas* and *asavas*.

Now, as a student of History, I should like to place before you, at the risk of being condemned as an antiquarian, a reference to the hospital equipment described in an inscription of the eleventh century A. D. in the South. The inscription belongs to the time of the late Emperor Virarajendra Deva and it is dated. It is a very interesting inscription because it gives many concrete facts as to the equipment of the hospitals of those days. Now, the date of the inscription is about 1062 A.D. and I find that the hospital equipment consisted of many things. It was a hospital of 15 beds equipped with one physician, one surgeon, two servants, two nurses, one general servant and what is most important, there was a regular medical store and in that medical store you will find many medicines which are of

the nature of *asavas* and *arishtas*. Sir, I plead for respect for these old traditions. Among the medicines, there was *Bilvadihrita*. This gains in efficacy the longer it is kept. There may be some automatic fermentation in it; I do not know. I am not a chemist. I do not know what chemical changes it may be subject to. Then there was *Vajrakalpa*, *Kalyanalavana* and varieties of oils besides other medicines based upon *asavas* and *arishtas*. Now, *Draksha* is also another important source of Ayurvedic medicine. As you know, this is a fertile source of what may be called alcoholic beverage.

There is another point which strikes me. I am a man who has been a teetotaler—of course, there are many here—and it is no special distinction that I have achieved in my life. I have heard of medicines—and here I would invoke the authority of my medical friend, Dr. Dube—like *Vibrona* and *Wincarnis* by which my friend Dr. Wadia swears because he says that it is the best tonic for health. Sir, these medicines generally contain about 2 to 5 per cent. alcohol.

SHRI V. K. DHAGE: 17 per cent. alcohol.

DR. RADHA KUMUD MOOKERJI: I speak subject to correction. What I want to say is this. These are all established preparations which act as tonics. I say, please do not have the picture of abnormal Bombay conditions always before you. Please have some pity on the poor suffering humanity who are in need of certain medical stimulus in the shape of drugs and such drugs may be exempted from the scope of this measure. In a way, as Dr. Barlingay suggested, we may have a scientific enumeration or inventory of those medicines, Ayurvedic or Allopathic, which ought to be exempted from the operation of this coercive legislation on the ground that the good they will do is much more than the small amount of evil from the alcohol that they contain. Sir, I have nothing more to say. I do not oppose the Bill but I only wish to

[Dr. Radha Kumud Mookerji.] say that perhaps on the model of the Madras legislation the Government may kindly see whether they can exempt by name the *arishtas* and the *asavas* of the Ayurvedic system of medicine and also such other Allopathic medicines which are recommended by medical authorities.

SHRI N. KANUNGO: Sir, my task has been made very light by the arguments of the various hon. Members of the House. I am afraid the ethics or otherwise of prohibition has largely crept into this debate. As far as this Bill is concerned, we are not discussing prohibition as such.

PROF. G. RANGA (Andhra): It is because of prohibition that you have got all this.

SHRI N. KANUNGO: For that matter, enforcement of the law is one of the aspects but the main aspect is the misuse of medical preparations and the danger of consequential damage to public health. Sir, this Bill has been described as coercive, but I humbly beg to submit that it is merely regulatory. It only just seeks to regulate inter-provincial trade in certain categories of goods. Maybe, other occasions may arise when we may have to regulate the inter-provincial trade in, say, grains, or, say, sugar, or something else.

3 P.M.

Here, all that is required is that certain rules should be observed so that the Governments of the States as well as at the Centre would be able to regulate the trade of export and import between the States of certain medicinal preparations. I admit that the definition 'spirituous preparations' in Clause 2 is rather wide. There was a lot of discussion over it and it was purposely kept wide, because the various preparations differ so much in their qualities, in their composition, in their methods of manufacture, methods of storing and all that, that you cannot define it precisely. Now, take for example, the argument which has been discussed in the House today

about *arishtas* and *asavas*. Well, I do not know what their composition is. I do not know who can say what their composition is. I want to submit that the composition is not standard. My information is that it varies from place to place.

Again, Sir, take the very word '*Asav*'. The ordinary dictionary meaning in Sanskrit is alcohol. That is what I am told. I am not a student of Sanskrit.

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Bharat): '*Asav*' is Sura.

SHRI N. KANUNGO: Well, I am glad that my information is correct. Therefore, just in an Act if you exempt a particular preparation by name and that particular preparation is not described anywhere accurately, then you let loose forces which you cannot control. It is something like it.

An hon. Member has given notice of an amendment to delete item (i) of sub-clause (d) of Clause 2 of the Bill. Well, it will be simpler to throw out the Bill altogether. If you take out that portion, what remains? Nothing.

Sir, I find that there is an amendment of which notice has been given. It is No. 8 in List No. 2. I am prepared to accept that amendment inasmuch as it will give power to Government to exempt certain categories for possibly, as it has emerged in the debate, it may be found that particular preparations which can be prescribed accurately, whose formulae can be known accurately, may not have that much of alcoholic content which will be harmful if they are used in excess. Well, then, I suppose it will be possible for the Government to exempt such preparations and that will be a more rational way of doing it than putting in words in the Act itself which will not give the correct definition.

Sir, another point has been made that the rules might be framed in such a way that it should not entail a great deal of inconvenience to genuine medical practitioners who have got to deal with these tinctures and spiritu-

ous preparations. After all, most of the tinctures and medicines of the British Pharmacopoeia which are used in our hospitals and dispensaries are largely consisting of alcohol in varying proportions. Well, all I can say at this stage is that ample thought and care should be taken to reduce irksomeness to the minimum. But, I might submit as well that it is very difficult to distinguish between a genuine medical practitioner and a non-genuine medical practitioner as far as morals and ethics go. I am told—there are reports to that effect—that in a certain metropolitan town of a State, a medical practitioner has got a prescription prepared by himself consisting of tinctures which, in net total, gives you 90 per cent. of alcohol. Well, it is perfectly legal; it is perfectly above-board. A medical man prescribes it and it is a genuine medical prescription. But the fraud comes in when he prescribes and dispenses it to persons who do not need it for genuine purposes. Now, that is a thing which can be corrected by medical ethics only. No law of this nature can prevent it.

There has been a suggestion by the hon Lady Member, Shrimati Savitry Devi Nigam that the penalties provided in the Bill should be enhanced. In the debate here as well as in the debate in the other House and in public, it was mentioned that the punishment to be provided already is rather excessive. Therefore, I do not think that we can accede to the suggestion of enhancement of punishment provided for. As it is, I personally think that the maximum penalty provided is ample. It gives enough discretion to the trying magistrates to award punishment according to the nature and the circumstances of a case.

Sir, there are several amendments and I think Nos. 1 and 2 cannot be accepted simply because they just negative the Bill altogether. No 3 can be taken care of by the last amendment which gives the power of exemption to Government. About No. 5, I may mention that, after carefully

weighing all the circumstances we have provided the penalty it is neither on the draconian side nor on the soft side giving discretion to the courts.

There is an amendment in the name of Shri Prasadarao to delete clause 11. Well, I can say that there might be ^{plenty} ~~penalty~~ of arguments for it in the sense that it does take away the right of a citizen.

MR DEPUTY CHAIRMAN. It is a negative amendment. So, you need not bother about it.

SHRI N KANUNGO: Thank you, Sir. The clause has been put in the Bill because of the nature of the emergency which has arisen now. Speedy trial is the only means by which we can control this evil. It has become widespread, as you have heard in the course of the debate with all the ramifications which this racket has got now, and it will not be easy to stamp it out unless prompt and adequate steps are taken. Again I say that the court is given ample discretion. It can give a sentence of one month; it can give a sentence of 9 months or 10 months. It can award a fine of Rs. 50, it can award a fine of Rs. 500. That elasticity is there and, therefore, clause 11 will not militate very much. Therefore, on the whole, apart from the fundamental objections to the principles of prohibition, I do not think there is any serious objection to the provisions of this particular Bill. With the amendment which I have submitted I am prepared to accept, I believe the Bill will not be oppressive at all and should be accepted by the House.

MR DEPUTY CHAIRMAN: The question is:

"That the Bill to make provision for the imposition in the public interest of certain restrictions on inter-State trade and commerce in spirituous medicinal and other preparations and to provide for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill. Clause 2. Mr. Prasadarao, do you move your amendment?

SHRI N. D. M. PRASADARAO: Yes, Sir.

MR. DEPUTY CHAIRMAN: He is not accepting any of them. Dr. Barlingay is not here.

SHRI N. D. M. PRASADARAO: Sir, I move:

"That at page 2, line 2, after the words 'any medicinal preparation' the words 'other than *asavas* and *aristhas* of Ayurvedic school of medicine' be inserted."

MR. DEPUTY CHAIRMAN: The clause and the amendment are open for discussion. Do you want to say anything?

SHRI N. D. M. PRASADARAO: Sir, I want to say only a few words.

MR. DEPUTY CHAIRMAN: You have already referred to it in your speech.

SHRI N. D. M. PRASADARAO: Yes, Sir. I am speaking about what the Minister has said. He gave an assurance that under the rule-making powers he may exempt.....

SHRI N. KANUNGO: Yes.

SHRI N. D. M. PRASADARAO: He may exempt. But these *asavas* and *aristhas* are famous medicines, which are prepared by some famous physicians and companies of repute and they can be easily exempted. There is no difficulty about that. He wants to know what is the alcohol content. If it has got ninety per cent. or ninety-five per cent. alcohol, it cannot be called as an *asava* or *aristha*. There is no medicinal use at all for it. Therefore, the *asavas* and *aristhas* can be exempted. If it is proved that they are not *asavas* and *aristhas* but alcohol pure and simple, then, of course, the persons who trade in them can be punished. Therefore, I insist

that my amendment should be accepted.

SHRI N. KANUNGO: I submit, Sir, that the words *asavas* and *aristhas* are not accurate descriptions of anything.

MR. DEPUTY CHAIRMAN: Do you want me to put it to the vote?

SHRI N. D. M. PRASADARAO: I am not withdrawing.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 2, line 2, after the words 'any medicinal preparation' the words 'other than *asavas* and *aristhas* of Ayurvedic school of medicine' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: We take up clause 3. Dr. Barlingay is not here.

Clauses 3 and 4 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we take up clause 5. There is one amendment by Mr. Prasadarao.

SHRI N. D. M. PRASADARAO: I don't press it.

Clauses 5 to 8 were added to the Bill.

MR. DEPUTY CHAIRMAN: Clause 9; there is one amendment in the name of Mr. Prasadarao.

SHRI N. D. M. PRASADARAO: I am not moving it.

Clause 9 was added to the Bill.

MR. DEPUTY CHAIRMAN: Mr. Prasadarao's amendment to clause 11 is a negative one. It is ruled out.

Clauses 10 to 12 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, we go to new clause 12A. Mr. Leuva, are you moving your amendment? He is accepting it.

PROF. G. RANGA: That is the only successful amendment in the House.

SHRI P. T. LEUVA (Bombay): Sir, I move :

8. "That at page 5, after line 16, the following new clause be inserted, namely:—

'12A. *Power to exempt.*—The Central Government may, by notification in the Official Gazette, and subject to such conditions as it may think fit to impose, exempt any spirituous preparation from all or any of the provisions of this Act on the ground that the spirituous preparation is ordinarily required for medicinal, scientific, industrial or such like purposes.'

MR. DEPUTY CHAIRMAN: The new clause is open for discussion.

SHRI P. T. LEUVA: Sir, the amendment that I have proposed is with a view to permit the Government to exempt certain spirituous preparations from the operation of this Act. I was carefully following the debate in this House and I thought that there is some misconception regarding the scope of this very Bill. You will see that so far as this Bill is concerned, it does not relate to manufacture, consumption or possession of any spirituous medicine or any alcoholic liquor. It does not lie within the scope of this Bill. The only scope of this Bill is so far as inter-State trade is concerned, the Central Government is taking certain powers under this Bill. So far as the question of consumption is concerned, it is left to the State Government. It is within the jurisdiction of the State Governments. Only State

Legislatures can legislate on the question of possession, manufacture or consumption of either *asavas* or *aristhas*, or whatever may be the Ayurvedic preparation. So far as this Bill is concerned, a person cannot be allowed to import a particular type of medicine which contains spirit and is manufactured in another State. That is the only scope. Therefore, arguments which are based on the idea that this Bill relates to the question of prohibition policy and the question of consumption arising out of it is out of place altogether. So far as the prohibition is concerned, every States Legislature has given.....

PROF. G. RANGA: He must say something about his amendment.

SHRI P. T. LEUVA:exemption wherever it was found necessary. *Asavas* and *aristhas* containing a particular percentage of alcohol have been granted exemption in several States and that is the proper forum for making out a case. My hon. friend, Mr. Prasadarao, was very insistent regarding those Ayurvedic preparations. As far as the question of consumption is concerned, it does not arise in this particular Bill at all. So, if there is any apprehension on that question, it is out of order. The only question that arises is that there are certain medicines which may be in short supply in a particular State. These medicines may be manufactured in another State and not in that State. For instance, in Bombay State and certain other States medicines containing spirituous preparations may not at all be manufactured. The Government in order to satisfy the genuine needs of the State may make rules, so that the particular medicines might be taken out from the operation of the Act. Otherwise, it will mean that the Government will frame rules and then they can only give a particular type of protection. Here there might be total exemption of a particular medicine. Therefore, this particular clause is absolutely necessary.

SHRI N. KANUNGO: Sir, I have accepted it.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 5, after line 16, the following new clause be inserted, namely:—

'12A. Power to exempt.—The Central Government may, by notification in the Official Gazette, and subject to such conditions as it may think fit to impose, exempt any spirituous preparation from all or any of the provisions of this Act on the ground that the spirituous preparation is ordinarily required for medicinal scientific, industrial or such like purposes.' "

The motion was adopted.

New clause 12A was added to the Bill.

Clauses 13 to 13 were added to the Bill.

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

SHRI N. KANUNGO: Sir, I move:

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

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MOTION RE THE REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR THE YEAR 1954.

THE DEPUTY MINISTER FOR HOME AFFAIRS (SHRI B. N. DATAR): Mr. Deputy Chairman, I beg to move:

"That the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, for the year 1954 be taken into consideration."

This is fourth report submitted by the Commissioner for Scheduled Castes and Scheduled Tribes since his appointment in 1950 under article 338 of the Constitution. Four years have passed and it is the right of this House to find out what is being done or what is not being done so far as the welfare of the Tribal people as also the Harijans amongst others is concerned. And, therefore, the presentation of this report year after year gives an opportunity to this honourable House to find out to what extent the position has been improving in the various States and what are the steps taken by the Central Government as also by the various State Governments to improve the lot of these people, and also to develop these backward areas which are technically called scheduled areas. Therefore, the Commissioner has to travel through a very large portion of the year, and he has to take the help of his six assistants, who are known as Regional Commissioners appointed for different parts of India, and after investigating into the conditions of the Scheduled Tribes and the Scheduled Castes in particular, and also, to a certain extent, of the Anglo-Indians, he has to submit a report to the President every year. The Report, as is natural, is a fairly bulky volume, and it deals with what is being done by him, so far as the investigation and the report side of the work is concerned. It also points out to us what is being done by the State Governments, because ultimately, Sir, you would agree that the responsibility for tribal welfare, as also for Harijan welfare, lies on the States. And, therefore, it is his duty to point out to Parliament what has been done and what further ought to be done, so far as these objectives are concerned.

Now, it is my desire, Sir, to present before this House a picture of