

of Mizoram for the services of a part of the financial year 1979-80.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union territory of Mizoram for the services of a part of the financial year 1979-80."

The motion was adopted.

SHRI SATISH AGARWAL: I introduce the Bill.

15.10 hrs.

**MIZORAM APPROPRIATION BILL
1979***

**THE MINISTER OF STATE IN
THE MINISTRY OF FINANCE
(SHRI SATISH AGARWAL):** I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Mizoram for the services of the financial year 1979-79.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Mizoram for the services of the financial year 1978-79."

The motion was adopted. . .

SHRI SATISH AGARWAL: I introduce the Bill.

15.12 hrs.

**PUNJAB EXCISE (DELHI AMEND-
MENT) BILL**

**THE MINISTER OF STATE IN
THE MINISTRY OF FINANCE
(SHRI SATISH AGARWAL):** Madam Chairman, I beg to move:

"That the Bill further to amend the Punjab Excise Act, 1914, as in

force in the Union Territory of Delhi, be taken into consideration."

With your permission, for the information of the hon. Members of this House, I would like to briefly make a statement with regard to this Bill as to why it was necessary for the President to issue an Ordinance and hence this present Bill.

The Union Territory of Delhi do not have any Excise Act of their own and accordingly the Punjab Excise Act, 1914, and amendments made to it have been extended to the Union Territory of Delhi by notifications issued under Section 7 of the Delhi Laws Act, 1912 and Section 2 of the Union Territories (Laws) Act, 1956 with the necessary restrictions and modifications. This Act as modified regulates, *inter alia*, the sale of intoxicants by two methods, namely, licensing and taxation. As for taxation is concerned, Section 16 of the Act provides that no intoxicant shall be imported, exported or transported except after payment of any duty to which it may be liable under this Act or execution of a bond for such payment, and in compliance with such conditions as the Lt. Governor of Delhi may impose. Similarly, Section 23 lays down prohibition of removal of intoxicant from any distillery, brewery, warehouse or other place of storage unless the duty, if any, payable under Chapter 7 has been paid or a bond has been executed for the payment thereof. Section 31 of the said Act in Chapter V provides for the imposition of excise duty, or countervailing duty at such rate or rates as the Lt. Governor of Delhi would direct on any excisable articles imported, exported or transported, manufactured, cultivated or manufactured in any distillery or brewery licensed under the Act.

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†Introduced with the recommendation of the President.

[Shri Satish Agarwal]

Wine Merchants in the Union Territory of Delhi, M/s Sat Pal & Co. and others filed a civil writ petition in the High Court of Delhi challenging Sections 16, 23 and 31 of the Punjab Excise Act, 1914, as extended to the Union Territory of Delhi as well as Delhi Excise Duty Order, 1976. Their main argument was that no countervailing duty on liquor imported could be levied if no liquor is manufactured in the State. The hon. Court after admitting that the excise duty and the countervailing duty are two distinct concepts, declared that no duty could be imposed or imported articles when articles similar to those are not manufactured within the State. They further declared the illegality of the countervailing duty collected by the Union Territory of Delhi from wine merchants in respect of country liquor removed from the bonded warehouses licensed in Delhi for sale by them. The hon. Court also issued writ of mandamus calling upon the Delhi Administration to refund to wine merchants within three months from the date of the judgment the entire amount of countervailing duty collected from them. In their judgment the Court relied mainly upon the observations of the Supreme Court in 1966 in *Kalyani Stores Vs. State of Orissa* and others. In the said judgment, the Supreme Court had accepted that countervailing duty can only be levied if similar goods are actually produced or manufactured in the State on which excise duties are being levied.

15.14 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The immediate effect of the judgment would have been a loss of Rs. 7 crores in the current year and more than Rs. 75 crores on the refund of levy from 1950 onwards on country liquor alone. This loss would be manifold if the same principles are

applied to levy on other types of liquor. Besides the heavy losses of revenue, refund of the duties collected earlier would enable the licensees to reap windfall benefits of the portion of the duty already borne by the consumers. But the judgment of the hon. Court has to be read in its wider perspective inasmuch as it indirectly ran counter to the prohibition policy of the Government of India. The main philosophy behind imposition of heavy duties on liquors imported in Delhi was to discourage the mass consumption of intoxicants as a part of the general policy of the Government on prohibition.

Having taken this into consideration and as the matter was of immediate importance from the points of view mentioned above, the President promulgated an Ordinance, the Punjab Excise (Delhi Amendment) Ordinance, 1979, on 20-1-1979 which immediately came into force. In ordinary circumstances the necessary Bill would have been moved in the Parliament, but as the Parliament was not in session, the need for promulgation of the Ordinance by the President arose to achieve the twin purpose of avoiding loss to the exchequer and an adverse impact on the prohibition policy of the Government of India.

The Ordinance has amended suitably Section 3 and 31 of the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi not only to validate duties levied in the past but also to empower collection of such duties in future. Section 3 has also amended the definition of excisable article so as to include within its scope 'spirit' in order to validate duties levied in the past and also in respect of future. Section 31 of the Act does not specify the ceiling in respect of the duty which could be imposed on any excisable article. New Schedule 1A has been added to the Act so as to empower the Lt. Governor of Delhi to impose on any

excisable article duty at such rates as not exceeding the maximum specified in the Schedule.

The present Bill seeks to replace the said Ordinance. Copies of the Ordinance along with a statement under sub-rule (1) of rule 71 of the Rules of procedure and Conduct of Business in Lok Sabha have already been placed before the House.

Hon. Members will agree that the august objective of further amending the Punjab Excise Act, 1914, as in force in the Union Territory of Delhi providing the levy and collection of a special duty by the Delhi Administration on any excisable article including alcoholic liquor and spirit is in conformity with the general thinking of this House on the Government policy on prohibition. Since the consumption, except for medical purposes, of such articles would be injurious to health and the levy of special duty on the importation of such articles in Delhi would be an endeavour towards bringing about prohibition of the consumption of such intoxicants, the present Bill is seeking to achieve the objectives laid down in the Directive Principles of the State Policy as enshrined in Part IV of the Constitution of India.

Sir, I move.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Punjab Excise Act, 1914, as in force in the Union territory of Delhi, be taken into consideration."

Mr. Vasant Sathe.

SHRI VASANT SATHE (Akola): I want to take the opportunity, while speaking on this Bill, to discuss the entire prohibition policy of the Government which the Bill aims at fulfilling. I am one of those who believe sincerely that the vice of drink should be eliminated and minimised. But it has been the experience all over the

world, in every country wherever such an attempt was made, including India, that any policy to bring about temperance by law fails. In India itself, in Bombay, the present Prime Minister, when he was the Chief Minister of Bombay, tried to introduce prohibition, and we saw what happened in Bombay. The amount of illicit distillation, the industry of illicit distillation, that grew was so shocking that it spoiled and corrupted not only the police force but the entire administration, because illicit distillation is one which can be produced in any house, in every home. And you cannot put a Policeman in front of every house. All that you need is some jaggery and you will be amazed that the price of jaggery and gur which is produced on a large scale in Maharashtra in the sugar factories and other places went up because jaggery was imported in places like Bombay and round about that region for illicit distillation. I would like to know from this government. How are you going to stop illicit distillation in this country? What measures do you have in mind to stop it? If you increase the Police force, all we know how meagrely the Policemen are paid. We know to-day in this country the law and order situation is completely in ruin and has collapsed. Why? Because the Policemen do not find their heart in their job. When this is an ordinary situation of law and order, you are going to give another impetus by introducing this draconian measure. The object may be laudable, but, for a laudable objective, if the remedy is wrong, then instead of curing the disease, you will only be aggravating it.

Your object is prohibition. The best way is to educate the people and to bring about temperance. Instead of doing that, you want to do it by law. What are you doing by such laws? In fact you are not introducing prohibition. You are not saying that in Delhi you are going to stop these articles from coming into Delhi. All that you are saying is that we are going to impose a duty and the cat came out of

[Shri Vasant Sathe]

the bag, the moment you said, 'We are losing Rs. 7 crores and retrospectively, we would lose Rs. 70 crores'. That means your entire object is financial. You want to gain this Rs. 7 crores and you want to save Rs. 70 crores. Therefore, you are levying this duty. You are levying duty on every type of article that you have mentioned.

I would like to know the articles mentioned here. One is country liquor. Then plain liquor, ordinary spiced liquor, special spiced liquor, Plain when issued to troops, Spiced liquor including special liquor when issued to troops...

SHRI K. P. UNNIKRISHNAN (Badagara): Something is missing.

SHRI VASANT SATHE: I am coming to that.

Then Indian made rum issued to troops. I am coming to the troops issue also. Then Rectified spirit or absolute alcohol. All other sorts of liquor including Indian Made Foreign Liquor except denatured spirit and special denatured spirit. Spirituous preparations including essence but other than Medicinal and Toilet Preparations as defined in the Medicinal and Toilet Preparations (Excise Duties) Act, 1955. Denatured spirit. Special denatured spirit. Indian Beer containing 5 per cent or less alcohol. I do not understand this. I would like to know from the hon Minister. Has he ever taken beer having less than 5 per cent alcohol? If he has had, did it have any adverse effect on him? What are you doing about? Then Indian Beer containing alcohol more than 5 per cent. Cider. Imagine cider has been brought under excise.

SHRI SATISH AGARWAL: I do not know cider. You know every thing.

SHRI VASANT SATHE: Himachal Pradesh produces apple juice. This is cider. You have not mentioned Cider

having less than so much percentage or having more than so much percentage of alcohol. So, in India apple juice is hereafter banned.

—you know fully well. Ask the gentleman sitting behind you. He will tell you—that on Holi Day with *Thandai* every one takes a little *Bhang*. The other day the Prime Minister himself is reported to have said that he does not consider *Bhang* to come within the purview of prohibition. Then, if it does not, why have you included *Bhang* and also cider? I want to know from you. And then, to add to all this, see item 12—

Any other intoxicating drug other than those mentioned above. What is the rate? Rs. 30 per kg. What is this—'other drugs'? Mr. Finance Minister, I would like to know what are the other intoxicating drugs?

SHRI K. P. UNNIKRISHNAN: What about their intoxicating substances?

SHRI VASANT SATHE: I am told that you are now propagating the philosophy of '*Chhodo Sharab Aur Peevo.*' I am told by the Naturopathies that the drug or the one which the hon. Prime Minister of this country is propagating has a great intoxicating quality—it has more than four per cent intoxicating quality. Are you going to ban that? Are you going to touch that? Is that included in item No. 12?

I would like to know what is the view of this Government on Shivambu which is being propagated in this country—water of life—'Drink your own in the morning with cheers'. What are you going to do about all that?

Sir, I would also like to know the policy of this Government? By this bill your whole objective of achieving prohibition is going to be negated. You are going to say 'pay this money and then you can bring it'. You are not banning it. You are only asking them to pay. So, is this the policy of the Government that in this country, that

श्री कबर लाल गुप्त हमें नशे की ज़रूरत नहीं है। जिनका नशा उतरा हुआ है और दिन प्रति दिन उतरता जा रहा है और एक दम ख्याल आता है सजय गांधी का हो गया, अब इन्धरा जी की बारी आने वाली है तो स्पेशल कार्टे माफ़ आता है। यह दिन प्रति दिन जो नशा नीच या रहा है उनको ज़रूरत पड़ती है। इसलिए सस्ती मिलनी चाहिये। माननीय सतीश जी इनकी तरफ़ ध्यान दीजिए। यह भी एक बच्ची बड़ा संकलन है, इसी दम का है। इसकी तरफ़ अगर आप ध्यान नहीं देगे तो यह जिन्दा नहीं रह सकते। जो 11 साल तक कुर्सी पर बैठ कर उस नमो के अन्दर चूर हो कर देख न तानाशाही का जिसने निर्माण किया क्या आज आप उनका इनका ठंडा करना चाहते हैं? वह कुछ जिन्दा ता रहा इसी चीज के सहारे नहीं। अगर कुछ इस तरह वा हो सकता हो इनका कुछ इन्तजाम हो जाय, ता मुझे कोई ऐनराज नहीं है। मैं समझता हूँ कि सरकार की निश्चित प्राधीबीमान की अच्छी पालिसी है, मैं उसका समर्थन करता हूँ खास तौर से दिल्ली सरकार ने जो प्राधीबीमान को पालिसी अपनाई है, यह बहुत अच्छी है और मैं माने क साथ कह सकता हूँ कि दिल्ली सरकार प्राधी बीमान की पालिसी को मानने में हिन्दुस्तान में सबसे आगे है।

आप जो पंजाब का बिल यहा पर लागू कर रहे हैं, तो दिल्ली का बिल अलग क्यों नहीं बनाते? दिल्ली आपके नीचे है आप पंजाब का बिल यहा क्यों लाते हैं? मैं माननीय मंत्री से कहूंगा कि अगर दिल्ली के लिए आपने बिल लाना है तो अलग बिल लाइये, पंजाब का बिल यहा मत लाइये। मैं समझता हूँ कि दिल्ली में प्राधीबीमान कामयाब हुई है।

श्री बसन्त साठे दिल्ली में इल्सीसिट डिस्टीलेशन बहुत हाती है।

श्री कंबर लाल गुप्त यह मैं मानता हूँ कि दिल्ली में इल्सीसिट डिस्टीलेशन होती होती, उसमें जा पीने वाले हैं, वह कुछ मरते भी, लेकिन यह आप जैसे मानो के लिए नहीं है। इसे बह पीते हैं जो गरीब हैं, जिनके बच्चे धक्के मरते हैं, जिसमें बर का कमाने वाला मारवा पीता है। मैंने दिल्ली में अपनी कॉन्स्टीट्यून्सी में देखा है कि पीने वाला मोरारजी भाई को गानी देता है और उनकी पत्नी ब बच्चे मारारजी भाई की तारीफ़ करते हैं। आप कहते हैं कि इल्सीसिट डिस्टीलेशन कर लिया जायेगा, तो कीजिए।

अगर माने वाली जैनरेशन को बचाना है, कुछ लोगों के बच्चे का आबाद करना है तो आपका प्राधी-बीमान की पालिसी माननी होगी। यह चीज हमारे विधान में है। आप ता महात्मा गांधी का मानने वाले हैं, आप तो कहते हैं कि धार० एम० एम० ने महात्मा गांधी को मारा, लेकिन मैं कहता हूँ कि धार० एम० एम० ने महात्मा गांधी को नहीं मारा, जो आप जैसी मॅट्रिडी के लोग हैं, जो महात्मा जी का नाम लेते हैं और काम ऐसे करते हैं जैसे इन्धरा गांधी करती हैं, तो आप महात्मा

गांधी के नहीं इन्धरा गांधी के शिष्य हैं, यह उन लोगों का काम है। जिन महात्मा गांधी ने कहा कि प्राधी-बीमान होना चाहिये, धारा-बन्दी होनी चाहिये, उन्होंने पिकेटिंग किया, सब कुछ किया, लेकिन जो आजकल के लोग तो आप नौजमान हैं, जो महात्मा गांधी का नाम लेकर कुर्सी पर बैठे रहे और अब कुर्सी चली गई तो आप लोगों को प्राधीबीमान बुरा लगने लगा।

मैं सरकार को बधाई देना चाहता हूँ कि आज पिछल 32 साल में यह पहला मौका है कि जनता पार्टी की सरकार आप के बाद अब प्राधीबीमान पर मज्जी के साथ प्रयत्न हो रहा है।

श्री बसन्त साठे पागलपन है।

श्री कंबर लाल गुप्त आप इसे पागलपन कहिये या कुछ भी कहिये लेकिन यह आपका लिये पागलपन ही मकता है।

श्री बसन्त साठे क्या जबदस्ती से कोई काम हो सकता है?

श्री कंबर लाल गुप्त लोगों का एजुकेट कर के कानून से और ज्यादा टैक्स लगा कर भी हम इसे कर सकते।

श्री बसन्त साठे नसबन्दी कानून से नहीं कर पाये तो यह क्या करोगे? हमारी सरकार गई नसबन्दी में, आपकी जायेगी नशाबन्दी में।

श्री कंबर लाल गुप्त आप अपने मन में बहुत अच्छे सपने से रहे हैं। आप अपने आप को कर्दम करते आइये। आपने नसबन्दी की जबदस्ती हम नशाबन्दी करेते और इस नशाबन्दी के लिए अगर यहा से वहाँ भी जा कर बैठें तो उसके लिए हम तैयार हैं, क्योंकि देश का हित इसी में है कि देश में नशाबन्दी होनी चाहिये। हमें इन बात की चिन्ता नहीं है, नशाबन्दी के लिए अगर हमें धर से उठ कर उधर ही नहीं, बाहर भी जाना पडा, और देश के हित में यह चीज है, तो जनता पार्टी इसको करेगी। हम कोई पापुलिट् स्लोगन के पीठे नहीं हैं। मैं दिल्ली की सरकार को बधाई देना चाहता हूँ कि जिन्होंने इस मामले में अग्रगण्य की है, देश को रास्ता दिखाया है। आज हमने में 4 दिन यहा सारा बन्द रहती है और 3 दिन के लिए भी हमने कहा है कि आपने 2 वर्ष में दिल्ली में पूरी नशाबन्दी हो जायेगी।

मैं इस बिल का समर्थन करता हूँ, लेकिन मैं कहना चाहता हूँ कि दिल्ली के लिए एक अलग बिल लाना चाहिये या और पंजाब का बिल यहा पर लागू नहीं करना चाहिये था। मैं यह भी कहना चाहता हूँ कि सरकार की नशाबन्दी की पालिसी बिल्कुल ठीक है। कुछ राज्य सरकारों को छोड़ कर बाकी सभी राज्य सरकारों ने इस पालिसी को स्वीकार किया है। कुछ स्टेट्स ऐसी हैं, जो नशाबन्दी में विश्वास नहीं करती हैं, और उन्होंने खुल कर कहा है कि हम पूरी नशाबन्दी नहीं

करें। मैं उनकी कमबिश्वास को मानता हूँ। लेकिन जिन राज्यों में माननीय सदस्य की पार्टी का शासन है वहाँ की सरकारों ने कहा है कि हम नशाबन्दी करेंगे। वहाँ पर माननीय सदस्य कोई दूसरी बात कह रहे हैं। अगर वह अपनी बात में विश्वास करते हैं, तो उन्हें दोनों सरकारों को भी अपनी नीति बदलने के लिए कहना चाहिए।

SHRI KANWAR LAL GUPTA: I can understand Kerala, I can understand West Bengal. But Andhra Pradesh and Karnataka have endorsed the policy of the Central Government for total prohibition. As far as Tamil Nadu is concerned, they have already gone ahead of everybody. So, I must congratulate them at least in this respect.

SHRI A. BALA PAJANOR (Pondicherry): Why at least in this respect?

श्री कान्वर लाल गुप्त यह पहला मौका है कि जनता सरकार के धाने और श्री मोगरजी देसाई के प्रधान मंत्री बनने पर प्राहिविधान लागू किया गया है। इससे कुछ लोगों को तकलीफ होगी, लेकिन प्रस्टी-भेटली इससे देश और समाज को लाभ होगा। यह उहर है और इस उहर को समाज में से निकालना चाहिए। मैं मानता हूँ कि इल्लिसिट डिस्टिलेशन दस बीस माल तक होता रहेगा। यह एकदम खत्म नहीं हो सकता है। लेकिन पंद्रह बीस साल के बाद हम देखेंगे कि समाज में से यह गदगी निकल गई है और गरीब लोगों को इससे बहुत राहत मिलेगी।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI VAYALAR RAVI: (Chirayinkil): Mr. Deputy-Speaker, Sir, this Bill has been introduced by the hon. Minister. It is more interesting because it involves the policy of the Government. It is unique in this respect that it is going to be in retrospective effect, that is, the refund of the levy will take into effect from 1959 onwards. It is stated in the Statement of Objects and Reasons as:

"2. The effects of the judgement as envisaged by the Delhi Administration would be a loss of Rs. 7

crores in the current year and more than Rs. 75 crores on the refund of the levy from 1950 onwards. . ."

So, the Act, if passed, would be with retrospective effect which goes back for over a quarter century.

SHRI KANWAR LAL GUPTA: You were hoping all this time.

SHRI VAYALAR RAVI: Sir, there is another significant sentence in this Bill. I quote:

"Besides the heavy losses of revenue, refund of the duties collected earlier would enable the licencees to reap windfall benefits of the portion of the duty already borne by the consumers."

So, Sir, the Government is concerned about the revenue. This point I wanted to make. You are concerned with the revenues of the Administration of Delhi. It means prohibition is loss of revenue to many Governments.

Mr. Deputy-Speaker, Sir, coming from Kerala State, I am very proud to tell the House that the present Government in Kerala has presented a budget without any new taxation proposals and with more benefits and social amenities to the people. Of course, we are getting Rs. 15.0 crores more as Akbari revenue. With the Akbari revenue of Rs. 15.0 crores, the total comes to about Rs. 45 crores. Now, this amount of Rs. 45 crores, if you slash down, it means we are to tax the people to get this amount. There is a lot of public resentment. Who will bear the burden of the social onslaught or political attack on the Government? You should look at the whole question with a practical approach and proper perspective; mere dogmatism will not lead the nation to prosperity. In framing any policy, specially a policy like Prohibition Policy, we must be guided by logic and reason as also by the economic and social conditions of the country.

[Shri Vasant Sathe]

Mr. Bala Pajanor and all our friends from AIADMK are sitting here. With all my friendship with them, I would like to inform them, in their State the prohibition has been introduced and the required legislation has been passed, but if tomorrow Shri M. G. Ramachandran, Chief Minister Madras gets angry with Shri Bala Pajanor or any other Member here, in no time, they will land themselves in jail. It would said that they were found drunk there. The news will go round that they have landed themselves in jail because of this, but nobody will know what the facts are. The police can make money at any time they like. I am not saying anything against the Chief Minister of Madras; he is a very sincere person and very much devoted to the cause. I am only saying this to illustrate that there are such loopholes which can lead to corruption.

In our country, the prohibition has been experimented in Madras and many other States, but it has encouraged illicit distillation in those places, it is there even in Delhi. How many deaths have taken place because of this? The problem should be looked at with a little more consideration to the social aspect. In the Soviet Union they have gone on with a big campaign. They have increased the levy on vodka and have lowered the content of alcohol in beer and made it cheaper.

SHRI A. BALA PAJANOR: What is vodka?

SHRI VAYALAR RAVI: How does the Deputy-Speaker know?

MR. DEPUTY SPEAKER: It is a Russian vegetable.

SHRI VAYALAR RAVI: Vodka is a Soviet drink. The price of this drink has gone up there and meanwhile, the alcoholic content of the beer has been reduced and they have started a mass education programme. Now, look how many minutes are we spending for propagating prohibition on our television and radio. Shri Advani, with

all his democratic utterances, is very eager to disqualify many important journalists of Delhi, but has he ever applied his mind for propagating the prohibition policy through the mass media and for educating the people in this respect? Not at all. The people of Punjab, who feed this nation more than any other State, consume the highest quantity of liquor also. The farmers of Punjab feed this nation, there the production of foodgrains is the highest but at the same time, they consume liquor also. There is a relation with the climatic conditions as also the productivity. As I said, you must reduce the alcoholic content and reduce its price, that would prevent the distillation of illicit liquor also

I am President of workers' Union of a brewery; they produce whisky also. They have got a factory in Bihar. If total prohibition comes there, what will happen to the investment of seven crores that they have made on that factory. You must, therefore, proceed in a systematic way and your approach should be practical and scientific. For the time being, you should reduce the alcoholic content in the beer and simultaneously propagate for total prohibition. I object to the present approach of the Government strongly. You have to consider the revenue aspect. What alternative sources of revenue you should have, that has to be considered. Such a Bill is not going to help you much in your prohibition policy.

Shri Sathe has talked about the urine therapy. In Europe, especially in America, many people ask Indians, if they followed the Prime Minister in this respect. There was a television interview shown in America. The Prime Minister spoke to the people in America about urine therapy. American people are not interested in urine therapy. I felt definitely ashamed when people from America come and tell us that the Indian Prime Minister spoke to them for half-an-hour on urine therapy.

SHRI VASANT SATHE: On BBC also.

SHRI VAYALAR RAVI: Spending all the money to go to Europe and America—for speaking to them on urine therapy? Is the Indian culture represented by urine therapy? With all sincerity I say that I am sorry to hear about the way he made these utterances to the Indians living in America. They complained to me The Prime Minister represents this nation and this Parliament. He represents the views of the people of India. Don't think I am speaking against Prohibition. I am only drawing attention to its financial implications. Mr. Piloo Mody says that he will fight for the right to drink. (Interruptions)

SHRI VASANT SATHE: Half of the cabinet drinks. It has been admitted publicly.

SHRI VAYALAR RAVI I only say that the Prohibition Policy has to be more reasonable. For the benefit of the many people who drink, I want to quote a Poem:

"He who drinks, get drunk;
He who get drunk, goes to sleep
He who goes to sleep does not sin;
He who does not sin goes to Heaven;
So let us all drink and go to Heaven."

श्री हुसम देव नारायण यादव (मधुवनी) : उपाध्यक्ष महोदय, सरकार का जो विधेयक है मैं उसका समर्थन करता हूँ। सरकार ने जो यह सकल्प रखा है मद्यनिषेध का वह सही है। मैं बड़े तौर से सुन रहा था जब साठे माहव और माननीय बायलर रवि बोल रहे थे। वह कहते हैं कि लोगों को प्रतिभित किया जाय कि शराब बहुत बुरी चीज है। दुनिया में जिनने पढ़े लिखे लोग हैं, जिन्होंने धर्मशास्त्र का अध्ययन किया है नभी नैतिकतावादी, अध्यात्मवादी और समाज सुधारक जिनसे आज तक दुनिया में हुए सब ने कहा शराब बुरी चीज है। उनका दर्शन भी पढ़े लिखे लोग ही पढ़ते हैं। लेकिन आज जो सभ्य समाज है, पंचा लिखा समाज है वही शराबखोरी का सब से बड़ा केन्द्र है। जहाँ बड़े लोग शराब पीते हैं उसका नाम है मान्य बलब, रोटी बलब। और जहाँ गरीब पीता है उसको लाऊँबाना कहते हैं। गरीब को नाम पर ही उनको विभिन किया जाय, गरीबों

में वह भावना पैदा की जाय कि शराब बुरी चीज है, तो उनको पढ़ाने का काम कौन करेगा? सभ्य समाज वाले ही करेंगे। और यहाँ तक कि चार धाने की ताड़ी भी कर अगर कोई गरीब सबक पर हल्ला करता बले, मझझड़ करता है, घुसा काम करना है तो उसको पुलिस दफा 160 में गिरफ्तार कर लेती है कि तुम शक्ति धन कर रहे हो, हल्ला बन्ना रहे हो। चार धाने की ताड़ी पीने वाले को बन्द कर दिया जाता है। और उसको सजा सुनाने वाला कौन है जो स्वयं 150 रु० की बोलल पीता है। जब आप गरीबों को विभित करने की बात कहते हो, तो मैं पूछना हूँ कि यह काम कौन करेगा? वह तो सभ्य समाज ही करेगा, जो देश के अन्दर एक प्रतिभत है और देश की राजनीति, व्यापार, नौकरी सब उसी समाज के हाथों केन्द्रित है, जिनके आचरण से सारा समाज बनता है, जिनके आचरण से सम्पूर्ण समाज पर प्रभाव पड़ता है। जब तक उनका आचरण नहीं बदलेगा तब तक देश में आप किसी व्यवस्था को लागू कर सकेंगे, यह बिल्कुल असम्भव है। माननीय साठे माहव, हम और आप अगर शराब पीकर सबक पर निकले तो उससे करोड़ों आदमियों को क्या प्रेरणा मिलेगी। लेकिन अगर कोई रिकवा बनाने वाला शराब पी कर सबक पर निकले तो उससे 2, 4 आदमियों को प्रेरणा मिल सकती है। इस लिए कहना चाहता हूँ कि जो शराब बन्दी का काम है, नशाबन्दी का काम है, अगर सरकार इसे करना चाहती है तो सम्पूर्ण रूप से करे। मैं तो यहा तक जा कर कहने के लिए तैयार हूँ कि केवल इस पर टैक्स बढ़ाने से इस का निराकरण नहीं हो सकेगा, आप यह भी कानन बना कर कर दीजिए कि शराब पीने वाले को साल, 2 साल कड़ी सजा भी दी जायेगी।

अगर देश में सुधार की और प्रासन्न्य की बात करते हैं तो हमने हिन्दुस्तान को देखा है। यहाँ महात्मा गांधी, गौतम बुद्ध और फ्राइस्ट ने उपदेश दिया। जितने हमारे समगज-सुधारक, चेतना की बलि करने वाले, सामाजिक, सांस्कृतिक क्रान्ति करने वाले प्राये, उन्होंने एक से एक नई बात, मित्रान्त की बात बही लेकिन वह सारी बातें किताबों में पढ़ी रह गई, व्यवहार में लागू नहीं हो सकी। केवल एक पक्ष का दृष्टिकोण लेना कि केवल प्रचार से सांस्कृतिक क्रान्तिका सामाजिक सुधार का वातावरण ला कर हम लोगों की चेतना के धरातल को इतना ऊंचा उठा देगे कि लोग बुरा काम न करे खासी नैतिकता के दृष्टिकोण से यह नहीं हो सकेगा, पूरा देश यह सब जानता है।

कोरी करना पाय है, यह सब जानते हैं फिर भी आई० पी० सी० में लिखा गया कि कोरीके लिए इतनी सजा दी जायेगी। इसी तरह उर्कती करने ब्यभिचार करना, बलातकार करना पाय है फिर भी आई० पी० सी० में सजाका उपबन्ध क्यों है? इसलिये कि इन्सान केवल नैतिकता के और आध्यात्मिकता के दृष्टिकोण से ही नहीं चलता। मनुष्य में मानवीय कलमोरी है और उसको कारण वह किमलन में आना है तो उसको उन सबक का भय रहता है कि अगर वह काम करे तो तब सब सजा मिलेगी। इसी तरह जब तक इन्त्याम को किसी बड़ का भय न हो

तब तक वह शराब से भ्रमण नहीं हो सकता है। क्या कारण है कि पाकिस्तान में यह विद्या गया कि शराब पीने वाले को कोड़े लगेंगे? आज पाकिस्तान में लोगों को पता है कि शराब पीयोगे तो बूनतो पर कोड़े लगाए जायेंगे। यह इसलिए कि लोग डर से बुरा काम ब करें। केवल नैतिकता और धार्मिकता की बात करने से तो बिल्कुल पंगू और कमजोर समाज बनाना होता है।

शराब के बारे में मैं कुछ नहीं जानता, लेकिन शायद आप जानते होंगे, जो बिदेसी शराब बनाये जाते हैं, अभी हमारे साठे साहब ने बोलते-बोलते कहा कि जिबाम्बू में 4, 5 परसेंट अलकोहल होता है। मैं तो यह समझ रहा था कि यह बियोरी प्रधान मंत्री की है, लेकिन जब तक आपने उस बियोरी का पालन नहीं किया तो आपको उसमें भी 4, 5 परसेंट अलकोहल होने का कैसे पता लगा? मैं तो कहूँगा कि अगर उन्हें बड़ी तकलीफ हो रही है इस बात की कि शराब की कमी पड़ेगी, तो लोगों का तकलीफ होगी तो जो 4, 5 परसेंट अलकोहल वाली चीज है, उसका आप प्रतिदिन 4, 5 बार सेवन करें, उसमें तो टैकम लगने वाला नहीं, उसमें क्या आपर्णत है, उसमें 4, 5 परसेंट अलकोहल है भी। आप खुले रूप में उसका सेवन कीजिए।

मैं शराब के बारे में कुछ नहीं जानता लेकिन जो सरकार के जरिये बात आई है, उसमें मादा लिकर पर 15 रुपये 20 पैसे प्रति लिटर, मसाले वाले पर 27 रुपये और विशेष मसालेदार पर 15 रुपये, यह बात समझ में नहीं आई। मैं समझता हूँ कि विशेष मसाले वाली बढिया शराब होगी। जिन सज्जी में ज्यादा मसाला डाला जाता है, वह सबसे ज्यादा सज्जी बनती है, खाने में ज्यादा मजेदार होती है तो इस मजेदार मसाला वाली शराब पर भी 15 रुपये और सावा पर भी 15 रुपये। मेरे कहने का मतलब यह है कि शराब पर जो दाम बढ़ाने वाले हैं, तो उनके पीने वाले कौन हैं? जा बड़ी बड़ी शराब की दुकानें हैं, वह बड़े-बड़े शहरों में चलती हैं। यह कहा चलती है, यह कितनी दर्दनाक बात है। श्री अयालार रवि ने बिहार की बात की, लेकिन मैं कहना चाहता हूँ कि बहा कच्ची और गन्दी शराब पीने के कारण 7 दिनों में 700 प्राइमी घनवाद में मर गये। गरीब कोयला खानों में काम करने वाले मजदूरों की मृत्यु हो गई।

सस्ती शराब हो या कोई हो, मैं यह कहूँगा कि वह सस्ती शराब भले ही हो, लेकिन आज बिदेसी शराब या कीमती शराब पीने वाले, उसका सेवन करने वाले कौन हैं? कीमती शराब का सेवन नहीं करता है, जिसकी जेब में ज्यादा पैसा है। वह पैसा कहा से आता है? उस आभयनी का कौन क्या है? आज कार्ये अन्न का सब से ज्यादा इस्तेमाल शराब पर ही हो रहा है। जिन लोगों के पास

काला धन है, वे उसे कहा खर्च करते? वे खर्च करते हैं, शराबखोरी पर, पार्टियों और दावतों पर। इस लिए मैं सरकार से निवेदन करना चाहता हूँ कि अगर वह शराबबंदी करना चाहती है और देश के लोगों के चरित्र का उत्थान करना चाहती है, तो उसे कठोर कदम उठाने होंगे।

16 hrs.

शराब के नशे में धूत हो कर इन्सान बुरे से बुरा काम कर बैठता है। शराब के नशे में इन्सान इतना गिर जाना है कि उसमें पत्नी और बेटों की पहचान नहीं रह जाती है। महाभारत-काल की कथा है कि शूकचाय ने शराब के नशे में बह मूत्र बहुस्पति के पुत्र को सिखा दिया, जो वह किसी दूसरे को नहीं सिखाना चाहने थे। इसी लिए उन्होंने कहा कि शराब इतनी बुरी चीज है कि इससे इन्सान की बुद्धि और चित्रक नष्ट हो जाते हैं।

जहां तक शराब के विरुद्ध प्रशिक्षण और प्रचार का मन्वन्ध है रेडियो, टेलीविजन प्रसारण, पुस्तकें और गीटिया तथा सभाओं में जरिये जनमन प्राप्त करना चाहिए और बताना चाहिए कि शराब बुरी चीज है, लेकिन केवल इससे काम नहीं चलेगा।

इन्त में मैं कहना चाहता हूँ कि आज शराब के माध्यम से हिन्दुस्तान में कराडों गरीबों के मानसिक क्षोषण का भी काम हो रहा है। हिन्दुस्तान में गरीब और मजदूर अपने अधिचारों का समझ नहीं पाये, और उनमें लिए लड़ नहीं पाये, क्योंकि उन्हें शराब का इस्तेमाल करने के लिए प्रेरित किया गया ताकि वे नशे में धूत रहें, नशे में रूपने गम का भ्रम जाये, उन्हे रह न भ्रम भ्रम हों पाये कि हमारी दुवशा के लिए सत्ता ही जिम्मेदार है और हमलिये वे अन्त्या मना की विरुद्ध लड़ने के लिए कदम न उठावें। इस दृष्टि से भी शराब का बन्द करना जरूरी है।

शराब के जो दाम बढ़ाये गये हैं, मेरी राय में वे दाम बहुत कम हैं। यह समस्या का निराकरण नहीं है। केवल दाम बढ़ा देने से शराबी बन्द नहीं होगी। या तो इसका उत्पादन बन्द कर दिया जाये, और या जिस तरह आई 0 पी 0 सी 0 में अन्य अपराधों के लिए सजाये बणित हैं, उसी तरह शराब पीने को भी दणनीय अपराध बना दिया जाये, और उसके लिए दो, तीन, चार या पांच सप्ताह का सश्रम कारा-बाह दिया जाये, वनी सभ्य समाज, जो किसमूर्ण शराबखोरी का शूद्र बना हुआ है, वीना तान कर शराब पीता रहेगा। मेरा कहना यह है किपड़े हुए सुनो को कोई पढ़ा नहीं सकता है, पड़े हुए पंडित को पढ़ाने से कोई लाभ नहीं है। अपने स्वर्ण को सिद्ध करने के लिए और गरीबों का क्षोषण करने के लिए ही शराब-बन्दी का विरोध किया जाता है और इसके लिए केवल प्रशिक्षण और प्रचार की बात कही जाती है। इसलिए सरकार को इस बारे में कठोरता से कदम उठाना चाहिए।

*SHRI A. K. SAHA (Vishnupur): Mr. Deputy-Speaker, Sir, the hon. Finance Minister has introduced the Punjab (Delhi Amendment) Excise Bill in this House. While supporting the Bill I cannot resist expressing my surprise that the parent Bill dates back to 1914 and the present amendment is sought to be implemented in Delhi in 1979 i.e. after nearly 65 years. In the Objects and Reasons the Minister has stated that the Government was forced to introduce this Bill after a lapse of 65 years because the Delhi Administration had met with a defeat in the court in a case and as a result of the court verdict the Government would be required to pay nearly Rs. 75 crores as compensation. I fail to understand why it has taken such a long time for the Government to plug the loophole and obviously they had failed to initiate timely action when the Supreme Court decision was given.

16.05 hrs.

[SHRI N. K. SHEJWALKAR in the Chair].

While introducing the Bill, the hon. Minister has said that the present legislation would help introduce prohibition. We are not against prohibition as such but we feel that merely by introducing such bills we would not be able to achieve our objective. A little while ago, hon. Member Shri Kanwar Lal Gupta was saying that this Bill would discourage the poor people from taking wine. It is true that the poorer sections of the society whose income is meagre spend a good lot of their income and at times the entire income on wine. This is a serious problem no doubt but the Government have never cared to go deep into the matter to find out the causes which compel a poor man to spend all his earnings on wine alone. Instead of depending entirely on legislation it is necessary that a programme of social education should be undertaken to create necessary awareness among these people about the banes of drinking. But still more important is the

need to undertake schemes which will help improve the economic condition of the poorer sections of society. If these people can get all the opportunities that a society offers to its members and if their lot is improved economically then they would themselves not take to wine. Shri Ravi was rightly saying that there are many States in the country who are not opposed to prohibition but they want that they should be paid the money that they earn through the sale of wine so that they can utilise the money for the purpose of developmental work. The West Bengal Government had also conveyed to the Centre their willingness to implement the policy of prohibition provided the Centre must compensate the loss that they would be suffering as a result thereof. Unfortunately, the Central Government did not do anything in the matter I would therefore suggest that if the Central Government is really serious to implement the policy of prohibition then they will have to take a positive step in this regard and the matter can be discussed by them with the Chief Ministers and a decision taken.

The present bill seeks to impose excise duty on many items and one of them is cider i.e. apple juice. Shri Sathe has referred to this item. I do not know what percentage of alcohol it contains but if it really does not contain alcohol then I will request the hon. Minister to exempt this item from the purview of this Bill. We cannot forget the fact that apples are grown by the poor people in hills and they consume its juice also. If we tax this item then we would really be taxing the poor in the hills and enhance their hardships. The Bill also makes a mention about the intoxicating drugs. In this connection I would like to submit that these drugs are taken by many in the form of medicine and not for the sheer pleasure of being intoxicated. Very often a person who suffers from acute pain takes such drugs and if we are going to tax this

*The original speech was delivered in Bengali.

[Shri A K Saha]

item then the cost of such drugs will go up and the patients will suffer I would therefore request the hon Minister to consider these aspects of the matter and take suitable remedial measures I support the Bill and conclude

श्री रीत लाल प्रसाद बर्मा (कोडरमा) मन्नापति महोदय, मैं पंजाब उत्पाद शुल्क (दिल्ली सशोधन) विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। आज मध्य निषेध की दिशा में जनता सरकार ने एक जहाद बाल दिया है और पिछले 30 वर्षों के अनुभव में यह देखा गया है कि बराबर से जितने भी देश में बुद्धिजीवी लोग हुए हैं, जितने सत हुए हैं, महारामा हुए हैं सब लोगों ने मध्यनिषेध के लिए उपदेश दिया है लेकिन साठे साहब जा उधर बैठे हैं

श्री बसंत साठे मैं भी उपदेश के हक में हूँ।

श्री रीत लाल प्रसाद बर्मा उपदेश के हक में हैं केवल भाषण में।

श्री हुसैन देव नारायण यादव उपदेश और उपभाग दोनों के हक में हैं।

श्री रीत लाल प्रसाद बर्मा आप सोम रस, मर्निन रस और मध्य रस के बराबर अनुगामी और पञ्चांगता रहे हैं। लेकिन यह केवल आपका उपदेश ही है। मरना कहना है कि कथनी और बरनी में अन्तर नहीं होना चाहिये। हम विरोध में हैं इसलिए विरोध करे, यह भावना न हो कर मानव कल्याण के लिए पूरे समाज के विकास के लिए आपको सोचना चाहिये। जनता सरकार 500 करोड़ ६० जो पैसा खर्च से मिनता है हर साल उसको केवल मानव कल्याण के लिये ही छोड़ रही है और इस कमी को किसी दूसरी मद से पूरा करना चाहती है, यह उसका दृष्टिकोण है। हमारे प्रधान मंत्री जी महारामा गांधी के सही अनुयायी हैं। आप भी अपने वा महामत्स्य गान्धी ने पोलोअर बनाने हैं न किन उनक पथ के बिल्कुल विपरीत बराबर चलते रहे हैं। इसका परिणाम है कि आज अघराघा में खड़की रहती है। शराब पी कर ही अघराघा किसे जाने है नाह चांगे हो, डकैती हो, बलात्कार हो, सभी अपराधों का मादक द्रव्यों के नाम में ही होते हैं क्योंकि उससे आदमी अपना विवेक खो बैठता है और जो भी बरी भावना मन में रहती है उसी को पूरी करता है बाहजों भी हो जाये। अघर इमी दृष्टिकोण को ध्यान में रख कर दिल्ली में प्राचारित होने वाली सभी प्रकार की नशीली चीजों पर टैक्स बढ़ा कर हतोत्साहित किया जा रहा है तो इमम क्या आपलित हो सकती है। जब वैसे नहीं होगा तो पीन में २-मी चायेगी। आप कहते हैं कि शिक्षा दो जाम तो यह भी एक प्रकार की शिक्षा ही है कि महर्गी हाम पर यह नहीं खरीद पायेगे और धीरे-धीरे उसको छोड़ देगे।

श्री बसंत साठे: यह गलत साबित हुआ है। टैक्स बढ़ाने से नशा कम होता है, यह बात गलत साबित हुई है।

श्री रीत लाल प्रसाद बर्मा इसीलिये आप शराब की जगह पर शिवम्भ पर चले आइये। लेकिन जहाँ तक शराब है यह मनुष्य के लिए अहितकर है। जो गरीब मजदूर होते हैं, खान में काम करते हैं उनका मारा पैसा इसी में खर्च हो जाता है। जब उनकी आमत पड़ जाती है तो मारा अपना पैसा उसी पर खर्च कर देते हैं। पूँजी का निर्माण नहीं कर पाते हैं और उनका मारा विकास समाप्त हो जाता है। इसलिये पूरे रूप में अघर मध्यनिषेध किया जाता है तो 10, 20 वर्ष में एक नई संस्कृति पैदा होगी और हर आदमी शराब पीना हराम समझेगा। पंजाब प्राय-कारी (दिल्ली सशोधन) विधेयक के रूप में यहा मंत्री जी ने जो प्रस्ताव रखा है वह मेरी राय में अशुभ नहीं है। इस पर तो एक तरह से पूरा नियंत्रण करना चाहिये था या अलग इसके लिए विधेयक बनाना चाहिये था। दिल्ली में बाहर से आने वाली आयातित शराब पर भले ही दर बढ़ा दे लेकिन जम तरह से पैट्राल के दाम बढ़ जाने से भी उसकी खपत बन्द नहीं आती यहाँ जितनी गाड़ी पहले चलती थी उनम कुछ कम भले ही हो, लेकिन चमती है उसी प्रकार से शराब के दाम बढ़ा देने के बाद भी पीने वाले शराब पीयेगे ही। यह तो हतोत्साहित करने का पाडा बहुत प्रयास है लेकिन इस दिशा में कोई ठोस विधेयक बना कर लाना चाहिये ताकि इस पर पूरा नियंत्रण हो सके।

श्री मन्नी महोदय को धन्यवाद जकार दगा कि उन्होंने जो प्रयास किया है इससे भी दिल्ली प्रशासन को 75 करोड़ रुपये वार्षिक आय हो सकती है जितने की शराब अभी आती है।

श्री बसंत साठे 7 करोड़ रुपये वार्षिक 75 करोड़ रुपये पिछला बकाया बच जायेगा।

श्री रीत लाल प्रसाद बर्मा जो कुछ हो हिसाब लगाइये इससे भी कुछ हद तक राहत मिल सकती है। लेकिन धीरे-धीरे ऐसे कदम उठाने चाहिये जिससे दिल्ली को पूरी तरह से शराब से मुक्त कर दिया जाये।

श्री बसंत साठे ज्यादा शराब चाइये, पूर्ण नशाबन्दी करने के लिए।

श्री रीत लाल प्रसाद बर्मा यह नारे बराबर चलते रहेंगे और आपको भले ही इसमें जीने का गलता मिले, लेकिन यह आधिक विन नक रहने वाला ग्लोबल नहीं हो सकता है क्योंकि अब जनता की आँख खुल गई है। अब सर्व-माधुर्य में देहात में आम लोगों की यह भावना बनती जा रही है कि अब भल-मुलैया से, आदमी को शराब और सिगरेट सिगरेट सिगरेट से बोट लेने का काम समाप्त हो गया है। अघर उसकी जमीन पर विकास कार्य नहीं होगा, तो कोई भी नहीं, अब नैनागिरि से काम चलने वाला नहीं है। इसमें

महा लक हो अपना लाभ उठाइये, लेकिन देश, जनता और मानव-मान के लिए यह जरूरी है कि शराबबन्दी होनी चाहिये, क्योंकि यह देश महात्मा गांधी, दयानन्द सरस्वती और भगवान बुद्ध का रहा है और सब ने कहा है कि शराब देश के लिए अहितकर चीज है, इसको समाप्त करना चाहिये।

SHRI C. K. CHANDRAPPAN (Cannanore). I appreciate that a situation was created by the court verdict, but then I should have expected the Government to be more honest and more straight-forward in its approach when it comes to the House with a Bill.

I have no quarrel with the intention of the Bill, but with the sermon with which it begins. Apart from revenue, they want to promote their so-called great cause of prohibition, and the Bill, they say, will help it. Here comes the most controversial question, because I would have extended support to him fully, without any reservation, if he had come to this House without that sermon as part of the Bill, because when the Minister says that there should not be revenue loss, it is understandable. But when in the second part he says that it is to promote prohibition it is exception. The imposition of prohibition, it has been pointed out, is un-Indian in culture. I need not point this out to the Minister because he speaks of Indian culture. In our culture, thousands and thousands of years ago, the forefathers in the country used to drink Somrasa and they recited Vedhas. Soma is a part of Indian culture and today somebody has a fad about prohibition and then you give a big lecture to the poor "Do not drink, your money should not be wasted". That is just shedding crocodile tears. You are creating conditions under which the people are perpetually destined to live in poverty and you take it as moral and natural. There are poor people and the poor people should remain poor, but they should not drink. That is the only consolation. Why should you take away even that, if they get a little pleasure out of drinking? I am not one who says that every one should drink. But

I am totally against the prohibition policy. The reasons are known. It will take away employment of several lakhs of people who are directly involved in the manufacture of liquor and allied industries. When this Government came to power two years ago they said that they are going to solve the problem of unemployment within ten years. But now they have ruled for half the period for which they are elected and we find an increase of about 50 per cent in the number of unemployed. Then again you are coming with the prohibition policy, due to which several lakhs of people will lose their employment. This prohibition policy is nothing but sheer madness. It is better to abandon this policy and come forward and say that this policy cannot be implemented. I do not want to go into the moral aspect of it. I do not agree with any State where prohibition policy has been implemented. My friends from Tamil Nadu may not agree in public. We are happy. In Kerala we are getting lakhs of people coming from the neighbouring State, which has imposed prohibition with a determination and our revenue is shooting up. It is very good and we welcome it. But as a matter of policy, it is madness. It is futile and it is against the people for whom you are shedding crocodile tears. Those who support so vehemently the prohibition policy are saying that they are doing so for the people. I do not think there is much argument in that. If you want to create conditions under which drinking will not take place in an injurious manner, there are other methods. I also welcome that there should not be drunkenness in the country. Our people should not be drunkards. For that you have to create awareness among the people. You have to educate and if you succeed in creating that awareness, then there is a possibility of achieving conditions under which people will not get drunk. But prohibition is no way. May I request the hon. Minister to remove that paragraph where you give the sermons. Otherwise, the Bill is O.K. With certain reservations, as was

[Shri C. K. Chandrappan]

pointed out, why should you impose this levy on the cider?

SHRI SATISH AGARWAL: No.

SHRI C. K. CHANDRAPPAN: It is not a liquor in that sense. You are not very familiar with drinks. That is the problem. You have to go on the basis of certain briefs. But we, who have experience in that, say that it is not a liquor. Such anomalies are there in the Bill. You should remove that sermons from the Bill.

SHRI SATISH AGARWAL: Does the cider contain some alcohol?

SHRI C. K. CHANDRAPPAN. For that matter, even Arishtas and Asavas contain alcohol. But it is not liquor. I do not know the percentage of alcohol.

SHRI VASANT SATHE: Otherwise, even an ordinary wine will contain alcohol.

SHRI R. V. SWAMINATHAN (Madurai) There are certain medicines which contain alcohol. If you compare the content of alcohol in Cider with the content of alcohol in the medicines, you will find that the content of alcohol in Cider is less than what is in the medicines.

SHRI C. K. CHANDRAPPAN: Even if certain liquor will have a certain alcoholic content, you should adopt a rational policy by which the people should be allowed to take that. Otherwise, you will repeat the tragedy that we experienced in Bihar. In Bihar, there was a big human tragedy, where poor miners, hundreds of them died, because they took the illicit liquor which was sold there. Even in Delhi, two years ago, near the New Delhi railway station, in the Railway Colony, dozens of people died because they took illicit liquor. Illicit liquor is often poisonous. Instead of giving poison to the people, allow them to drink something which can be sold in the

open market. The people who are drinking have their own reasons for drinking. They would like to drink something. There is no reason why the Government with all its policies do not allow the common people to get some cheap liquor with less alcoholic content so that they will not become victims of liquor poison.

AN HON. MEMBER: Toddy.

SHRI C. K. CHANDRAPPAN: Toddy is ideal.

SHRI VASANT SATHE: You eat any number of grapes in the night so that in the whole night, it is fermented in your body and you drink the residue

SHRI C. K. CHANDRAPPAN: That he will not say. There are others in the Ministry who may say that.

So, my request to the hon Minister is, you kindly take the spirit of the discussion. Actually, the House is extending the support to the Bill but opposing the sermon part and certain anomalies in the Bill.

With these words, I conclude.

श्री जी० जी० शर्मा (बुलडाणा) : समापति महोदय, पञ्जाब एक्साइज दिल्ली प्रमोटमेंट बिल की ऊपर बोलने के लिए जो आपने अनुमति दी है वो मिनट के लिए, तो वो मिनट में तो मैं खतरम नहीं कर सकता हूँ। मैं सदन को श्रीर मंत्री महोदय को कुछ असलियत बताना चाहता हूँ। हम प्राचीन में घोर खेडों में रहते हैं, वहाँ की स्थिति क्या है, वह बताना यहाँ जरूरी है। आप ने देश में सम्पूर्ण डाक बन्दी का लक्ष्य रखा है या जनता मरकार इसे करने जा रही है। मैं साठे साहब को सुनाना चाहता हूँ, वह जरा सुन लें।

समापति महोदय : आप तो मिनिस्टर साहब को सुनाएँ, श्रीर मैं सुन रहा हूँ।

श्री जी० जी० शर्मा : मैं इस मस-निवेध का निवेध करता हूँ। मस निवेध की नीति का निवेध करता हूँ। कारण मैं बता रहा हूँ। जब इस देश के वर्तमान प्रधान मंत्री महाराष्ट्र के चीफ मिनिस्टर ने उस टाइम पर हमारे महाराष्ट्र में डाक बन्दी का मसला धाया। महाराष्ट्र में डाक बन्दी हो गई। लेकिन उस का रिएक्शन क्या हुआ, यह देखना चाहिये।

इसका रियेक्शन वह मुझा कि बहुत से प्रसामाजिक तत्व बड़ गए, गुन्धे गयीं बड़ गईं। शराब की स्पण्डित्व होने लगी और जगह जगह पर लोगो ने उस के गुने खोल दिए। बम्बई में और और जगहों में उस बस गज पर शराब के गुने मिलते थे वहां गुड़ से लिकर बना कर रखते थे और लोग वहां जा कर पीते थे। गुड़ से या किसी और रसायन से वह लिकर बना कर जगह जगह उस के गुने लगाते हैं। उस को हमारे बम्बई में ठर्रा कहते हैं। तो ठर्रा पी कर लोगो को बहुत नशा जाता है। इससे प्रसामाजिक तत्वो को बड़ाया मिलता है, स्पण्डित्व करने वाले का बड़ाया मिलता है। आज ऐसे लोगो के पास करोड़ो की आयवाय है और वह लीजरी करते हैं, समाज में ऊंची नाक करने पाते हैं, और वषा उनका शराब का है।

मैं माननीय चन्द्रप्यन से सहमत हू कि शराब बन्दी करने से देश का सर्वनाश होगा। यह तो सही बात है। हम लोग यहां शराब बन्दी की बात करें और रात को कनाट प्लेन से 300 रु की बोटल ले कर आये, यह ठीक नहीं है। इन देश में पुरानकाल से यह परम्परा रही है, हमारे देवी में भी कहा गया है सोमरस सजीवनी है। सोमरस मुक्ताचार्य ने लिया, उसको वह सजीवनी कहते थे। कच्छ को मार कर, उसको जला कर उसकी राख सोमरस में मिला कर मुक्ताचार्य को पिलाई तो मुक्ताचार्य का पेट फाड़ कर वह सोमरस निकल गया। तो सोमरस को सजीवनी कहते थे। इसलिए आप बहुत सोच समझ कर कदम उठाये। यह कोई ऐसी बात नहीं है कि बूटकी बजायी और लोगो ने शराब छोड़ दी। शराब पीने वाले के दरवाजे पर अगर कोई सत जपना बून भी दे दे तो भी शराब पीने वाले लोग उसको छोड़ने वाले नहीं हैं। शराब पीने वाले को मां की कसम दिलाई लेकिन वह उसको छोड़ नहीं सका। शराब में इतनी अपवित्रता है कि मा की कसम लेकर भी वह उसको नहीं छोड़ सकता। मैं भी चाहता हू कि देश में सम्पूर्ण नशाबन्दी होनी चाहिये। लेकिन कामून से नहीं होगी। उम्मे वर वर में शराब की शक्ति लगेगी और गुन्धे लोग मालवार हो जायेंगे और हमारी आय को बड़ा मुकसान होगा। तो इस तरह की ध्यान रखना चाहिये कि इतना बड़ा पाटा सह कर देश में शराबबन्दी कर सकते हैं क्या? मैं सोचता हू कि अगर प्रगवान भी आयें तो भी शराब कामून से बन्द नहीं हो सकती है। आप कितने लोगों को जेल में डालेंगे? आज कितने लोग शराब पीते हैं। आप इसके बारे में सोच विचार करके कदम उठाइये और देश को इस क्षति ज्वाला से बचाइये, क्योंकि शराब बन्दी ही जायेगी तो प्रसामाजिक तत्व बड़ जायेंगे, गुन्धेगारों बड़ जायेंगे। शराब बनाने के लिए घर घर में शूरी बन जायेगी। वह लोग दादा लोगों को छुड़ा देकर दरवाजे पर बड़ा रखेंगे और जब वहां पर पुलिस की डैन जायेगी, हमारे बम्बई में यही होता है, तो उसमें से दो पुलिस वाले उतरेंगे और शूरी से नोट लेगे फिर शूरी में चले जायेंगे। इसी तरह से शूरी फिर दूसरी जगह रुकेंगी और वहां से भी नोट लेकर चले जायेंगे। इस तरह से सारे दिन घर में बड़ा कर के काम हो सकता है।

यह सही बात है, प्रसवी बात है, मायो देवी बात है। इससे देश का बड़ा मुकसान होने का रहा है।

इसलिए मैं इस बिल का समर्थन नहीं करूंगा बल्कि विरोध करता हू और यह कहता हू कि आप देश में शराब बन्दी कभी सम्पत्सकूल नहीं कर सकते। यह शक्ति बात बोलकर मैं अपनी बात समाप्त करता हू।

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGARWAL) I have heard with rapt attention the speeches made by several members while discussing the motion for consideration of the present Bill

By and large the Members have welcomed the move Of course, some criticism was made by hon Shri Chandrapan and Shri Vayalar Ravi why a sermon has been given in the Preamble of the Bill Had I known about these sentiments of the hon Members and had that been the only point of dissent or opposition to this proposed Bill, perhaps I would not have incorporated it because that was not at all essential for the time being

What is the primary object of this Bill? It is only to regularise the countervailing duty imposed by the Delhi Administration on the country liquor in Delhi which was being levied for several years (Interruptions) Yes, for more than 25 years It is true that somebody challenged it in the High Court and the High Court accepted the plea, accepted the writ petition and set aside the order of the Lt Governor of Delhi and also ordered the refund of the duty that was collected over the past so many years It is pure and simple a fiscal measure Does this House want that whatever duty that has been collected by the Delhi Administration over those years should be refunded to those liquor vendors who had already collected the duty from the consumers and are the hon Members prepared to give this windfall to the liquor vendors that they should have Rs 75 crores over the last 25 years and Rs. 7 crores for the current year? I think no Member of this House has supported it or will

[Shri Satish Agarwal]

support it. It is only primarily take that particular levy.

SHRI VASANT SATHE: Correct.

SHRI SATISH AGARWAL: That this Bill has been brought.

SHRI VAYALAR RAVI: We will support in principle that this is a revenue for the State.

SHRI VASANT SATHE: You delete this sub-clause (2). Then we will support it.

SHRI SATISH AGARWAL: The High Court of Delhi gave a judgment on 11th January 1979 declaring this levy as beyond the jurisdiction or the authority of the Lt. Governor. The Delhi Administration approached the Home Ministry and the Finance Ministry and naturally the matter was put before the President of India who promulgated the Ordinance on 20th January. The Ordinance that has been promulgated has stood the test of scrutiny of the Court. I may inform this hon. House that there was an appeal filed by the Delhi Administration, a *Letters Patent* appeal filed before the Division Bench of the High Court and the liquor vendors challenged that Ordinance before the High Court and the Division Bench of the Delhi High Court has given a judgment very recently on the 9th of March upholding the validity of the Ordinance and accepting the plea of the Delhi Administration and setting aside the judgment of the single Bench of the Delhi High Court, that judgment has been delivered on 9th March, 1979. So, validity, the constitutional validity and whatever disputes that were raised before the High Court, in the course of the arguments, with regard to those writ petitions, the High Court has upheld the validity of the Ordinance or the validity of the levy or the regularisation of the levy.

That is the primary objective of this Ordinance and that is the primary

objective of this Bill, i.e., to replace this Ordinance. That is the primary objective. But, incidentally, it has been mentioned—not in the Statement of Objects and Reasons—but in the Preamble—I do not deny that but that is not a sermon. It is a well-known proclaimed policy of the present Government which has been discussed threadbare in the National Development Council and in the Conference of the Chief Ministers and it has been accepted as the national policy now.

The objectives are laudable. The present Bill is not meant to induct any policy of prohibition into the country or into the Union Territory of Delhi. I am sure certain measures have been taken by the Delhi Administration, Tamilnadu had gone dry long back although Janata Government was of there. Gujarat had gone dry when we were not there. (*Interruptions*) So, these things had been done. Now Bihar is going dry from 1st of April. Similarly, U.P. has also decided. Rajasthan is going to decide and the Chief Minister is going to announce very soon as to from what date they are going to introduce total or partial prohibition or whatever it is. Similarly, many of the States are adopting this policy of partial prohibition. They are having a phased programme of introducing prohibition into this country and in another four years so far as the Finance Ministry is concerned, it is a question of only compensating their loss partially which the Government of India has accepted.

SHRI VASANT SATHE: Do you want the illicit liquor to be continued in this country?

SHRI SATISH AGARWAL: That means Mr. Sathe is totally opposed to the policy of prohibition.

SHRI VASANT SATHE: I am.

SHRI SATISH AGARWAL: That is your conviction. You keep it with you. I have my own conviction. There are people in this country. The whole mass, 600 million people, of this

country are not for prohibition. But by and large the major mass of this country is in favour of prohibition. I can tell you that I had been to Almora last year. There were hundreds of ladies and children—I am here talking about Almora—who very much appreciated this policy of prohibition. I am talking about those labour class people. The hon. Member said that it is for some pleasure making, some entertainment it is this which makes the people poor and all that. It is true. But what about the affluent society? I had been to States and there was a conference of many countries. The only one single point that was raised was in regard to the narcotic drugs and all that. The whole country is very much worried about it. The future generation is going to be spoilt by that. It is a matter of conviction in every country independently. It is not going to be of a universal application.

Vegetarianism is becoming popular in many foreign countries. Your opinions may differ. I agree. There are going to be impediments; there are difficulties in the implementation of prohibition policy. This is a social legislation. I personally feel that that social legislation has to be accepted by the society by and large. What is the fate of the Untouchability Act? What is the fate of the Child Marriage Restraint Act? What is the fate of the Anti-Dowry Act and what is the fate of the Anti-debt fees act? These are social legislations. That does not mean that we should not legislate. That does not mean that we should not go ahead in that direction; that does not mean that we should stop somewhere.

Of course, the objective is laudable. It is a part of the Directive Principles of the Constitution which every State Government is bound to follow and is bound to implement and it is a part and as part, of the legislation, this is being done. Of course, there are problems of illicit distillation. There will be problem of corruption

and there will be other impediments. I do not deny all that. They have to be overcome. Because there are going to be problems, we cannot leave or spare or we cannot diverse the laudable objectives, I may not agree there. The hon. Members of this House have agreed with this principle and all the political parties in this country agree with that I suppose. I am not aware that Mr. Sathe has anything to give. The Congress Party or the Congress(I) said that they are not against this bill on prohibition. Of course they had been preaching about prohibition.

SHRI VASANT SATHE: We are still for it but not by law.

SHRI SATISH AGARWAL: You had been doing that before two years. What was the Government in Gujarat? It was the Congress Government which did it.

SHRI VASANT SATHE: But it failed.

SHRI SATISH AGARWAL: That is a different matter. You have to make efforts for the laudable objectives. You may fail. That does not matter. You have to do that sincerely. This Government has been doing it sincerely, and is trying to introduce prohibition.

SHRI VASANT SATHE: Wisemen learn by experience. But fools persist.

SHRI SATISH AGARWAL: Mr. Chairman he was talking about Shivambu. I do not want to dilate on that. That is not a part of the Bill.

SHRI VASANT SATHE: Will you agree to delete the proviso in the Preamble?

SHRI SATISH AGARWAL: For the information of Mr. Sathe, I can tell you that even in England he can get wine therapy. It is a part of medicine in many parts of the world. I have read some book on that. If he is so

[Shri Satish Agarwal]

much interested in shivambu I can tell him that that is not the policy of Government and that is not a part of the present bill. Government has not adopted that as part of the medicinal treatment; nor as a medical science, allopathy homoeopathy or ayurvedic. Urine therapy is not a part of any of the systems adopted by Government; It may be with some one and there are other people in this country. I know hundreds of years ago the urine of a calf was used for treatment for so many ailments. That is a different matter I am not here to dilate on that point. I say that this is not some, thing new It is in vogue in many countries, particularly, in England. I know that urine therapy is to some extent popular in various parts of England and they use it. There are doctors who are prescribing urine therapy. That is a different science I am not here to discuss all that. Mr Sathe has made a very valid point. I beg of him that he should be serious on certain issues. It is a question of revenue in the current year Rs. 75 crores worth of revenue. I am sure Mr Sathe or any other Member does not hold a brief for any of the liquor vendors that this revenue should be given to them I am very happy to know about it I think the hon. Members have supported the provisions of this Bill. With these words—whatever other points that were made are not relevant to this Bill—I seek consideration of this Bill by this House and to pass it unanimously.

SHRI VASANT SATHE: I would like to know from the hon Minister whether he would agree to remove that preamble

MR. CHAIRMAN: Whether you agree or you do not agree, there cannot be deletion.

SHRI VASANT SATHE: I want to know about the deletion of the Preamble If he does it we will support. This Bill is for revenue. If you do not delete that, then we will be forced to oppose the Bill.

MR. CHAIRMAN: Mr. Sathe, you must have moved an amendment to that effect. There is none.

SHRI SATISH AGARWAL: I have already clarified that that is not the primary objective of the Bill. The Delhi Administration on its own is going to introduce their prohibition policy. They are doing that way. This bill does not go that way.

MR. CHAIRMAN: The question is:

“That the Bill further to amend the Punjab Excise Act, 1914 as in force in the Union Territory of Delhi, be taken into consideration.”

The motion was adopted.

MR CHAIRMAN: There are no amendments We take up clause by clause consideration of this Bill

I shall put Clauses 2 to 7 to the vote.

SHRI VAYALAR RAVI. Please put the clauses separately You may put the Preamble separately.

MR CHAIRMAN: You want the Preamble to be put separately

SHRI VAYALAR RAVI: I want the Preamble to be put up separately.

SHRI SATISH AGARWAL: There is no amendment. That cannot be done now. I shall clarify the position. There is no intention on the part of Government to give any sermons to anybody.

MR. CHAIRMAN: That point can be taken up later on. If you want to say something regarding the Preamble you may do so.

SHRI VASANT SATHE: We want to say something on the Preamble and so that can be taken up separately.

MR. CHAIRMAN: I follow your point.

Now I shall put the Clauses 2 to 7 to the vote of the House.

The question is:

"That Clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

MR. CHAIRMAN: I will put Preamble separately to the vote of the House. Now, I put Clause 1 and the Enacting Formula to the vote of the House.

The question is:

"That Clause 1 and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clause and the Enacting Formula were added to the Bill.

MR. CHAIRMAN: Now, the question is:

"That the Preamble stand part of the Bill."

The Lok Sabha divided:

Division No. 7]

[16.58 hrs.

AYES

Abdul Lateef, Shri
 Agarwal, Shri Satish
 Amat, Shri D.
 Argal, Shri Chhabiram
 Balbir Singh, Chowdhry
 Baldev Prakash, Dr.
 Banatwalla, Shri G. M.
 Berwa, Shri Ram Kanwar
 Bhanwar, Shri Bhagirath
 Birendra Prasad, Shri
 Chakravarty, Prof. Dillip
 Chandan Singh, Shri
 Chandra Pal Singh, Shri
 Charan Narzary, Shri
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai R.
 Chavda, Shri K. S.
 Chowhan, Shri Bharat Singh

Danwe, Shri Pundalik Hari
 Digvijoy Narain Singh, Shri
 Durga Chand, Shri
 Ganga Singh, Shri
 Gattani Shri R. D.
 Gupta, Shri Kanwar Lal
 Hazari, Shri Ram Sewak
 Jaiswal, Shri Anant Ram
 Kapoor, Shri L. L.
 Khan, Shri Kunwar Mahmud Ali
 Krishan Kant, Shri
 Liaquat Hussain, Shri Syed
 Machhand, Shri Raghbir Singh
 Mahal, Shri K. L.
 Mangal Deo, Shri
 Mankar, Shri Laxman Rao
 Manohar Lal, Shri
 Mathur, Shri Jagdish Prasad
 Mehta, Shri Aji Kumar
 Mhalgi, Shri R. K.
 Miri, Shri Govind Ram
 Murmu, Father Anthony
 Onkar Singh, Shri
 Pandit, Dr. Vasant Kumar
 Paraste, Shri Dalpat Singh
 Parmar, Shri Natwarlal B.
 Patwary, Shri H. L.
 Pardhan, Shri Gananath
 Raghavji, Shri
 Rai, Shri Gauri Shankar
 Raj Keshar Singh, Shri
 Ram Charan, Shri
 Ram Dhan, Shri
 Ram Kinkar, Shri
 Ramachandran, Shri P.
 Ramapati Singh, Shri
 Ramjiwan Singh, Shri
 Rao, Shri Raje Vishveshvar
 Rathor, Dr. Bhagwan Dass
 Sai, Shri Larang
 Saran, Shri Daulat Ram
 Shah, Shri D. P.
 Shaiza, Shrimati Rano M.

Sharma, Shri Jaggannath
 Sharma, Shri Rajendra Kumar
 Shastri, Shri Bhanu Kumar
 Shukla, Shri Madan Lal
 Sinha, Shri Purnanarayan
 Sinha, Shri Satyendra Narayan
 Somani, Shri S. S.
 Tej Pratap Singh, Shri
 Thakre, Shri Kushabhau
 Tripathi, Shri Ram Prakash
 Varma, Shri Ravindra
 Verma, Shri Chandradeo Prasad
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Sukhdeo Prasad
 Yadav, Shri Hukmdeo Nandan
 Yadav, Shri Roop Nath Singh
 Zulfiquarullah, Shri

NOES

Alluri, Shri Subhash Chandra Bose
 Arunachalam, Shri M.
 Basu, Shri Dhirendranath
 Chandrappan, Shri C. K.
 Damor, Shri Somjibhai
 Faleiro, Shri Eduardo
 Gawai, Shri D. G.
 George, Shri A. C.
 Gotkhinde, Shri Annasaheb
 Kidwai, Shrimati Mohsina

**Kishore Lal, Shri
 Kosalram, Shri K. T.
 Meduri, Shri Nageswara Rao
 Mishra, Shri G. S.
 Nair, Shri B. K.
 Ramalingam, Shri N. Kundanthaj
 Ramamurthy, Shri K.
 Rao, Shri P. V. Narasimha
 Ravi, Shri Valayar
 Reddy, Shri M. Ram Gopal
 Reddy, Shri S. R.
 Sathe, Shri Vasant
 Sudheeran, Shri V. M.
 Swaminathan, Shri R. V.
 Thakur, Shri Krishnarao

MR. CHAIRMAN: Subject to correction, the result* of the division is:

Ayes: 79; Noes: 25.

The motion was adopted.

The Preamble was added to the Bill.

The title was added to the Bill.

THE MINISTER OF STATE IN THE
 MINISTRY OF FINANCE (SHRI
 SATISH AGARWAL): I beg to move:

"That the Bill be passed"

MR. CHAIRMAN: The question is:

"That the Bill be passed"

The motion was adopted.

**Wrongly voted for Noes.

*The following Members also recorded their votes:

AYES: Shri Fazlur Rahman, Shri Mani Ram Bagri, Shri Ram Vilas Paswan, Shri Shyamlal Dhurve, Shri Sushil Kumar Dhara, Shri Padma-charan Samantasingh, Shri Shri-krishna Singh and Shri Kishore Lal.
 NOES: Shrimati Rashida Haque Choudhury.