

to—section 178. From Bombay. We have got one case under section 167(81), prosecution for smuggling one case under section 171R, power to summon persons to give evidence, and four cases under section 172, warrant to seize documents; then there is section 178A—the section which Pandit Thakur Das Bhargava and Shri Tek Chand have in view—regarding some gold and diamond seized in the town, these may involve the new provision regarding burden of proof. We have not so far received any complaints against any officer of the customs in administering this new provision. I can also tell him that our latest report is that the smuggling of gold and other precious metals in Bombay has gone down.

Then Shri Tek Chand referred to his previous speech on section 178A, but I think he has not forgotten that the clause, as put in the original Bill, was drastically changed and now nobody can seize his spectacles or pen. It is now applicable only to certain articles, gold, gold manufactures, diamond and other precious stones, cigarettes, cosmetics and any other article which the Government may hereafter notify, and which notification will be placed on the Table of the House. It is not so omnibus as it was originally, and we have also sent special directives, as I gave assurance on the floor of the House, to all our customs officers that this section should be operated with care and caution and with some consideration causing no undue hardship to the public by their over-zealousness. The assurance that Pandit Thakur Das Bhargava has asked from me I can give, that periodically we shall get this matter examined, and if we find that there has been too many complaints about it or there has been much hardship caused by the operation of this section, we shall see what we can do in the matter. But I can give him this assurance also that so long there has been nothing; no complaint has been received. On the other hand, there has been a considerable reduction in the

smuggling of gold and other precious metals. That is our report. So I hope there will be no reason to be apprehensive about this small Bill.

Mr. Deputy-Speaker: The question is:

“That the Bill further to amend the Land Customs Act, 1924, be taken into consideration.”

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Shri A. C. Guha: I beg to move:

“That the Bill be passed.”

Mr. Deputy-Speaker: The question is:

“That the Bill be passed.”

The motion was adopted.

SPIRITUOUS PREPARATIONS (INTER-STATE TRADE AND COMMERCE) CONTROL BILL.

The Deputy Minister of Commerce and Industry (Shri Kanungo): I beg to 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, be taken into consideration.”

As indicated in the Statement of Objects and Reasons, the reasons for introducing a Bill of this nature is that as a result of prohibition in several States of India, the consumption of certain articles like medicinal or near-medicinal preparations has gone up very much. Therefore, the Bill proposes that the inter-State trade in such articles should be controlled, so that the policy of prohibition, which is being operated in various States in India and which is a directive principle of the Constitution, may be more

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effectively enforced. Some of the States have been asking the Central Government to sponsor legislation under article 302 of the Constitution, so that it may be applicable to all the States. Therefore, this particular piece of legislation has been introduced and we hope that with the provisions of this Bill on the statute-book, it will be possible to control the misuse of certain preparations which are finding their way into the market now. The existing legislations, either State or Central, are not adequate to deal with the situation. Most of the States were consulted in the matter and they have agreed to this legislation being sponsored by the Central Government.

I, therefore, submit that this Bill be taken into consideration.

Mr. Deputy-Speaker: 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, be taken into consideration."

Shri Dabhi (Kaira North): I rise to support and welcome this Bill, as it is going to help at least to some extent the enforcement of prohibition in my State the State of Bombay. As you know, it is at the instance of the State of Bombay and perhaps the State of Madras that this Bill has been brought forward by the hon. Minister. Total prohibition was introduced in my State in 1950, and before that, we had passed the Prohibition Act of 1948 in Bombay. One of the provisions of that Act was that Government had taken power to prohibit all sorts of liquor containing alcohol and so prohibition was becoming a success there. But then, there came the famous decision in what is known as the Bulsara case—Bulsara versus the Bombay State—and in that case their Lordships of the Bombay High Court as well as their Lordships of the Supreme Court held that that particular section

which puts control upon the spirituous preparations, which are not ordinarily used for drinking purposes as liquor, is void. From that moment people began to use these tinctures to a very large extent. As the State Government had no authority to control the import of tinctures from other States, various kinds of tinctures are being used to a very considerable extent, and practically the whole success of prohibition is being endangered by these spirituous preparations. These tinctures have come in the way of the success of the prohibition policy and prohibition would have been a success in that State but for the intervention of the spirituous liquors. The prohibition in Bombay has to a large extent been a success. In the words of the Congress President, "Nowhere so much as in Bombay has the finest fruits of the policy of prohibition been seen. It has restored to millions of people in the city and the country, who are addicted to this vice, the dignity of the human soul". I only wish to point out to this House what havoc have these tincture preparations done in my State and also other States. Twenty-three kinds of tinctures are being controlled by this Bill. They are spirituous preparations which are being used for drinking purposes; some of them contain as much as 70 to 90 per cent. of alcohol. One tincture called Tincture Aurantii contains 70 to 90 per cent. of alcohol and another called Tincture Zingiberis contains 90 per cent. of alcohol. There are several other tinctures which contain more than 70 per cent. of alcohol, and some of them are poisonous. Still those who are addicted to drink go on drinking them. Thus the whole prohibition policy is being endangered. I will only give a few figures to show how these tinctures are coming in the way of prohibition—I would only give the quantities. Before the Bulsara case the quantity in pounds imported into Bombay from other States in 1950 was 24,843 in 1951, the figure reached 39,623 lbs. In 1952, it was 2,95,498 lbs. and in 1953 the number came to 26,00,911. So you will see that the

[Shri Dabhi]

quantity rose from 24,000 lbs. to about 26,00,000 lbs. and you see how these tinctures are coming greatly in the way of the success of the prohibition in the State of Bombay. I welcome the Bill because it puts restrictions upon the import of these spirituous preparations in the State of Bombay.

I wish to make one more suggestion. Those who are trading in tinctures are coming the way of the success of prohibition. Clause 5 of the Bill reads as follows:

"If any person contravenes any of the provisions of this Act or of any rules made thereunder, or the terms and conditions of any licence granted under such rules, he shall, for every such offence, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both."

Alternative punishment—fine or sentence of imprisonment—has been provided as penalty in this clause. But if you want to make prohibition a success, deterrent punishment should be meted out to those who break the law. Not only those who drink these tincture come in the way of prohibition, but the real culprits are the traders, for if the traders are only fined Rs. 1,000, they will still go on with this trade, but if they are given a punishment by way of imprisonment as well as fine, then there would be some effect and I suggest to the hon. Minister that he should see that prohibition should succeed 100 per cent.

This measure is modelled on the lines of the Bombay Prohibition Act of 1948, under which the breaches of the provisions I have just now enumerated are made severely punishable both by fine and imprisonment. If the hon. Minister is serious about the success of this measure, I would request him to accept the amendments which I have suggested.

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COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
THIRTY-FIRST REPORT

Shri Altekar (North Satara): I beg to move:

"That this House agrees with the Thirty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 27th July, 1955."

This is a simple report dealing with the allotment of time for the resolutions that have been tabled, and I commend it for the acceptance of the House.

Shrimati Renu Chakravarty (Bashirhat): May I ask one question. This report deals only with the allotment of time, and not the adoption of the ballot procedure.

Shri Altekar: That is contained in the Thirtieth report. This relates only to allotment of time for the resolutions.

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Thirty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 27th July, 1955."

The motion was adopted.

RESOLUTION RE CENTRAL AGRICULTURAL FINANCE CORPORATION

Mr. Deputy-Speaker: The House will now proceed with the further discussion of the following resolution moved by Shri S. N. Das on the 22nd April 1955:

"This House is of opinion that immediate steps be taken to establish a Central Agricultural Finance Corporation with its branches all over the States to provide credit facilities for agricultural operations in the country."