

LOK SABHA DEBATES

Date: 12.12.2014

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Wednesday, 28th September, 1955

The Lok Sabha met at Eleven of the Clock

[Mr. Speaker in the Chair]

QUESTIONS AND ANSWERS  
(See Part I)

12-04 P.M.

PAPERS LAID ON THE TABLE

SEVENTH ANNUAL REPORT WITH STATEMENT OF ACCOUNTS OF INDUSTRIAL FINANCE CORPORATION

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** I beg to lay on the Table, under subsection (3) of section 35 of the Industrial Finance Corporation Act, 1948, a copy of the Seventh Annual Report of the Board of Directors of the Industrial Finance Corporation of India for the year ended 30th June 1955, along with a Statement showing the assets and liabilities and Profit and Loss Account of the Corporation for the year. [Placed in Library. See No. S-347/55.]

**Shri T. B. Vittal Rao (Khammam):** Immediately a statement is laid on the Table, it should be sent to the Library for reference. Sometimes it takes a day or two. Last time it happened in the same case, viz. the balance-sheet of the Industrial Finance Corporation.

**Mr. Speaker:** I do not know exactly what is happening; I will examine the procedure. But I know one thing. When a request is made for a statement, speech or other thing laid on the Table of the House, they are circulated to the Members the very next 367 LSD.

day if so desired by Members. So, we will examine the procedure now and see.

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

**Mr. Speaker:** The House will now resume further consideration of Rajya Sabha amendment to the Spirituous Preparations (Inter-State Trade and Commerce) Control Bill, 1955, for which half an hour has been allotted. The House will, thereafter, take up the consideration of the motion regarding Floods Control Projects which will continue upto 3-30 P.M. when the discussion on the Railway Transport Situation will be taken up. Mr. Kamath.

**Shri G. H. Deshpande (Nasik Central):** Yesterday, when this amendment was placed before the House, then itself, I wanted to raise some questions.

**Mr. Speaker:** I could not hear.

**Shri G. H. Deshpande:** When the hon. Minister placed this amendment from the Rajya Sabha before this House, I wanted to make certain queries and I was told that I could do so today.

**Mr. Speaker:** Then that position stands.

**Shri G. H. Deshpande:** That is why I have risen.

**Mr. Speaker:** The hon. Member will see that I have already called Shri Kamath under the impression that he had begun yesterday. I have called him and he will be as short as possible and take five minutes and then I shall call the hon. Member.

**Shri Kamath (Hoshangabad):** The Chairman said that he would call me today.

**Shri Punnoose (Alleppey):** How much more time remains?

**Mr. Speaker:** I have already announced it.

**Shri Kamath:** The Bill has come back from the Rajya Sabha with this amendment. In this House also a number of my colleagues and myself made this suggestion that certain safeguards should be provided to obviate or alleviate the hardships that might ensue as a result of passing of this Bill as regards medicinal and toilet and such like preparations. But unfortunately, the Minister, Shri Kanungo, who piloted the Bill was very allergic to our suggestions of that character and the Bill was passed without such modification or amendment. I am glad that this new clause has been inserted by the Rajya Sabha and I seek to further modify it so that all loopholes that might harass innocent citizens who may carry such things with them from one State to another may not be there; so that when they go from one State to another where Prohibition is in force, such hardship or harassment may be obviated or avoided. The first amendment seeks to include toilet preparations along with medicinal preparations.

Here is a the Supreme Court's Judgment—SCR 1951 on pages 716-717.

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

It was a case—State of Bombay and another *versus* Bulsara. The Supreme Court held in that case thus:

"Therefore, we hold that to the extent to which the Prohibition Act prevents the possession, use and consumption of non-beverages and medicinal and toilet preparations containing alcohol for legitimate purposes the provisions (of the Bombay Act) are void as offending against article 19(1) of the Constitution even if they may

be within the legislative competence of the Provincial Legislature."

You will find from the judgment of the Supreme Court, the highest judicial authority in the land, that it is not sufficient if exemption is granted only to medicinal preparations. Along with these we must have exemption for genuine toilet preparations wherein there is alcohol. I will only mention one or two, or only one is enough, of such preparations. Most of us do not use it, but there may be some, and I suppose it is the women who use it more than men.

**Mr. Deputy-Speaker:** Is there anything preventing men also using it?

**Shri Kamath:** I wonder if you use it, but I don't. It is Eau de Cologne. It is pronounced 'Ode Colon'. It is at times mispronounced as 'Ude Colon'—perhaps not here, but some outside the House mispronounce it like that. It contains alcohol but it is a genuine toilet preparation which is in wide use among the educated, or what are called the upper strata of society in this country.

**Shri U. M. Trivedi (Chittor):** Fashionable ladies.

**Shri Kamath:** If you want to put it that way, you may do so. So also some hair oils or lotions.

**Mr. Deputy-Speaker:** Why should the hon. Member refer to things which he does not use?

**Shri Kamath:** May I, on a point of clarification, ask you, Sir, whether we should talk of things which we ourselves personally know and not of things which we have heard from wise elders like you?

**Mr. Deputy-Speaker:** There are other persons who are using them and let them have an opportunity.

**Shri Kamath:** They may not be able to speak; therefore I speak for them lest they should not get a chance to speak. So, I say, not merely on the experience of several friends here and outside but on the authority of the

Supreme Court judgment, that toilet preparations must have no restriction as regards use in the same way as medicinal preparations. Medicines and toilet are clubbed or lumped—whatever word you prefer—together so far as constitutional rights and privileges are concerned. Here is SCR 1951 at pages 1716 and 1717—Bombay State versus Bulsara.

Coming to my second amendment, I may, by your leave, make a slight change—a minor verbal change—in the amendment. Amendment No. 3 reads like this:

That in the proposed new clause 12A—add at the end:

“and such notification shall issue on the very day on which this Act shall come into force, in respect of.....”

Here I want to add the word “such” and it will read:

“.....such spirituous preparations as are already in use.”

During the debate on the Bill in this House on the 1st of August I believe Shri A. K. Gopalan and myself referred to certain preparations, indigenous as well as non-indigenous, drugs, *asavas* and *arishtas*, B. G. PHOS and other medicines which were referred to in a Supreme Court case. We tried to make it clear that exemption should be given to these drugs, *asavas*, *arishtas* and such like preparations which contain alcohol—might be 4 per cent., 6 per cent. or 8 per cent—but they have been held to be not deleterious to health. Even the Constitution under the Directive Principles of State Policy under Article 47 seeks to prohibit the consumption of only those intoxicating drinks and drugs which are injurious to health. I would say, Sir, that without such a safeguard, a Bill of this nature is contrary to the spirit and letter of the Constitution and may be held to be *ultra vires* later. I do not like to go into that now because the Supreme Court is there to adjudicate upon that issue. But, I would suggest

here that on the day the Act comes into force, whatever that date may be, on the same day a Gazette notification must issue specifying or stating what spirituous preparations—medicinal, toilet, scientific, industrial and such like—should be exempted under this new clause. Otherwise what might happen is, let us say that the Act comes into force on the 1st of January, 1956, and if no notification is issued by the Central Government or the State Governments—there is an amendment seeking to empower the State Governments to issue such notifications; I do not know whether that will be accepted, but if that is accepted, some State Governments will issue notifications under this new clause—on the 1st of January and instead it is issued on the 1st of February, or, say 10 days after 1st of January, then during this interregnum of 10 days, 15 days, one month or 2 months, the citizens who may carry these *asavas*, *arishtas*, drugs and medicines of that kind and spirituous preparations required for medicinal, scientific, industrial purposes, from say, Delhi to Bombay where prohibition is in force might be hauled up at Dadar or some other prohibition outpost by the prohibition police. They may search these citizens and harass them which would be against the spirit of this law—not only against the spirit of our Constitution but also against the spirit of this law—because the Government seeks to exempt certain preparations but unfortunately because the notification is not there in time, because there is delay in the issue of notification citizens are liable to be harassed. There would also be room for corruption which we seek to avoid.

Therefore, Sir, I would only request the hon. Minister, the House and my hon. colleagues to appreciate the content of this amendment which is entirely in line with the amendment which has been made by the Rajya Sabha. Unfortunately there is a lacuna and due to a little forgetfulness or by oversight this point did not strike the other House but this hiatus must be made up here; because, otherwise, without this notification being

[Shri Kamath]

there if the Act comes into force on a particular date, between the date of the enforcement of the Act and the date of the notification which may come later, innumerable citizens may be harassed, arrested by the police and also detained because they carried spirituous preparations like *asavas*, *arishtas* and other medicines which are not injurious to health, which are required for medicinal purposes and which have been sought to be exempted by this amendment. Because of delay, because of procrastination if the notification is not issued on the same date on which the Act comes into force, citizens are likely to be harassed and put to a great deal of trouble and inconvenience. I, therefore, suggest that on the date the Act comes into force a notification exempting such preparations already in use must also issue. Subsequently, if new preparations are put in the market, that can take its own time, but with regard to those preparations which are already in the market, which are already in use by the people here or in any part of India, the notification must issue on the very day the Act comes into force lest citizens should be harassed, troubled, inconvenienced, arrested and detained by the police in those States where prohibition is in force.

I commend my amendments to the acceptance of the House.

**Shri G. H. Deshpande:** I was not very happy to learn that in the Rajya Sabha this amendment was accepted. In my opinion, this amendment would put difficulties in the way of successful implementation of the prohibition policy. I hope the hon. Minister who has moved this has looked into the report published by the Committee which went into the question of prohibition and which was set up by the Planning Commission.

I would request the hon. Minister to take into consideration a few facts. For instance, in Bombay there are many cases in which under the name of medicines so many things were im-

ported. Just now my hon. friend Shri Kamath who comes from Madhya Pradesh spoke on the subject. I would like to give him one information with regard to Madhya Pradesh. In Madhya Pradesh, very recently, a thing happened like this. The Medical Council has removed the name of Dr. Virdi, a leading medical practitioner of Raipur from the list of approved medical practitioners for a period of 12 years for the alleged sale of 12,000 pounds of unrestricted and 6,000 pounds of tricted tinctures.

**Shri Kamath:** I know it. It was not for selling *asavas* and *arishtas*.

**Shri G. H. Deshpande:** These things are going on in many States and if we will amend the Bill to this effect then under that pretext there will be a great scope for mischief and it will be a handle in the hands of those who want to undo prohibition. I would request the hon. Minister to make three things clear. One is, whether Government are prepared to undertake that this will be allowed only in very, very exceptional cases. The next point is, this thing should not be allowed to be imported into a State when the State does not want its importation. Before allowing this particular medicine to be taken over to a particular State, the views of that State should be taken into consideration, and the views of the State concerned should prevail. The third point is, only in very, very exceptional cases this will be done and when it is done, it should be immediately placed on the Table of this House. I would like to know the reactions of the hon. Minister to these three points.

Then, I would like to read a portion of a letter from the Prohibition Minister of Bombay. It says:

"Even now, vairs and others who have even no knowledge of ayurveda have been making and importing so-called ayurvedic medicines which contain mainly alcohol for potable purposes with ayurveda labels on the bottles".

So, this thing is going on even now in Bombay today, and if the amendment is accepted, there will be more scope for mischiefs of this type. I would request the hon. Minister to take into consideration all these aspects and see that the hands of State Governments will be strengthened for the effective implementation of prohibition and to see also that nothing will be done which will come in the way of prohibition.

**Shri Gadgil (Poona Central):** It is the considered view of the Prohibition Minister of Bombay that this particular power which is sought to be taken is not necessary. I endorse that view. Secondly, if at all the Government thinks that such a power is absolutely necessary, I would suggest that before any notification is published, the State Governments should be consulted and a notification should be finalised only after consultation with the State Governments, though not with their complete approval.

Then, in giving exemptions the Government must see that the use of medicinal wine is not so extensive that it ultimately becomes a medicine to eliminate prohibition itself! If that were to be the result of the use of this power, then certain States which were fighting very hard for successful implementation of the policy of prohibition will be very much handicapped as was suggested by my friend Shri G. H. Deshpande. The power, when taken, is bound to be used, and more often abused, and especially when it is a power in relation to alcohol, it is likely to go to the head before anything else can happen. So, I want to utter a word of caution. The recommendations of the committee appointed for the purpose of reviewing the country's position with respect to prohibition are about to be published. I hope that in the light of those recommendations the use of this power will be restricted in such a manner that the taking of this power, instead of opening the door wider for sabotaging the policy of prohibition, would be a sort of instrument of support for that policy of prohibition.

and be used only in exceptional cases. I am sure that the suggestions made by Shri G. H. Deshpande and the suggestion made by me, namely, that the State Governments ought to be consulted before any notification is issued, will have the right type of response on the part of the Government.

**Shri M. D. Joshi (Ratnagiri South):** I have given notice of two amendments—Nos. 1 and 4. This Bill was taken up at the fag-end—almost at the last minute—of yesterday. So, I was not able to move them formally. I may be allowed to move them formally now.

**Mr. Deputy-Speaker:** Yes; amendments 1 and 4 may be moved.

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

(1) Page 5, line 14—

after "section 3" insert:

"or to issue notification under section 12A".

(2) That in the proposed new clause 12A—

for "The Central Government" substitute "The State Government".

**Shri Punnoose:** I beg to move:

(1) That in the proposed new clause 12A—

for "The Central Government" substitute "the State Government".

(2) That in the proposed new clause 12A—

after "The Central Government" insert "or the State Government".

I am happy that the Rajya Sabha has succeeded where this House has failed, in making a wholesome amendment. I think our elders have greater influence on the Ministry than this House. We argued on the last occasion that some protection must be given to the ayurvedic medicines. It is not a few—three or four medicines—but a large number of medicines that can come under the mischief of this

[Shri Punnoose]

Act. I am not worried that my friend over there is unhappy about the amendment, because I am aware that thousands of people in my part of the country will be happy that such an amendment has been accepted.

Now, I want the Government to come forward and really implement the spirit of the amendment. It has been suggested that one should proceed with very great caution in granting exemption. One suggestion is that the State Government concerned must be satisfied before an exemption is allowed. For example, I shall mention Delhi in regard to that suggestion. The Delhi Ministry should be convinced that ayurvedic medicines with me, in my handbag, are efficacious before I am allowed to take them into Delhi. It is a very difficult proposition.

An hon. Member was speaking about the so-called ayurvedic medicines. I am not speaking about the 'so-called' ayurvedic medicines; I am speaking about ayurvedic medicines. It may so happen that people may fill bottles with alcohol and label them as 'water'. Will the hon. Member suggest that water may be prohibited saying that you cannot take water, because it is so-called water containing alcohol? So, such total prohibition is absolutely wrong and it will not succeed. But what we really want to prohibit should be prohibited and other things should be left out. Therefore, I want to welcome the amendment moved by Shri Kamath, that a large number of medicines now being used may be exempted altogether from the date of the implementation of the law.

Along with that, one should consider whether power should be vested with the State Governments to give exemption. I do not in any way want to cry down the efficacy of the Central Government. Really big men are there. But it becomes a very big job, to make them understand the difficulties of a particular State or of the people in a particular part of India. Therefore, for example, the best

judges with regard to Travancore-Cochin or Madras, would be the respective State Governments. You lose nothing; the efficacy of the law is not lost, if this power is shared with the State Governments. Therefore, either the power to grant exemption must be given to the State Governments or it must be shared with the State Governments if the spirit of the amendment is to be carried out. Therefore, I support Shri Kamath's amendments and also commend my own amendments for the acceptance of the House. I know that there are spurious preparations, but they are not in fact largely sponsored by ayurvedic physicians. The same report which was referred to by an hon. Member has said that Ministers of his party are patronising the sale and distribution of those drugs. So, let him find out the thief hiding somewhere in his own home instead of taking cudgels against ayurvedic medicines.

Shri Dhulekar (Jhansi Distt.-South): I welcome this amendment and support it wholeheartedly. In the last session, when this Bill was before the House, I had pleaded that certain ayurvedic medicines such as *asavas* and *arishtas* which contain self-generated spirit should not be taken in large quantities to produce the results which wine produces. I had also appealed to the Government that the Government should prescribe the standard which a particular medicine—ayurvedic medicine—should attain. So far as I know, in a medicine, the self-generated spirit cannot rise above 6 or 7 per cent. Therefore, I had requested the hon. Minister previously that the Government notification which might exempt these medicines should also declare that all ayurvedic preparations which contain self-generated alcohol should not contain more than 7 or 8 per cent., whatever their scientific advisers may tell them. For instance, some say that it should be 12½ per cent. But I would not go into that matter, because I am not a scientist myself and therefore I leave the matter to the scientific advisers

who should give proper advice to the Government. If possible, it should be laid down that spirit which is self-generated and which does not go higher than a particular standard should not be considered as a spirituous liquor under this Act. With these observations I support the suggestions of Mr. Deshpande. I would like the House to know that crores of people are today having the benefit of ayurvedic people.

If the Bombay Government has been wise enough to ban everything, that does not mean that the Bombay Government should impose its wisdom all over the country. I have been to Bombay where prohibition has been extended; I have found that people are trying to produce ayurvedic medicines which are spurious, whereas in Uttar Pradesh where there is no prohibition we can find ayurvedic medicines of a standard which is not found in Bombay. You will find that several people who are good will also become bad if you put temptations before them. Why put temptations before the people and say that every ayurvedic medicine which contains self-generated spirit is wine? I have told the House before in the last session that I would challenge anybody to take a bottle of *asav* or *asokarist* or any other *arishta*; he would find that it cures so many diseases. Therefore, to say that ayurvedic medicines are used as liquor is wrong. Of course, some spurious medicines under the cover of ayurvedic medicines are there and they should be banned.

With these observations, I wholeheartedly support the amendment that has been placed before the House and I hope that my friends will not oppose it.

**The Minister of Commerce (Shri Karmarkar) rose—**

**Shri M. D. Joshi:** I require only two minutes.

**Dr. Jaisooriya (Medak) rose—**

**Mr. Deputy-Speaker:** I cannot go on extending the time to half an hour. I will give 2 minutes to the hon. Member, Dr. Jaisooriya.

**Dr. Jaisooriya:** As far as I am concerned I would like that some commonsense should be exercised and a realistic view of things be taken. Prohibition is certainly a very fine thing. But in a certain State where there is prohibition, one can get any amount of alcohol if only one knows where to buy it, how to buy it and if one has the money. Recently a young Raja told me that he bought very good booze through the kind though unofficial offices of the prohibition police itself. We are dealing with medicines and not wines. In medicine, for instance, you cannot preserve anything in liquid form unless it has 8 to 12 per cent. of alcohol. Certain other things require a greater percentage, but they are rare. If you want to get drunk of medicines which contain alcohol for preservative purposes, you will have to swallow a gallon of that medicine and you will fall seriously ill, not due to the alcohol, but due to the medicine. Therefore we must keep a certain amount of realism in all that we do.

**Shri U. M. Trivedi:** What about gallons of tinctures?

**Dr. Jaisooriya:** About these tinctures, they must be allowed only in small quantities. But now gallons of it are manufactured and stored. Why only tinctures? There is chloral hydrate which is hypnotic and it is given in hospitals to induce sleep. But tons of it are being sold in the name of washing powder. The amount of chloral hydrate that is being sold to give a kick by adding to Toddy is enough to make the entire population of India go to sleep every night and still you do not prohibit it.

**Mr. Deputy-Speaker:** Sleep during night is normal, but the question is about sleep during the day.

**Dr. Jaisooriya:** It is not for the whole of India. What is being sold in Hyderabad alone is so much. I am only saying that we must use some commonsense to see what is essential and what is not essential. For instance, doctors—thank goodness, I am not practising—have complained that they cannot get ordinary methylated spirit

[Dr. Jaisoorya]

because of so much of red-tape about methylated spirit, which you do not drink but which you use for stoves for lighting fire. I am told that even qualified surgeons experience any amount of trouble in getting surgical alcohol. This is not good. Mr. Punnoose was speaking for his State, but I say that the Centre should have a clear-cut scheme throughout India. Let us adopt a clear-cut scheme. That is what we want. Do not impose too much of red-tape by means of laws.

**Shri M. D. Joshi:** As already advised by my friend, I will use only commonsense in this matter. I speak subject to the background mentioned by my hon. friend Shri Deshpande and Shri Gadgil who have preceded me. They have pointed out the dangers to which the prohibition policy would be exposed. I shall very briefly quote from a letter from the Finance Minister of Bombay for the information of my friend, Shri Dhulekar.

**Shri Dhulekar:** Bombay Government have committed a mistake.

श्री कामत : बहुत ठीक कहा ।

**Shri M. D. Joshi:** This is what the Finance Minister of Bombay writes:

"Even now Vaidyas and others who have even no knowledge of Ayurveda have been making and importing the so-called ayurvedic medicines which contain mainly alcohol for potable purposes, but with ayurvedic labels on the bottle. We also seized a lot of so-called homoeopathic bottles imported from Bhopal, which were nothing but alcoholic preparations to be used for potable purposes."

We know, in the name of medicine, for example, this tincture gingeris what an amount of havoc is done to prohibition. If my hon. friend Shri Dhulekar thinks that this amendment is *amrit* for him, it is *visha* for me.

"विषमप्यमृतं क्वचित् भवेत् ।  
अमृतं वा विषमोह्वरेच्छया ।"

as Kalidasa put it. What is nectar to him is poison for me. Therefore, I very humbly submit that the amendments which I am going to move....

**Mr. Deputy-Speaker:** No question of moving now. The hon. Member has got only one chance.

**Shri M. D. Joshi:** On which I shall speak afterwards.

**Mr. Deputy-Speaker:** There is no "afterwards".

**Shri M. D. Joshi:** Then I request that my amendments (Nos. 1 and 4) may be accepted.

**Shri Karmarkar:** I should first like to deal with the amendments that have been moved both yesterday and today. Regarding my hon. friend Shri Kamath's amendment regarding toilets, what are purely toilet preparations are not covered by this Act. Unless there is an amendment, the provisions of this Act would not apply to them.

**Mr. Deputy-Speaker:** Do toilets include alcohol?

**Shri Kamath:** Yes, some; that is what I have mentioned.

**Mr. Deputy-Speaker:** Cannot a person dispense with them?

**Shri Kamath:** This Act applies to them too: carrying or transporting them to say Bombay.

**Shri S. S. More (Sholapur):** This Act applies to spirituous medicines.

**Shri Karmarkar:** Eau de cologne is such a well-known preparation. Government will give its consideration to this. My hon. friend has taken us into confidence and assured us that he does not use any toilet preparation containing spirit. If he has any other suggestion, he may make it to the Government and they will be considered.



Regarding the other point that he made namely, that our notification containing exemptions for any other items under this Act shall issue on the very day this Act shall come into force, it is not practicable. Naturally, after this Act is passed, we shall have to frame the rules. That would require some time. It would require time to consider the items. They will have to be carefully gone into so that the very objective of this Bill may not be vitiated.

There have been some amendments that have been proposed by Shri Punnoose to substitute the State Government for the Central Government. Either he would like to substitute the State Government in the place of the Central Government or he would like to have the State Government also. This Bill has been brought to assist the various Prohibition States. More States may take to prohibition. The provisions of this Bill, as the House can easily realise, are relevant only for the Prohibition States. Therefore, it is much more convenient to have the power in the Central Government rather than give it to the States. The Central Government will be able to consider all points of view in respect of any exemptions to be granted under this Act. The Central Government will be the relevant Government to consider as to what cases would arise relevantly under this Act, apart from the fact that this is a Central Act. Therefore, it would be convenient for us to deal with this question rather than the States.

I do not want to take the time of the House, any longer on these amendments. I beg to oppose all of them.

**Shri Rane (Bhusaval):** Will the Central Government consult the State Governments?

**Mr. Deputy-Speaker:** The State Governments will send their suggestions and they will be considered.

**Shri Karmarkar:** In order to shorten the time, I did not elaborate that point. Naturally, the question arises whether we would do anything by this Act which in any manner places any

impediment in the way of the Prohibition States. It is at the instance of the Prohibition States that we have taken up this measure. It would not be proper to do anything to impede the progress which they want to achieve in the matter of prohibition. For instance, clause 15 makes it clear that nothing in this Bill shall affect the validity of any provincial Act or State act for the time being in force or any rule, regulation or order made thereunder which imposes any restriction not imposed by or under this Act or imposes a restriction greater in degree than any corresponding restriction not imposed by or under this Act on traffic in any spirituous preparations within the territories of the State. That sufficiently safeguards the interest of the Prohibition States. Whenever we take up any article to be exempted under the provisions of this Act, it hardly needs any assurance. If one is necessary, I am prepared to give it. We shall always consult the State Governments in the matter. The Central Government have no intention at all to take any decision which they are convinced would jeopardise the effective administration of the Prohibition Act in the States. I think that is all I need say on this point.

**Shri Kamath:** On a point of clarification, may I ask whether the exemption under the new clause will come into force on the very day that the rules come into force, if not the Act?

**Shri Karmarkar:** I would not like to bind myself in any manner, especially when Shri Kamath is concerned. It is not practicable. I wish my hon. friend appreciates that when an Act comes into force, one of the first things to be done is, we shall take any representations in regard to exemption into consideration. Naturally, we shall have to take action as early as possible. It is not possible; nor is it necessary to make the two dates, the date of the notification and the date of the publication of the rules concurrent. It does not matter either.

**Shri Kamath:** Not possible with such a big machinery?

**Dr. Jaisoorya:** I want to know whether it is the intention of the Central Government to lay down generally uniform laws for all the States.

**Shri Karmarkar:** Regarding Prohibition?

**Dr. Jaisoorya:** About this present Bill.

**Shri Karmarkar:** Regarding each question as it arises, certainly yes. In Delhi, my hon. friend knows that everything is free at the moment.

**Shri Kamath:** The Act applies to all spirituous preparations including toilet preparations. He said it does not.

**Shri Karmarkar:** According to me, such of them as do not contain.....

**Shri Kamath:** This Bill applies to all. Please see clause 2.

**Mr. Deputy-Speaker:** He has invited the hon. Member to give his suggestions.

**Shri Kamath:** The Minister has misunderstood.

**Mr. Deputy-Speaker:** I shall put the motion to the House.

This question is:

"That the following amendment made by Rajya Sabha in 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:

**New Clause 12A**

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.*

**Mr. Deputy-Speaker:** Now, I shall put the amendments. Amendment No. 1.

**Shri M. D. Joshi:** In view of the assurance given by the hon. Minister, I do not press it.

**Mr. Deputy-Speaker:** Now amendment No. 2. The question is:

That in the proposed new clause 12A—

after "medicinal" insert "toilet".

*The motion was negatived.*

**Mr. Deputy-Speaker:** We want voices and not noise.

**Shri Kamath:** Volume.

**Mr. Deputy-Speaker:** Then, amendment No. 3.

The question is:

That in the proposed new clause 12A—add at the end:

"and such notification shall issue on the very day on which this Act shall come into force, in respect of such spirituous preparations as are already in use."

**Shri Kamath:** Aye.

**Mr. Deputy-Speaker:** Order, order. He is saying "Aye" in such a loud voice. There must be a limit to this. It is not as if I am deaf or the hon. Members are deaf. No hon. Member should use such a high pitch. Does he go on talking in this way?

**Shri Kamath:** Sometimes I do. It is Nature's gift.

**Mr. Deputy-Speaker:** I am here to decide on the number of voices: not on the pitch of the voices. Of course, the pitch of the voice must be moderate. Normally, whenever an hon. Member speaks, he ought not to be too low lest I should ignore him or he may fail to catch my ear. But this

loud voice too is no good. I allowed him once or twice. He is enthusiastic; he is highly emotional. I won't allow this to be repeated riding roughshod..

**Shri Kamath:** This is perfectly reasonable.

**Mr. Deputy-Speaker:** We have heard and the House has heard the sample—not once, but twice—of the high voice that he can raise. Hereafter, the number of voices count.

**Shri Kamath:** What the voice should be like is not defined in the rules.

**Mr. Deputy-Speaker:** I am here to regulate the decorum in this House| I cannot allow the hon. Member to shout, to make it impossible, and to go on like this. It is not as if it were impossible....

**Shri Kamath:** How did I make it impossible?

**Mr. Deputy-Speaker:** Laughing stock. This kind of noise makes this not an assembly of any importance where serious consideration ought to be bestowed.

**Shri Kamath:** I have as much keenness as you do with respect to the consideration and importance. I am sorry to see you....

**Mr. Deputy-Speaker:** What I say is this. Let him not lose his temper like this.

**Shri Kamath:** You are losing your temper.

**Mr. Deputy-Speaker:** What I am saying is only this. It is the naturalness of the voice when I say "Aye" or "No"....

**Shri M. L. Dwivedi (Hamirpur District):** Mr. Deputy-Speaker, if you tolerate such sort of behaviour on the part of Members, then it is very objectionable.

**Mr. Deputy-Speaker:** The hon. Member knows too well that I am not accustomed to tolerate too much. What I am saying once again to the hon. Member is this. It is enough if the voice is of such a pitch that the

Speaker and the other Members of the House catch it. It need not be too low. But it is not on the pitch of the voice that I will decide, and therefore let us have serious consideration of the business of the House. I am not attributing anything wrong to any hon. Member. I am aware every hon. Member is serious, but sometimes I am sitting here and I find an hon. Member unwittingly exceeds the normal rules, and therefore I just remind him of that. Therefore, let the pitch not exceed too much but be enough for making that item to be noticed or that voice to be noticed by the Speaker.

Those in favour will kindly say "Aye".

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those against will kindly say "No".

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The "Noes" have it. The amendment is lost.

*The motion was negatived.*

**Mr. Deputy-Speaker:** Amendment No. 4.

**Shri M. D. Joshi:** I do not press it.

**Mr. Deputy-Speaker:** Then, No. 5.

The question is:

That in the proposed new clause 12A—

for "The Central Government" substitute "The State Government".

*The motion was negatived.*

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

That in the proposed new clause 12A—

after "The Central Government" insert "or the State Government"

*The motion was negatived.*

**Mr. Deputy-Speaker:** 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.*

**Mr. Deputy-Speaker:** The new clause 12A is carried. This House also concurs with the Rajya Sabha in making this amendment.

**Shri Kamath:** That should be put to the vote.

**Mr. Deputy-Speaker:** The Minister may formally move it.

**Shri Karmarkar:** I beg to move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

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

"That the amendment made by Rajya Sabha in the Bill be agreed to."

Those in favour will say "Aye".

**Somé Hon. Members:** Aye.

**Shri Kamath:** Aye.

**Mr. Deputy-Speaker:** Those against will say "No". There is none.

*The motion was adopted.*

**Mr. Deputy-Speaker:** Shri Kamath is very often sweetly reasonable.

**MOTION RE: FLOOD CONTROL PROJECTS IN SECOND FIVE YEAR PLAN**

**Mr. Deputy-Speaker:** The House will now take up discussion on the

note on Flood Control Projects. The discussion will continue till 3-30 today. Of course, whatever remains—five hours have been allotted to this—will go over to tomorrow. At 3-30 the discussion on the Railway Transport situation will start. Shri Nanda.

**The Minister of Planning and Irrigation and Power (Shri Nanda):** I beg to move:

"That the note on flood control projects for inclusion in the Second Five Year Plan be taken into consideration."

This problem of floods in the country is exercising the minds of the people of the country and of the Members of this House. This problem has several aspects which have great importance and interest and could be discussed with great advantage. For example, there is the question of relief, adequacy of relief, organisation and methods that are being employed for this purpose, the question of enlisting better co-operation in relation to relief etc. But I take it that this House has chosen to concentrate its attention on issues arising out of the note on flood control projects for inclusion in the Second Five Year Plan. This is being done in pursuance of the wishes of this House.

We are going to consider during these hours the programme that we may undertake, the measures that may adopt for the purpose of combating the hazards of floods in the country to the maximum extent possible.

I shall say a few words about our recent experience in connection with floods. It has a bearing on the question that is now before the House. Last year several areas in the country experienced floods of exceptional intensity. Harrowing details of what happened in various parts of the country came through, and the mind of the nation was powerfully affected. After personally witnessing the widespread, and large-scale devasta-