
FINAL REPORT
OF THE
EXCISE COMMITTEE.

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PRELIMINARY.

In pursuance of the assurance given by the Excise Commissioner on behalf of the Government at the Vrischigam Session of the Legislative Council of 1923 that the principle of gradual prohibition would be accepted and that the Excise Commissioner would place a scheme before Government for examination, a memorandum dated 19th September, 1923, was submitted by the Excise Commissioner containing proposals for the promotion of temperance by gradual prohibition. The Government thereupon by their order R. O. C. No. 272/23/Devpt., dated 16th November, 1923, appointed a Committee of official and non-official members of the Legislative Council to examine the proposals made by the Excise Commissioner and to submit a report to Government as to how far the proposals would conduce to the realisation of the policy accepted by the Government. The Committee were also at liberty to suggest other measures, if any, which in their opinion would secure the object aimed at. The full text of the order of the Government appointing the Committee is shown as Appendix I and the memorandum of the Excise Commissioner containing his proposals as Appendix II.

2. The following gentlemen were appointed to serve on the Committee:—

1. M. R. Ry. Rao Bahadur K. A. Krishna Aiyangar Avl., B. A. & B. L.
(*President*).
2. „ R. Krishna Pillai Avl., B. A. & B. L., Chief Secretary to Government.
3. A. J. Van Ross Esq., Excise Commissioner (*Convener*).
4. W. H. Pitt Esq., Commissioner of Police.
5. M. R. Ry. G. Parameswaran Pillai Avl., B. A. & B. L., Member, Legislative Council.
6. „ M. R. Madhava Variar Avl., B. A., LL. B., Member, Legislative Council.
7. The Rev. Fr. Kuriakose Vettikkappalli, Member, Legislative Council.

The Committee held in all six meetings, the first of which took place on the 12th January and the last on the 3rd May 1924.

CHAPTER I.

1. The drink problem in India is one of the foremost questions of the day and the leaders of public opinion throughout India demand that effective measures should be adopted for the eradication of the drink evil. Both in British India and in many of the Indian States the drink policy is being examined anew with a view to meet this insistent public demand. Nor is Travancore silent on the question. A demand for prohibition was made in the Legislative Council of the State. The Travancore Government, while agreeing that the drink evil is one that should be eradicated, deprecated the adoption of any sudden drastic measures, but accepted the principle of gradual prohibition and the task assigned to us is to consider what steps may be taken to attain the goal that has been set.

2. The drink evil is not a feature peculiar to modern India. It appears to have existed in some form in ancient times also. Attempts were made by Hindu and Mahomedan kings to put down drunkenness by prescribing terrible punishments. The evil does not however appear to have been completely eradicated. The drinking of spirits and the collection of taxes on their consumption continued throughout the Mahomedan period. The system in general force at the time was one of farming, the right of manufacture and sale in a certain area being given by favour or sold to the highest bidder who was then left free to supply liquor as he chose. It was this system that the British Administration inherited. For fuller particulars see Chapter II of Strathie on "Excise and Temperance in Madras."

3. The British authorities lost no time in introducing reforms. They did not consider it desirable to resort to prohibition, but gradually evolved a system calculated to restrict the use of intoxicants in the country. The question engaged the attention of the East India Company so early as in 1798 and they have expressed their policy in the following terms in a letter to the Governor-General:—

"It appears that the original productions are as follows:—Tobacco, opium, ganja, subzi or banker and toddy and that the three remaining articles are for the most part compositions of these here recited, as above mentioned. With respect to the drugs specified in the foregoing schedule, they are not for the most part represented as producing any very violent or dangerous effects of intoxication except when taken to excess; and although the operation of them may be more powerful in their compound state, we apprehend it would be difficult to sanction the sale of the original productions and to prohibit with effect the use of compositions of which they are susceptible; to which may be added that most of these articles, both as original productions and as artificial combinations, appear to be useful either in medicine or otherwise; for these reasons we do not deem it necessary to recommend that the sale of any of them be altogether prohibited but shall proceed to state what appear to us the best means of restraining the use of them and improving the revenue by the imposition of such taxes as are best adapted to the nature of the case."

4. The exercise of control and the imposition of a tax are herein suggested as the means to minimise the use of the intoxicants.

5. Professor Sidgwick lays down the principle of taxing intoxicants in the following terms:—

"Generally speaking, it is desirable to select for taxation commodities of which the consumption is not likely to be restricted to any great extent through the desire to avoid payment of the tax, as all such restriction increases the excess of the loss to the public caused by the tax over and above the gain to the treasury, since the persons who are driven to consume commodities which they do not like so well suffer a manifest loss of utility. But there is one exceptional case very important in our own system of taxation in which this principle does not apply, *viz.*, where the commodity taxed is largely consumed in excess of what is salutary. So far as such excess is prevented by the tax, the restriction of consumption is positively beneficial to the community, and though legislative interference with the sole object of limiting the consumption of dangerous commodities is emphatically condemned by advocates of natural liberty, they have not for the most part pushed their antagonism so far as to maintain that the selection of taxes ought not to be partly influenced by this consideration."

6. The same principle of taxation is more clearly explained by the Indian Hemp Drugs Commission of 1893-94 who have stated their conclusions as follows:—

"In the opinion of the Commission, the general principle may be fearlessly asserted that it is right to tax intoxicants; and the higher they are taxed the better, provided the considerations mentioned in the last paragraph are not lost sight of. The primary object of such taxation should not be the enhancement of the revenue but the control of the habit and, if this end is kept in view, the revenue which flows into the treasury from this source need be viewed with no more suspicion than the fines on criminals."

for breaches of the law. If it is necessary to put briefly in words a description of what the policy of the Government should be in regard to the hemp drugs it would be somewhat as follows: To control their use, and especially their harmful use, in such a manner as to avoid a worse evil and, subject to this proviso, to tax them as fully as possible."

7. The general policy of the Government of India regarding the drink question as detailed in the report of the Indian Excise Committee of 1905 is to minimise temptation to those who do not drink and to discourage excess among those who do, and the most effective method of furthering this policy is to make the tax upon liquor as high as it is possible to raise it without stimulating illicit production to a degree which would increase instead of diminishing the total consumption and without driving people to resort to deleterious drugs or illicit liquor instead of the Government controlled liquor. In pursuance of this policy the licensing system has been introduced, the liquor duties have been steadily raised, the facility to obtain drink reduced, the illicit manufacture of liquor systematically checked and various other restrictive measures have been adopted.

8. The Committee do not consider it necessary to examine in detail the nature of these restrictive measures since it is reported by the Excise Commissioner that the policy followed in Travancore in respect of the drink problem is in all essentials practically the same as that adopted in the Madras Presidency. It would be enough if they examine, as they propose to do in the next chapter, the measures in force in the State with a view to see whether Government orders and departmental action have been directed towards the restriction of the use of intoxicants in the State.

CHAPTER II.

9. As in British India, the farming system in regard to both toddy and arrack appears to have obtained in the State at first. This system consisted in the monopoly of manufacturing and vending toddy and arrack being farmed out taluk by taluk to the highest bidder. Under this system very little or no control was exercised by Government over the quantity of intoxicating liquor manufactured and offered for sale by the several contractors in the farming areas, or over the selling prices of the intoxicants and the number of shops opened for sales. The earliest record available relates to the year 1040 and the revenue derived from the abkari farms in that year was Rs. 71,844. The revenue increased in 1049 to Rs. 1,33,337 and it is interesting to note the observation made by Dewan Sir Seshiah Sastri in his administration report of that year with reference to this increase. He says: "The increase in revenue under this head, though attributable directly to keen competition and indirectly to the increasing prosperity of the lower classes is, however, not a fit subject for congratulation in respect of its influence on the morals of the people and it were devoutly to be wished it were otherwise." This observation of the eminent Dewan shows that so far back as 1049 the Government were alive to their responsibility for safeguarding the morals of the people against deterioration through the drink habit. The farming system, however, continued till the year 1073 when the revenue from abkari rose to Rs. 6,11,624. In that year an approach to the Excise system was for the first time made in the State as an experimental measure in one taluk, viz., the Trivandrum taluk and in order to enable Government to extend the system rapidly if it was found to be financially successful the remaining taluks of the Trivandrum Division were farmed out for two years instead of three years as in the case of the taluks of the other divisions. The Excise system adopted in the Trivandrum taluk is described as follows in the administration report of 1073:—"The exclusive privilege of manufacture and supply of arrack was disposed of by tender and was granted to the tenderer who offered to Government the largest share of the prescribed still-head charge. The privilege of sale of arrack was sold by auction. Within the town the right of sale was assigned to the highest approved bidder for each shop. The whole area outside the town was assigned to one vend renter who was the highest bidder. The vend renter could open as many shops and in such places within the vend area

as he may be required or permitted to do by Government. The manufacturer was bound to supply the vend renter and the independent shop-keepers at the prescribed rate per gallon ; and the latter were bound to obtain the arrack required only from the manufacturer. The share of the still-head charge (or duty) was fixed in 1073 at 7 annas for 20° U. P. and 6 annas for 30° U. P. The exclusive right of sale of toddy throughout the taluk was separately sold by auction and granted to the highest bidder." This reform marks a very important departure in the policy of the Government in the matter of controlling the drink habit. The reform proceeded on four distinct lines :—

(i) The separation of the privilege of manufacture of arrack from that of the vend of arrack. Hitherto, the same contractor manufactured and sold arrack and he had therefore an incentive to push the sales to increase his profits. This incentive would now be removed.

(ii) The separation of the vend of arrack from that of toddy. Hitherto the same contractor sold both arrack and toddy and he was in a position to withdraw the sale of toddy and to push the sales of arrack instead in any area with a view to obtain larger profits. This facility for spreading the habit of the stronger drink among the people would now be removed.

(iii) Government for the first time took power to regulate the location and number of arrack shops in the arrack vend area, and

(iv) The introduction of the independent shop system as regards arrack in the town of Trivandrum. This system is admittedly the best as a means of regulating the sale of intoxicants.

10. Government continued to extend this new policy as rapidly as possible. In 1075, the system was extended to the whole of the Trivandrum division and in 1076 to the Padmanabhapuram division. In 1080 the Excise Department was organised and placed under a special officer styled the Excise Commissioner and began its functions with effect from 1081. Till then, the Salt, Abkari, Tobacco, Customs and Opium and Ganja revenue used to be administered by the Piravagai department of the Huzur Office through the agency of the several Dewan Peishkars of the State. In 1082, the Excise system was extended to the Quilon Division, the right of manufacturing and vending toddy and arrack being disposed of separately as hitherto taluk by taluk except in the Trivandrum town where the independent shop system with regard to arrack had already been introduced. During the year the independent shop system with regard to toddy with its accompaniment of tree tax was for the first time introduced in the Trivandrum town, the rate of tree tax being Re. 1, Rs. 1½ and Rs. 2 for six months per tree in the case of a palmyra, cocoanut and choondapana tree, respectively. This reform in the town of Trivandrum in the year 1082 marks the beginning of the independent shop system in regard to toddy with its accompaniment of tree tax. Under the independent shop system the right of vend of toddy and arrack is separated and is sold by auction shop by shop ; in the case of toddy the right of manufacture is with the shop-holder who pays a tax on every tree tapped for toddy. In the case of arrack the right of sale alone is sold, the right of manufacture being with the Government who engage a contractor for the manufacture and supply of arrack to the arrack shop-keepers.

11. Thus in 1083, three systems for the vend of toddy and arrack existed in the State. The farming system, the partial excise system of the taluk vend area, and the excise system proper or the independent shop system. The policy of bringing the whole State under the independent shop system in respect of both toddy and arrack was steadily followed during the succeeding years until in 1096, with the exception, as regards toddy, of the taluks of Vaikom, Shertallay, Kunnathunad, Parur and Devicolam, the whole State was brought under that system. The Excise Commissioner states that the four taluks of Vaikom, Shertallay, Kunnathunad and Parur will be brought under the independent shop system in 1100. The taluk of Devicolam is still under the farming system in respect of arrack. Toddy is not available for consumption in that taluk and as for arrack, owing to the difficulties of transport, a contractor has to be engaged for the manufacture and vend of arrack in the taluk, Government reserving to themselves the right to fix the number and location of shops in the area.

12. The independent shop system lends itself to effective Government control in the matter of regulating and checking the consumption of intoxicating liquors in the State. The Government fix the number and location of shops for the sale of both toddy and arrack, raise the duty on arrack and the tree tax, reduce the strength of the arrack issued for consumption and impose in the licenses issued to the shop-keepers various restrictions calculated to check and regulate the drink habit. Some of the more important clauses of the licenses for the vend of arrack are shown below:--

"(1) The sale or possession (except subject to the rules applicable to unlicensed persons) by you of jaggery arrack outside the limits specified in your license is prohibited.

(2) You shall not remove your shop-outside the limits fixed in the schedule hereunder given, but with the previous sanction of the Excise Commissioner or the Excise officer in charge of the Division it may be removed from one place to another within the schedule limits published in the *Gazette*.

(3) It shall be competent to the Excise Commissioner to order the transfer of jaggery arrack-shops from one locality to another or to alter the schedule limits of any shop or, with the previous sanction of Government, to order any shop to be closed in the interests of public peace or morality or on grounds of expediency.

(4) You shall sell jaggery arrack only in a suitable building of which the whole or the whole of a separable part shall be exclusively set apart for use as a shop.

(5) The possession or sale upon the licensed premises of any liquor other than that to which the license relates is prohibited.

(6) All jaggery arrack kept or offered for sale under this license shall be unadulterated and undiluted and it shall be of the same quality and strength as issued from the distillery or warehouse by the supply contractor. Nothing shall be added to it to increase its intoxicating power or for any other purpose.

(7) Every officer authorised to inspect shops shall have authority to take possession of any jaggery arrack found unfit for consumption or suspected to have been tampered with. The Excise Commissioner and the Excise officers in charge of Divisions are empowered to confiscate or destroy any liquor kept in your shop and found to be unfit for consumption or which has been tampered with.

(8) The sale or transport of jaggery arrack by persons below the age of 16 or by persons suffering from leprosy or other contagious disease and the employment of such persons in shops for the sale or transport of the same are prohibited.

(9) You shall not open your shop before sunrise or keep it open after 8 P. M., except under special authority from the Excise Commissioner or the Excise officer in charge of the Division.

(10) No drunkenness, riot or gaming shall be permitted within your shop and no persons of notoriously bad character shall be permitted to meet or remain there. Intimation of any offence committed or of the presence of habitual offenders or disorderly persons shall be given by you to the nearest Magistrate or Police station. No persons shall be admitted or allowed to remain in your shop for an illegal or immoral purpose.

(11) Shops situated on or adjacent to the line of march shall be closed as may be ordered by the Excise Commissioner while a regiment or detachment of European or Indian soldiers is passing or is encamped in the vicinity. You shall, on your own motion, close your shop when there is a riot or disturbance in the neighbourhood.

(12) No jaggery arrack in excess of the quantity prescribed by Government for possession without a license, *viz.*, one-sixth of a gallon, shall be allowed to be removed by any person at any one time from the premises for which this license has been granted to you, without a valid permit.

(13) You shall not sell any jaggery arrack in your shop except for cash. You are bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police officer.

(14) You shall maintain in your shop, from day to day, true accounts of the transactions which shall be written in ink, in the form prescribed by the Excise Commissioner. The accounts shall be in printed books which can be obtained from the Excise Department on payment of cost price. Permits granted under clause 17

shall also be in printed forms. The counterfoils of such permits shall be carefully filed. The accounts and counterfoils of permits shall be produced for the inspection of officers authorised to inspect such shops.

(15) You shall not, during the term of your license, have any direct or indirect interest in the privilege of manufacturing or vending toddy or in vending toddy arrack, foreign spirits or liquor at any place within five miles from your shop, nor shall you permit any person having such interest within the said limits to hold any share or interest in your exclusive privilege of selling jaggery arrack.

(16) Infraction of any of the conditions of this license either by yourself or by any person in your employment will entail on you either—

(a) fine up to Rs. 50 or

(b) forfeiture of deposits, if any, and cancellation of license and resale or other disposal of the privilege at your risk. When the license is thus cancelled the amount still payable for the remainder of the term of the license shall become due at once.

(17) If you are convicted of any offence under any law for the time being in force relating to Separate Revenue or subsequent to your taking out this license, should it transpire that before the grant of the license you were convicted of any such offence, the Excise Commissioner may declare your license forfeited. If you are convicted under the Penal Code or after the issue of the license to you, should it transpire that, previous to such issue, you were convicted under that law, such conviction shall render you liable to forfeiture of the license and also to the forfeiture of your deposit if the offence of which you are convicted is such as, in the opinion of the Excise Commissioner, renders you unfit to hold it. When the license is forfeited under this clause, the privilege shall be resold or otherwise disposed of at your risk.

(18) All Excise officers of and above the rank of Sub-Inspectors shall have authority to inspect licensed shops, to examine the premises, to test measures in use and the article under sale and to call for and check the accounts kept in the shop. You or your agent or salesman shall, on requisition by the inspecting officer, produce before him the whole stock of the article under sale and afford him every facility for taking stock of the same.

13. The above conditions with necessary amendments apply also to toddy shops. A few conditions special to toddy shops are given below:—

(1) You shall not manufacture or sell any toddy other than that drawn from the coconut, palmyra or choondapana palms.

(2) You shall not manufacture vinegar from toddy except under the conditions laid down in the rules relating to such manufacture. The distillation of spirits from toddy is absolutely prohibited.

(3) You may draw the toddy you require for sale or may have it drawn under tree tapping licenses to be obtained under the rules relating to the tree tax system, from trees marked out for your shop. You may purchase toddy from any licensed toddy shop-keeper on application to the Excise Inspector of the range who will grant the required permits on proof of the necessity for the same. No toddy except the produce of trees marked by a proper officer and tapped under a license shall be kept in your shop or offered for sale or sold by you.

(4) You shall not sell toddy unless you have taken out a tree tapping license under the Tree Tax Rules. This license confers no right to the free use of any tree for the purpose of tapping. You must make your own arrangements with the owner of the tree.

14. The large reduction that has been effected in the number of shops since the introduction of the independent shop system is striking. In 1084, the total number of toddy and arrack shops in the State was 6,537 as shown below:—

Kind of shop.	Number.	Area served per shop. Sq. miles.	Population served per shop.
Arrack shops under the Excise system ...	677	5.67	2,822
Toddy shops Do. ...	1,540	2.43	1,240
Combined arrack and toddy shops under farming area ...	4,320	7.60	240

15. It will be observed that in 1084 the farming system in regard to toddy and arrack still prevailed in several parts of the State.

16. In 1088, when the farming system was abolished throughout Travancore, the total number of shops fell to 2,288 and stood as follows—

Kind of shop.	Number.	Area served per shop. Sq. miles.	Population served per shop.
Arrack shops under the Excise system ...	735	9.55	4,665
Toddy shops Do. ...	1,553	4.49	2,193

17. This process of reduction in the number of shops went on as further tracts were brought under the independent shop system and in the current year when that system alone prevails throughout the State except in regard to toddy in the taluks of Vaikom, Shertallay, Parur and Kunnathunad and in regard to arrack in the taluk of Devicolam, the total number of shops is 2,009 as shown below:—

Kind of shop.	Number.	Area served per shop. Sq. miles.	Population served per shop.
Arrack shops excluding Devicolam taluk ...	631	11	6,287
Toddy shops excluding the toddy shops in the vend area ...	1,378	5.06	2,860

Thus the policy of reducing the number of shops has been steadily maintained. Nor was it otherwise with regard to the taxation of intoxicating liquors. The duty of 7 annas per 20° U. P. or 8½ annas per proof gallon which prevailed in 1049 now stands at Rs. 3 as. 12 per proof gallon showing an increase of 585.7%; while the tree tax which stood at Rs. 1, 1½ and 2 for six months for a palmyra, cocoanut and choondapana tree respectively, in 1082, now stands at Rs. 1-12-0, Rs. 3 and Rs. 5, respectively. The strength of the liquor has been reduced from 20° U. P. and 30° U. P. to 25° U. P. and 35° U. P.

18. The effect of this restrictive policy is reflected in the consumption of arrack in the State. Whereas in 1088, the consumption of arrack stood at 1,16,624.95 proof gallons in 1098 after a lapse of ten years the consumption has been only 1,20,786.62 proof gallons. The consumption per head of population was only 1.46 drams in 1098, against 1.64 drams in 1088, that is to say, the consumption actually fell by 11.3 per cent. when calculated on the increase in the population during the period. But for this policy of restriction on the part of the department, it is stated that the consumption of arrack should have been very much greater in 1098. During the intervening period between 1088 and 1098, the population has increased by about 17 per cent. and a good deal of illicit arrack must have been replaced by Government arrack as a consequence of the preventive work of the department. In spite of these two factors which ordinarily make for increased consumption of Government arrack, the actual quantity consumed has stood more or less stationary during the decennium. The figures relating to the consumption of toddy can be obtained with any degree of accuracy only in areas under the independent shop system. As this system was only gradually extended at the rate of a few taluks at the renewal of each contract period in the course of several years, it has not been possible to obtain reliable figures under this head.

19. The above is a brief summary of the development of the abkari system in the State and of the policy followed by the department with a view to keep the drink evil under check.

CHAPTER III.

20. It is now necessary to examine the scope and effect of the several proposals made by the Excise Commissioner. As has already been observed, the Excise Commissioner claims that the policy of the department is calculated to minimise the drink evil, that it proceeds on two distinct lines; on the one hand, the facility for obtaining licit drink is being steadily reduced by the gradual reduction in the number of shops and the increasing pressure of taxation, and on the other hand, the preventive force of the department is steadily engaged in preventing the manufacture of cheap illicit liquor so that it may not take the place of the Government controlled liquor. The Excise Commissioner expects that this policy, if steadily pursued, is sure to lead in time to the total extinction of the drink evil in the State provided the people heartily co-operate with his department in its efforts. He however considers that certain factors exist which retard the successful enforcement of the departmental policy. These are according to him the apathy of the masses towards the drink problem and the consequent difficulty experienced by the preventive force in their efforts to effectively suppress the illicit manufacture of liquor. The Excise Commissioner urges that the restrictive policy of his department can make headway only *pari passu* with the success obtained in suppressing the manufacture of illicit liquor as otherwise it would only lead to the loss of Government revenue without any corresponding advance towards temperance. He would therefore with popular support concentrate on the work of prevention and detection and at the same time accelerate the pace towards the gradual attainment of prohibition by strictly enforcing the existing restrictive measures of the department and by adopting the further measures proposed by him. His proposals are as follows :—

(1) That the work of collection of abkari rentals should be transferred to the Land Revenue Department.

(2) That deterrent punishments should be awarded by Magistrates to abkari offenders.

(3) That rewards should be granted to informants and to all officers of and below the rank of Inspectors concerned in the detection of abkari offences.

(4) That propaganda work should be undertaken by the leaders of the public to enlighten the people on the evils of the drink habit and the advantages of prohibition.

(5) That no new toddy or arrack shop should be located within two furlongs of a market, school house, place of public worship, hospital, factory, public office and similar places of public resort and that every opportunity should be taken to make the rule applicable to the existing shops as early as practicable.

(6) That, as a rule, there should be a distance of not less than half a mile between shop and shop whether toddy or arrack in municipal towns and of one mile in rural areas.

(7) That a reduction of 5 per cent. in the number of shops should be made at the renewal of each biennial contract.

(8) That the present rule requiring the shops to be closed at 8 P. M. should be maintained and strictly enforced.

(9) That the sale of liquor at fairs, and festivals should not ordinarily be allowed, the Excise Commissioner being given the discretion to permit such sale on the occasion of large fairs and festivals occurring at the frontier and during harvesting operations in extensive *punja padams*.

(10) That local option to the extent of advising the department as to the location and number of shops should be granted as a tentative measure to the five major municipalities and that Advisory Committees should be formed for this purpose.

(11) That taxation on country liquor should be increased according to the measure of success obtained in the suppression of malpractices.

(12) That the number of wholesale foreign liquor shops should be reduced to two in the larger towns and to one in other places and that no more than one retail shop should be allowed in the larger towns and none at all in other places. The license fee for retail vend should be increased from Bh. Rs. 150 to Bh. Rs. 200.

(13) That instruction should be imparted in public schools on the benefits of temperance and the evils of drink.

21. The Committee will now proceed to consider the proposals *seriatim*.

i. The first proposal is the transfer of the work of collecting the abkari kist to the Land Revenue Department so that the officers of the Excise Department may be free to devote greater attention to the work of detection and suppression of malpractices. It is stated that at present much of the time of the field staff is occupied in collection work which seriously interferes with their preventive duties and further that their responsibility for the collection of the kist is answerable for the perpetuation of much of the malpractices that are now indulged in by the shop holders and their men. The Committee see the force of the Excise Commissioner's view that for the successful enforcement of the policy of restriction it is essential that cheap illicit liquor both arrack and toddy should not be available to the drinking classes and that this object can be secured only by the effective suppression of illicit manufacture. The proposal to divest the Excise officers of the work of collection will no doubt leave them free in many ways to take vigorous and sustained action towards the suppression of malpractices and the Committee have therefore given the proposal their anxious consideration. With a view to ascertain the opinion of the Land Revenue Commissioner on this matter the Committee invited Mr. S. C. H. Robinson to be present at one of their meetings. Mr. Robinson was against the proposal. In the first place, he said, his officers were already heavily burdend with work and he could not undertake this additional work without a corresponding increase to his staff. He said that it was true that the Tahsildars generally have been divested of their magisterial functions and that the Devaswom work has been entrusted to a separate department. But as against this, the Tahsildars have been entrusted with the income-tax work which takes up a good deal of their time and the work connected with the annual Jamabandi introduced recently has substancially added to their duties. They have still to attend to most of the miscellaneous functions enumerated in Chapters VIII and IX of the Land Revenue Manual Vol: III and in the case of 5 out of 30 Tahsildars they still exercise magisterial functions, while the territorial jurisdiction of four of the taluks has been extended. Thus the Tahsildars are still as heavily burdened with work as before. He therefore required additional hands if the collection work should be transferred to his department. He was not in a position, however, to state off-hand the number and nature of the additional staff that would be required and their cost. As the Committee felt that in the present state of the finances of Government it may not be desirable to incur additional expenditure on this account they considered the possibility of the required staff being transferred from the Excise Department. The Excise Commissioner was firmly against any weakening of the staff which he said was already inadequate. He pointed out that he wished to be rid of the collection work in order that his field staff may be free to do better detection work and said that any reduction in the staff would defeat the object aimed at. The next point urged by Mr. Robinson was that a good deal of friction and unpleasantness between the two departments was likely to arise if the collection work alone be left to the Land Revenue Department. He was of opinion that in order to avoid mutual recrimination and misunderstanding between the two departments it would be preferable to transfer the work of disposal of the shops also to his department. The Committee did not consider this to be a desirable proposal. It would practically make the Land Revenue department responsible for the abkari revenue of the State and would still leave the door open to friction. Any falling off in the rentals at the time of the auction sale would be attributed by the Land Revenue officers to the bad preventive work of the Excise officers who in their turn would charge the selling officers with indifference to the interest of the abkari revenue. Further, under this arrangement not only would there be no incentive for the Land Revenue Department to develop the revenue but even the normal revenue was likely to go down without advancing the cause of temperance. Mr. Robinson was

also apprehensive that the collection work when done by the Land Revenue agency would not be as satisfactory as it is at present. The Excise Commissioner pointed out that it was essential that the collection of abkari kist should be as complete as possible during the subsistence of the contract itself as it was found from experience that very little could be collected after the expiry of the contract period since most of the defaulting contractors would be found to be insolvent or heavily involved when recovery proceedings are subsequently taken against them. The Committee consider that no innovation should be made which would affect the satisfactory collection of abkari kist. It is seen that the percentage of collection of abakari revenue in almost every year has stood at 99 per cent. and the Committee agree with the Land Revenue Commissioner in thinking that it will not be possible for his officers to show a similar high out-turn if the collection work be transferred to his department. The further restrictive steps that would have to be taken to achieve the goal of gradual prohibition would possibly result in an appreciable loss of revenue to Government and the Committee feel that the whole of this reduced revenue should at least be collected and any change which would affect the collection work injuriously should, therefore, be avoided. The change advocated is in force in British India, but the system of administration of the several departments in Travancore is different and does not admit of the British Indian method being followed here. The Collector is the head of every branch of revenue in his District and he has therefore the facility to get the work of one department, done by another. In Travancore the work of each department is exclusive and is controlled and administered by an officer co-ordinate in status with the heads of other departments. The Committee considered the various aspects of the question and are of opinion that the proposal made by the Excise Commissioner could not be supported. It entails divided responsibility and cannot therefore conduce to efficient working. While in British India the Collector who has control over all branches of revenue can regulate and co-ordinate the activities of the Excise and Land Revenue Departments, it is different in Travancore. There is no common head in Travancore over the Excise and Land Revenue departments except the Government and, as the Land Revenue Commissioner apprehends, no smooth and harmonious working can be expected in the event of the collection work being transferred to the Land Revenue department. There will also be no incentive on the part of the Land Revenue department to show a high percentage of collection because the collection would go to the credit of another department. Besides, it will be open to the officers of the Land Revenue Department to enforce payment with a rigidity which will spell the ruination of the shopkeepers or to tolerate a laxity which may lead to the loss of rental to Government. It is also observed that there is no special facility for the collection of Excise revenue by the Land Revenue Department. Kists do not fall due at identical periods nor is the number of kists uniform. The land revenue is ordinarily payable in four equal instalments in Thular, Vrischigom, Menom and Medom—while the Excise revenue is payable in 10 monthly instalments. The additional staff required for collection by the Land Revenue Department is likely to cost 5 per cent. of the revenue to be collected (18 lakhs.) Even if it is taken as $2\frac{1}{2}$ per cent. the additional recurring expenditure will be Rs. 45,000 per annum. As for the inducement for corruption on the part of the Excise subordinates, the Committee do not consider that this will be lessened to any appreciable extent by the proposed transfer but they feel that the inducement for the officers to move about in the ranges would disappear with the transfer of the collection work. Having to meet the shopkeepers frequently in order to persuade them to pay up the kists the officers would be compelled to move about constantly in the range and would therefore have frequent opportunities of doing detection work. The retention of the collection work with the Excise Department would, however, operate to some extent as a handicap to the field staff in their preventive work, as pointed out by the Excise Commissioner in his memorandum. This difficulty may be surmounted by the strengthening of the field staff where-ever it is found necessary.

ii. Mr. Madhava Variar, Mr. G. Paramesvaren Pillay and Rev. Fr. Vettikkapalli were, however, of opinion that in the interests of temperance it was necessary to transfer the work of collection to the Land Revenue Department. They pointed

out that the Excise Commissioner in his memorandum has clearly shown how the retention of the collection work with his Department would operate against the satisfactory discharge of detection work by his subordinates and how necessary it was therefore for the advancement of the cause of temperance that his field staff should be free of this incubus. Mr. Van Ross explained that if the transfer of the collection work to the Land Revenue Department would result in the poor collection of kist and in friction and unpleasantness, he would rather retain the collection work with him and seek to strengthen his field staff where-ever necessary in order that better preventive work may be done. The question was thereupon put to the vote and Messrs. Madhava Variar, Parameswaren Pillay and Rev. Fr. Vettikkapalli voted for the transfer while Messrs. Krishna Aiyangar, R. Krishna Pillay and A. J. Van Ross voted on the other side. The votes being equal the President's casting vote carried the day. (Mr. Pitt was absent.)

iii. The Committee recommend therefore that the collection work of the abkari kist be retained with the Excise Department and that the Excise field staff be strengthened where-ever necessary.

II. The next proposal of the Excise Commissioner is that the co-operation of the Magistrates should be secured in the award of deterrent punishments in abkari cases. It is stated that the punishments meted out to abkari offenders are mostly nominal and serve only to encourage the offenders to pursue their illicit trade. While agreeing that it would certainly promote the cause of temperance if offenders against the abkari laws are severely dealt with, the Committee are of opinion that they should refrain from taking any action calculated to interfere with the freedom of the Magistracy in the discharge of their judicial functions. They think that the best course to be adopted is to re-classify the various abkari offences enumerated in Section 51 of the Abkari Regulation, IV of 1073, and in the case of the graver offences to prescribe imprisonment as a substantive part of the sentence. This would operate as a salutary warning to all offenders against the Abkari laws. The Committee consider that the manufacture of liquor or any intoxicating drug (Clause *b*), the construction or working of any distillery or brewery (Clause *f*) and the using, keeping or having in possession any materials, still, utensil, implement or apparatus whatever for the purpose of manufacturing liquor other than toddy or any intoxicating drug (Clause *g*) should be regarded as major offences for which imprisonment should form part of the substantive sentence.

The Committee, therefore, recommend that the Abkari Regulation, IV of 1073, be amended on the above lines.

III. The next proposal to be considered is the grant of rewards to all informers and to all officers of and below the rank of Inspectors who take part in the successful detection of abkari offences. Provision for the grant of rewards in abkari cases existed in the Abkari Regulation, I of 1054, Section 27 of which ran as follows:—

“It shall be lawful for a Magistrate to grant to persons or to officers of the class to be named by the Dewan who shall give information leading to the detection of any offence punishable under the Regulation or who shall seize any article liable to confiscation under this Regulation rewards not exceeding the total value of goods confiscated and of fines and penalties levied.”

i. This provision has been omitted in the Abkari Regulation, IV of 1073, which is the one now in force in the State, but under Section 26, Clause O of the Regulation, rules may be framed for the grant of rewards in abkari cases.

ii. The Police Commissioner pointed out that the system of rewards was found to be very helpful in his Department. It was also brought to the notice of the Committee that the grant of rewards in abkari cases to informants and abkari officers concerned in the detection of such cases, was in vogue in the Madras Presidency and that similar rules may with advantage be framed for this State. The Committee feel that a system of rewards is necessary if the detection of malpractices should be facilitated. Informants have to be paid and Excise officers who run great personal risk in the detection of abkari offences, especially those of the graver kind,

have a right to ask for some kind of reward. Provision for the grant of rewards is made in the case of offences detected under the Tobacco Regulation. The Committee are of opinion that rewards should be granted and that rules may be framed by Government for the purpose. A separate fund as in the case of the Police Department may be allotted for this purpose under rewards in the budget of the Department.

iii. It has been pointed out that all fines, penalties and confiscations under the Abkari Regulation are at present being credited to the revenue of the Judicial Department and that these monies being abkari revenue as defined in Clause 3 of the Abkari Regulation, IV of 1073, should properly be credited to the Excise Department and that if this is done, funds would be available for allotment under rewards in the Excise budget. The Committee think that there could be no difficulty in doing so.

IV. Another proposal of the Excise Commissioner is that the public should co-operate with the Department in the suppression of malpractices and that to secure this co-operation the leading public gentlemen should take organised action to educate the public on the advantages of prohibition and create a deep and widespread public opinion against the drink habit and against the illicit manufacture of liquor. In paragraphs 7, 8 and 9 of his memorandum, the Excise Commissioner points out the apathy, nay the unfavourable attitude on the part of the general public at present towards the drink problem and how necessary it is for the success of the departmental policy to secure the whole-hearted help of the public in the work of detecting and suppressing illicit practices in liquor. The Committee no doubt realise the value of the co-operation of the public in the efforts of the Excise Department in the detection of all malpractices but they feel that there is no necessity for making any specific recommendation on the subject. The suggestion for a declaration of policy by Government has come from the representatives of the people and the Committee have no doubt that the general public will themselves realise their obligations in the matter.

V. The next proposal of the Excise Commissioner is that no new toddy or arrack shop should be located within two furlongs of a market, school house, place of public worship, hospital, factory, public office, railway line and similar places of public resort and that every opportunity should be taken to make the rule applicable to the existing shops. This is a very important proposal and is calculated to minimise the temptation for drink which a liquor shop affords when situated near places where people gather together in large numbers. It was, however, pointed out to the Committee that a similar rule already exists and that the Excise Commissioner has not suggested anything new. On examination of the existing rule however, it was found that the rule was rather elastic in as much as it only stated that shops should not be *near* a market place, etc. The word "near" being a relative term was capable of different constructions but the rule now suggested by the Excise Commissioner was definite and was therefore a distinct advance over the existing rule. The general principles to be followed in the location of shops have been laid down with sufficient lucidity by the Excise Commissioner, Punjab, in the following words:—

"The correct principles to follow in locating a shop appear to be these. Its position should be so far public that persons entering it should not escape observation and that supervision should be rendered easy but it should not be so prominent as to compel attention, e. g., by occupying a whole side of a public square.....or a corner lot.....It should never occupy a position to which the near neighbours object on grounds which upon enquiry appear to be other than grounds of personal spite; and so far as possible it should be at a distance from religious and other institutions".

i. It was also suggested that the rule regarding the location of shops obtaining in Bengal may be adopted in Travancore. This rule as may be seen in the Indian Excise Committee's report of 1905-06, page 98 para 236 is as follows:—

"In any case no new liquor shop should be opened in a bazaar or at the entrance to a bazaar nor near a bathing ghat or other place of public resort, school, Hospital, place of worship, factory, in the interior of a village, at the side of a road leading to a bathing ghat or other place of water supply. In some districts, the

sides of a main road or a village inhabited by aborigines of known drinking habits should also be avoided. A liquor shop should not be inaccessible to persons requiring liquor but it should not be in such a situation as to obtrude itself on the attention of the public or to render persons passing by subject to annoyance from persons drinking."

ii. A careful analysis of this rule will show that the rule proposed by the Excise Commissioner is more stringent in its nature. The Bengal rule merely prohibits the opening of a shop in a bazaar or at the entrance to a bazaar or near a bathing ghat, etc. The rule suggested for Travancore not only prohibits the opening of a shop in a bazaar but directs distinctly that it should not be within two furlongs of any such place. The question of removing shops on the road side was considered, but the Committee feel that the existence of a shop by the side of a road would operate as a check upon people resorting to drink and that those whose social or religious sanction is against the drink habit would hesitate to resort to a shop exposed to public view. Further, the location of a shop on the road side is to a great extent a guarantee against drunkenness or other irregularities since the shop would always be under the eye of the public. It was urged also that the rule should not be restricted to the opening of new shops in such objectionable places but should be immediately enforced as regards existing shops. The Excise Commissioner pointed out that the immediate enforcement of the rule in respect of the existing shops would be feasible only with regard to rural areas where it is comparatively easy to obtain new sites but that it would not be feasible at once with regard to towns where the rule can be enforced only as suitable opportunities arise. The Committee appreciate the difficulty of the situation as pointed out by the Excise Commissioner and would accept his promise that the rule will be enforced in towns as early as practicable.

iii. The recommendation of the Committee is that the rule proposed by the Excise Commissioner may be adopted and they would urge that the rule be enforced as regards the existing shops in the towns as early as practicable. They note that the Excise Commissioner has stated that in the rural areas the rule will be enforced at once.

VI. The next proposal is that as a rule there should be a distance of not less than half a mile between shop and shop, whether toddy or arrack, in municipal towns and of one mile in rural areas. The fixing of a minimum distance that should exist between one liquor shop and another is a distinct advance on the existing practice in the Department where in several cases, especially in towns, shops exist in close proximity to one another and the Committee consider that it is a fair proposal and may be accepted.

VII. The next question to be considered is the proposal of the Excise Commissioner that a reduction of 5% in the total number of toddy and arrack shops in the State should be made at the renewal of each biennial contract. It has to be remarked that a reduction in the number of shops is in itself no solution of the problem. It is a matter of experience that when a shop is closed, the custom of that shop is only transferred to the neighbouring shop. No definite principle has so far been laid down for fixing the number of shops in any given area. Should it be according to the density of the population or the area served or according to the discretion of the Excise Officer? The Government of India have stated that "the number of liquor shops should be restricted as far as possible and their location should be periodically subject to strict examination with a view to minimise temptation to those who drink and to conform as far as is reasonable to public opinion" (*Indian Excise Committee Report* page 88). In the Madras Presidency a liberal distribution of shops is allowed on the ground that the drinking classes are widely distributed, that a proper provision for their needs is necessary for the check of illicit practices, that the establishing of small shops prevented the securing of large monopolies, that control of small shops is easier than that of large ones, that in the case of toddy a liberal supply of shops is necessary to ensure sale of liquor in a comparatively fresh state and that it will provide for the regulation of prices by competition and would facilitate the reduction of the limit of private possession. The Indian Excise Commission suggest the following procedure for fixing the number of shops:—"The essential thing is to ascertain for each Tahsil or other sub-division of a district the number

of shops required to provide for the needs of the regular consumers. This only the local officer can do. But since opinions vary as to the circumstances which justify the opening or closing of a shop and experience shows that leaving the matter to local discretion results in unduly wide divergence of practice, it is recommended that the lists of the local officers should be submitted for approval to a higher authority which, after a scrutiny and such alteration as may be necessary, should fix a maximum and a minimum for each Tahsil or sub-division. The local officer should then be given full discretion within these limits but should be required to seek the sanction of higher authority to any departure from them. In the case of towns, somewhat more definite rules may be prescribed". The Excise Commissioner states that this is exactly the procedure followed in Travancore. Having regard to local conditions, the Excise Commissioner fixes the number of shops for each taluk and he asks the local officer to distribute the number throughout the taluk. The distribution list is then submitted to the Excise Commissioner who after scrutiny forwards it to Government for sanction. It has already been shown that the policy of the Department has been to reduce the number of shops for each contract and that this policy has been steadily pursued for the last several years. The Committee realise that the question of reduction of shops offers various aspects for consideration. The removal of a shop from a locality deprives the consumers of liquor in that area of the facility to obtain drink and the process of reduction can be successfully carried out as pointed out by the Excise Commissioner in his memorandum only if the desire for drink diminishes in proportion to the reduction of shops. Otherwise unauthorised sales of both illicit and licit liquor are sure to spring up and this would be a form of offence difficult to detect as it could be done surreptitiously in private houses. Reduction of shops has also the effect of concentrating the sales in the few remaining shops, the holders of which would in course of time become a set of rich capitalists whom it would be difficult to oust since smaller men would not be able to compete with them at the auction sales and who by reason of their influence would not find it difficult to resort to illicit means to push forward the sales of liquor and thus actually increase its consumption. Another aspect of this question is that the absence of shops within a reasonable distance of home is alleged to have led many men to purchase a bottle at a time. Instead of going to the shop and having there one drink a day they stay at home and consume more. Also, the presence of a bottle of arrack in the house has led to the spread of the drink habit to the man's wife and children which would not have occurred if the drink had never been brought nearer to them. The Committee realise therefore the force of the Excise Commissioner's argument that any advance in the direction of temperance can only go hand in hand with the successful suppression of malpractices. In view of what has been stated above, the Committee accept the proposal for a reduction of 5 per cent. in the number of shops at the renewal of each biennial contract.

VIII. The next point for consideration is the fixing of the hours of sale in liquor shops. The present rule is that shops may be opened at 6 A. M. and closed at 8 P. M. The Excise Commissioner does not propose any alteration in these hours, in view of existing local conditions. The question was discussed at some length. In the Madras Presidency the closing hour has been fixed at 8 P. M. for all kinds of shops, the opening hour at 9-30 A. M. in the case of arrack shops, foreign liquor taverns and beer shops and at sun rise in respect of the remaining shops. With regard to the opening hours there was hardly any discussion since the habit of drinking in the early mornings is practically non-existent in this country and therefore it did not matter at what hour the shops were opened in the mornings. As a matter of fact regular sales especially in arrack shops hardly ever commence before evening. With regard to the closing hour, it was suggested that in towns the closing hour should be fixed at 7 P. M. The Excise Commissioner pointed out that it was in towns that much difficulty was experienced in enforcing even the present time limit of 8 P. M. Conditions of life in a town were varied and many people usually were able to leave off work and get home not earlier than 8 or 8-30 P. M., with the result that shopkeepers when taxed with the breach of the rule complained of the pressure brought to bear upon them by many persons, who, from their local status and influence, it was impossible for the shopkeepers to disoblige without bringing upon themselves a good deal of trouble. In view of the conditions in the towns

the Excise Commissioner was of opinion that any further restriction in the closing hour would only lead to the widespread breach of the rule and diminish the justification for taking penal action against offending shopkeepers. He said that if a reasonable limit was fixed it would be possible to punish the offenders without leaving a feeling of unfairness in their minds. In view of the statement of the Excise Commissioner, the Committee consider the hours of sale as fixed at present may be left alone. They, however, note the undertaking made by the Excise Commissioner to strictly enforce the rule.

IX. The next proposal is that the grant of occasional licenses for the sale of liquor at fairs and festivals should not ordinarily be issued, but that the Excise Commissioner should use his discretion in the case of large fairs and festivals occurring near the frontier and in the case of harvesting operations in large *punja padams*. It was stated that on the occasion of large gatherings near the frontier such as the Sivarathri festival at Alwaye and the Church festival at Malayattur, it would not be possible for the field staff to prevent unauthorised supplies of liquor being brought to such gatherings since the places border on another State. It was feared that if some facility was not allowed for the sale of liquor in such places, liquor from the adjoining State would be consumed and the benefit aimed at would not be secured. The Committee feel that it would be inconsistent with the principle of temperance to afford facility for the consumption of liquor at such gatherings, that the Cochin State might be approached for co-operation in this matter and that failing this it would be better to leave Cochin to gain to some extent at our expense rather than for us to sacrifice the cause of temperance. No figures are available as to the probable loss that might result to this State by the refusal of permission to vend liquor at the frontier fairs and festivals. The Committee, however, consider that the loss would not be considerable. It was pointed out that in British India no such restriction is enforced and that the Indian Excise Committee has merely said that "such licenses should not be granted as a matter of course and that the transactions under them should be strictly confined to the purposes for which they are granted". But then in British India the principle of the gradual attainment of prohibition has not been adopted as in Travancore and the Committee do not think that they should be guided in this matter by the practice existing there. They are of opinion that no license for the sale of liquor at fairs and festivals in the State should be granted. In the case of the extensive *punja padams*, however, it is different. Here, large bodies of labourers work in extensive fields where no fresh water is easily accessible to them and the deprivation of the only drink, viz., toddy which is available to them would seriously inconvenience the labourers. The Committee would therefore make an exception in the case of such labourers.

The recommendation of the Committee therefore is that no occasional license should be granted for the sale of liquor at any fairs and festivals in the State and that the Excise Commissioner should use his discretion in the matter of issuing occasional licenses in the case of *punja* fields where large bodies of harvesting labourers have to work.

X. The Excise Commissioner's proposal for the introduction of local option was next considered. He proposes that local option to the extent of advising the Department as to the location and number of shops in the five major municipalities of Nagercoil, Trivandrum, Quilon, Alleppey and Kottayam be granted as a tentative measure and suggests the formation of Advisory Committees for this purpose. Local option as rightly understood means the grant to the people of a specified area the option of determining whether liquor shops shall be opened in their locality or not or whether the number of liquor shops to be opened should be restricted. The essence of this system of local option consists in the accurate gauging of the wishes of the people in any area. For, if the wishes of the majority of the people are not correctly ascertained, it is clear that any decision arrived at would not receive public support and would result in a thorough failure in the enforcement of the decision. The fate of the system of local option in Ceylon is a forcible illustration of this principle. The following quotation from Mr. Strathie's book "Excise and Temperance in Madras" (page 108, para 6 to the end of para 7) will give a vivid idea of the evils of enforcing local option without the full support of the general public.

“Local option was first introduced in Ceylon in 1918. In that year it was only applied to arrack shops, but in the next year it was extended to toddy shops and in 1920 to all kinds of shops—arrack, toddy or foreign liquor. Briefly put, the rules empowered the local tax-paying inhabitants in any area to close the liquor shops in that area. There was no provision for voting on reduction; the ballot was confined to the single issue of retention or closure. The local area was in municipalities defined to mean the ward. If there was no shop in any particular ward it was, for the purposes of the local option rules, joined on to the nearest ward in which there was a shop. In the case of smaller towns, the town formed one area. In rural districts all the villages supplied by one shop formed the area. The procedure for bringing the local option rules into operation was that 25 per cent. of the tax-paying inhabitants in any area had to petition the Local Government Agent for a ballot on the question of closing either one class or all classes of liquor shops in that area. A date for the ballot was then notified. If 75 per cent. of the total voters were in favour of closure, the shops were closed. Before going on to mention the results of the polls in Ceylon, it is necessary to bring out certain features of the administration there which had an important bearing on the working of the system. In the first place, Ceylon is practically a country of manhood suffrage. Every male between the ages of 18 and 50 years is required either to perform free labour on the roads or to pay a poll-tax of Rs. 2. Practically speaking every body pays the poll-tax and under the local option rules every tax-payer has the right to vote on the closure of liquor shops. So great was the importance attached to this consideration, i. e., the necessity for a manhood suffrage on the drink question, that the operation of the local option rules was specifically excluded from the planting areas, because the Indian coolies were exempt from working on the roads. The result was that in Ceylon one of the primary conditions for the successful operation of local option was fulfilled, voting was open to all and there was *prima facie* a probability that the result of the voting would really represent local opinion and therefore have a chance of being carried out successfully. But the second feature unfortunately militated against the action of the first. Ceylon is largely a Buddhist country and the Buddhist religion is opposed to the taking of alcohol. The village headmen, who are largely Buddhists, exert great influence over the villagers. Now, as the voters had to produce their poll-tax receipts at the polls, the presence of the headmen was necessary at the polls to check the receipt registers and to identify voters. As many of the voters were illiterate they had often to be shown where to put their marks on the ballot paper. The headmen were thus able to influence the voting and the result was that many people who were not really in favour of closure and who had no intention whatever of giving up drink, voted against the retention of shops.

The immediate results of local option in Ceylon were at first sight most satisfactory. In 1919, 87 ballots were held relating to arrack shops, of which 39 resulted in closure and 32 were held relating to toddy shops, 16 resulting in closure. In 1920 there were 131 ballots, 61 in respect of arrack shops, 9 being closed and 70 in respect of toddy shops, of which 46 succeeded. But these fairly extensive closures do not appear to have promoted the cause of temperance. In the first place, consumption did not decrease. The total licit consumption of arrack in the island was in 1918, 10,15,386 gallons, in 1919 it was 10,29,269 and 1920, 10,19,370. The consumption per head of population was the same in 1920 as in 1918, viz., 24 proof gallons or about six times the average consumption per head in the Madras Presidency. At the same time the consumption of foreign liquor increased enormously, the imports in 1918 being 66,459 proof gallons, in 1919, 54,057 and in 1920, 1,35,588. This failure to effect decrease in consumption was due to the diversion of custom from country to foreign liquor and to the fact that people desiring drink merely went outside the area in which prohibition was in force. For instance, in one province where all the three existing arrack shops were closed—a province which formerly consumed 10,000 gallons of arrack—the sales of foreign liquor went up by 4,690 gallons, while sales of arrack in the adjacent province—30 miles distant—increased by 2,600 gallons. In the town of Anuradhapura the arrack shop was closed on 1st October 1919. Between October and December 1918

the consumption of foreign liquor in that town had been 569 bottles. In the period from October to December 1919 the consumption was 4,224 bottles. In another province a fall in the consumption of arrack by 2,602 gallons was accompanied by a rise in the consumption of foreign liquor by 893 gallons and of toddy by 8,668 gallons in the province itself, while the other arrack shops which lay within distances of six to twenty miles showed increased sales. In the second place there was a large increase in excise crime, which necessitated the employment of additional staff. The detections included the seizure of carts containing hundreds of bottles of illicit arrack. Thirdly, the working of local option in Ceylon has given rise to grave administrative scandals. The persons responsible for the organisation of movements for the closure of shops constantly obtained duplicate road tax receipts on the plea that the originals had been lost and these duplicates were frequently misused. One voter is alleged to have boasted of having voted nine times at one poll".

(i) In Ceylon though there is manhood suffrage yet it was possible owing to the illiteracy of the voters to influence their voting in favour of prohibition against their wishes, with the result that local option instead of reducing the consumption brought about the opposite result. Local option to be successful, therefore, should have the intelligent support of the majority of the inhabitants. No action in this direction has yet been taken in England and even the Royal Commissioner on Liquor Licensing Laws did not recommend its adoption. In America, it was tried but even the best temperance reformers have expressed doubts of its efficacy. Messrs. Rowntree and Sherwell in their book on "The Temperance Problem and Social Reform" have stated that they are unable to believe that local option if adopted, would solve the problem where it presents the gravest difficulties" (*Indian Excise Commission Report* page 100.)

(ii) The Government of India in their despatch No. 29 of 1890 observe as follows :—

"A system of local option would throw the whole administration into confusion and would in some places create an intolerable class tyranny which might have very serious political effects. We doubt greatly if a Sikh community would quietly submit to the total prohibition of liquor by a Mahomedan majority and we believe that in some tracts, local option would lead to the indefinite multiplication of liquor shops and the reduction of the rate of duty to a minimum. Any system of local option presupposes the existence of a highly developed system of local or municipal institutions to which representatives are elected by the mass of the people and in which all conflicting interests command their due share of attention. No such system exists in India."

(iii) With regard to Travancore it was felt that the conditions prevailing at present did not justify the introduction of local option in its wider sense, that is to say, the option of determining whether shops shall be opened or not. The only form of local option that is possible under the existing conditions is with regard to the restriction in the number and location of shops. It was pointed out, however, that the introduction of local option even in this attenuated form was incompatible with the policy of the realisation of gradual prohibition already adopted by the Government. Advisory Committees appointed under the Local Option Scheme would have the option of voting for 'no change' in the existing number and location of shops. Such a vote would impede the progress towards prohibition and would therefore be incompatible with the policy of the Government.

(iv) The Committee having carefully considered the question think that the creation of separate advisory bodies in order to advise the Department as to the number and location of shops is not needed, that the existing municipal councils themselves might perform this advisory function and that the Excise Commissioner should consult municipal bodies as to the location and number of shops before he fixes them for each contract period.

(v) The recommendation of the Committee therefore on this point is that the introduction of local option in its strict sense is not feasible at present and that with regard to the number and location of shops in the major municipalities of the State the

Excise Commissioner should ascertain and as far as possible give effect to the wishes of the municipalities before fixing the shops for each biennial contract in those towns.

XI. Another means of achieving progress towards prohibition is by gradually raising the cost of liquor by raising the duty on liquor. The Committee agree with the Excise Commissioner that the increasing pressure of high taxation should proceed steadily and should be regulated by the measure of the success obtained in the suppression of malpractices. On page 11 of his memorandum, he has fully stated the principle which should regulate the enhancement of duty on liquor and the Committee are of opinion that in the matter of fixing the duty on liquor the Excise Commissioner should carefully consider the question in all its bearings before the policy for each biennial contract is settled. They note that the duty on arrack at present is Bh. Rs. 3 annas 12 per proof gallon and that for the next contract period it is proposed to raise the duty to Bh. Rs. 4 per proof gallon. The Committee consider that the increase is adequate for the present. With regard to the tree tax, the Excise Commissioner says that he does not propose to increase the tax for the next contract since a substantial increase was made for the current contract and he does not consider the conditions favourable for a further increase. The rates of tree tax at present are: cocoanut Rs. 6, palmyra Rs. 3 as. 8 and Choondapana Rs. 10 per annum. The Committee accept the Excise Commissioner's proposal in the matter.

XII. In his memorandum, the Excise Commissioner draws attention to the increasing tendency of young men of the respectable classes to resort to the foreign liquor retail shops and in order to check this rising evil he proposes that the number of retail shops for the vend of foreign liquor should be reduced, allowing only one such shop for the larger towns and none at all for smaller towns. He also proposes that the fee for the retail vend of foreign liquor be raised from Bh. Rs. 150 the existing rate, to Bh. Rs. 200. With regard to the wholesale vend of foreign liquor, he would restrict the number of wholesale shops to two in the case of larger towns and to one in other places, the reduction being carried out with care since any drastic measure will entail considerable loss on the license holder, the business being one in which large capital is invested and large outstandings have to be realised.

i. The Committee consider that with regard to whole-sale shops the Excise Commissioner's proposal might be accepted but that with regard to retail shops it would not be advisable to reduce the number to one as proposed by the Excise Commissioner. They consider that in order to check undue profiteering it is necessary to fix the number at two for the towns. They also accept the Excise Commissioner's proposal that the license fee for the retail vend may be raised to Bh. Rs. 200 for each retail shop. In this connection it was suggested that the prohibition of the sale of any other article excepting liquor in foreign liquor retail shops would be an effective means of preventing men of the respectable classes from frequenting such shops. It would deprive such men of the opportunity of frequenting such shops on the pretext of purchasing other articles than liquor and would consequently bring about a falling off in the number of such frequenters. The Excise Commissioner said that he had no objection to insert a clause to this effect in the license for the retail vend of foreign liquor but that in order to prevent the consumption of undiluted liquor which might be harmful to the consumer an exception might be made in the case of aerated waters. The Committee think that this suggestion might be adopted.

ii. Their recommendation therefore is that (1) the number of wholesale shops in the larger towns be restricted to two and in other places to one, (2) that the number of retail shops be fixed at two in towns and none at all in rural areas, and (3) that in the case of retail shops, the license fee be raised to Rs. 200 and a clause should be added to the license prohibiting the exposure for sale of any article other than liquor and aerated waters in such shops.

XIII. The next proposal of the Excise Commissioner is that temperance teaching should be adopted in the various schools of the State and that text books in English and the vernaculars containing lessons on the benefits of temperance should be prescribed for such schools. This proposal, if given effect to, would certainly be a valuable aid to the cause of temperance. From Mr. Strathie's book on "Excise and Temperance in Madras" it is seen that this measure was first introduced as a result of the temperance deputation which waited on the Secretary of State in 1907. In

his despatch of May 1914, Lord Crewe advised the adoption of a syllabus of lessons on temperance issued by the Board of Education in 1909. This was done in Madras and temperance teaching is now general in the schools of the Presidency.

The Committee consider this proposal good and would recommend to Government that it may be given effect to in the English and Vernacular schools of this State.

22. This brought to a close the consideration of the several proposals made by the Excise Commissioner to advance the cause of temperance.

CHAPTER IV.

23. One of the members of the Committee, Mr. Madhava Variar, suggested that in the disposal of liquor shops the Surcharge system obtaining in Bengal may be introduced in Travancore instead of the Auction system which, he said, was one of the causes that militated against the advance of temperance in the State. The essential features of the Bengal Surcharge system and its methods of working as seen in Mr. D. N. Strathie's book "Excise and Temperance in Madras" are as follows:—

(a) Vendors are selected by Collectors on the advice of the Excise Department.

(b) The retail selling price is fixed for each shop, consideration being given to the nature of the locality and the price being higher in wealthy and industrial areas.

(c) The total margin of profit on each gallon of liquor sold is then arrived at by deducting from the retail selling price of each gallon the sum of the duty and of the cost of supply of one gallon.

(d) The reasonable profit which a renter can be expected to obtain per gallon is calculated from the experience of past years, and the general run of traders' profits in the locality. This profit varies with the quantity of liquor sold, for instance, it is held that a man in a small shop selling 10 gallons a month is reasonably entitled to a gross profit of Rs. 40 a month, while a man in a large shop selling 1,000 gallons a month is entitled to a gross profit of Rs. 700.

(e) The total margin of profit on each gallon of liquor sold is divided between the Government and the renter so as to give the renter a reasonable profit per gallon which decreases with an increase in his sales. The balance of the total margin of profit left after the renter has secured his reasonable profit goes to Government in the shape of license fee.

(f) Tables of license fees for each district are drawn up in the Central Office and supplied to District Officers. They show the fee which is to be collected from each shop according to the quantity of liquor sold in that shop. The fees are collected at the beginning of each month on the sales of the past month. For example, if a shop sells 10 gallons, the license fee is Rs. 15, if it sells 20, the license fee is Rs. 51, if it sells 30, the license fee is Rs. 87, if it sells 300, the license fee is Rs. 1,308 and if it sells 1,000 gallons, the license fee is Rs. 4,870. It will be seen that the renter's profit per gallon decreases as his sales increase and that the Government's share in the shape of license fees rises automatically with the consumption".

24. The principal advantages claimed for this system are —

(1) It eliminates the gambling element from the trade and makes the vendor's profit more definite and less subject to risk while under the Auction system the vendor has no means of knowing his sales exactly. He has to make an estimate and bid accordingly.

(2) Under the Surcharge system it is possible to secure a better class of licensees.

(3) The Surcharge system lessens the motive for malpractice.

(4) It secures the maximum revenue to Government as the Government revenue automatically increases with the sales.

25. As against these supposed advantages there are a few important disadvantages *viz.*,

(a) It involves the selection of vendors by somebody either official or non-official and thus gives room for favouritism and corruption, while under the Auction system vendors are selected automatically in public auction and the invidious task of choosing between rival claimants is thus avoided.

(b) The Surcharge system must in time give rise to the creation of vested interests which will throw an obstacle in the way of temperance reform.

(c) The Government loses the powerful aid of the existing shopkeepers as a preventive force. Offences against Excise laws are difficult to detect, very largely because they hurt no particular individual's person or pocket and it is the renter of the locality who generally gives information of the existence of such offences in the locality. He has paid a fixed sum for his shop and his profits depend on his sales from the shop. The existence of illicit distillation in the neighbourhood therefore hits him financially and he is anxious to bring the offender to book. Under the Surcharge system on the other hand the renter has every motive for himself selling illicit liquor and pocketing the profit as otherwise he will have to share it with Government.

(d) The Surcharge system is based on a series of assumptions which are bound to make it very inaccurate in actual practice. Shopholders hardly ever adhere to the fixed selling prices. Besides, profits can be made by dilution or short measure. It has been found impossible for even the most experienced Excise Officer to make a true estimate of the renter's profit. The system though fair enough in theory is sure to give rise to great practical inequalities. Under the Auction system the auction purchaser of a shop who knows its locality intimately, is able to arrive at the true value of the shop he bids for.

(e) Lastly, the Surcharge system identifies the Government with the trade. It is practically indistinguishable from direct Government sale with a commission to the vendor.

26. It is true that under the auction system the excitement of the auction room and the desire to keep a shop formerly owned or to drive out a hated rival have at times forced up rentals to such a height that a successful bidder could not positively make an honest profit and he is forced thus to resort to illicit practices. But the conditions of the sale notice give power to the selling officer to accept or reject any bid without assigning any reason and it surely would be his fault if he permitted inflation of prices to an undesirable extent. As a matter of fact it is reported that usually bidding is stopped when a figure has been reached beyond which an honest profit could not be obtained. The important advantage in the Auction system is that it leaves no room for imputations of favouritism and corruption in the selection of vendors. The Government of India in reviewing the Report of the Excise Committee of 1905-06 held that the Auction system was the best hitherto evolved for the disposal of shops, that it had the supreme advantage of completely preventing the growth of vested interests, that it did not in fact stimulate consumption, that it was the only system by which the real value of a shop could be ascertained and that any other system would lead to corruption and chicanery in the issue of licenses.

27. Messrs. Strathie and Shunmugom Chettiar who were deputed by the Madras Government to examine the problem and suggest measures of reform in the direction of temperance are emphatic in their denunciation of the Surcharge system. They observe as follows :—“ We do not regard the Surcharge system as a strong measure of temperance reform. From the purely temperance point of view it seems to differ very little from the Madras system. Under both the systems, the consumption is sought to be controlled by forcing up prices through the steady pressure of taxation.”

28. Having considered the matter in all its aspects the Committee are of opinion, Mr. M. R. Madhava Variar dissenting, that the balance of advantage is in favour of the Auction system and that it should continue. The Surcharge system hinges upon a fixed selling price and the honesty of the shopkeeper and these are

matters which are impossible to ensure under even an ideal system of supervision and control. It throws on the department an amount of responsibility and work which it will be extremely difficult in practice to secure. It opens a wide door to corruption in a direction in which no corruption exists at present. The Committee think that the Surcharge system while it does not eliminate the inducements for malpractices is too complicated, is unsuited to Travancore conditions and would lead to much greater evil than the Auction system.

29. Their recommendation on this point therefore is that the Auction system in Travancore should continue.

30. Another suggestion made by Mr. Madhava Variar is that since the reduction in the number of shops and the enhancement of taxation on liquor did not in other countries affect any reduction in the quantity of liquor consumed, it was necessary that something more specific such as the gradual reduction in the supply of arrack issued for consumption should be made if the abolition of the drink habit should be really achieved. It was therefore proposed that the average consumption for the 5 years ending 1098 should be ascertained and that a progressive reduction of 2% based on that quantity should be annually made as one of the effective means of checking the drink evil. To make the position clear the Committee recommend a reduction of 2% for the first year, 4% for the second year, 6% for the third year, 8% for the fourth year, and 10% for the fifth year. The Excise Commissioner strenuously opposed this proposal. He pointed out that the gradual abolition of the drink evil should be achieved only with the co-operation of the people. The people generally should realise the evils of the drink habit and should show a tendency to stop drinking. Without this essential condition it would be futile to arbitrarily reduce the supply of drink as it would certainly lead to illicit arrack taking the place of the licit arrack that has been cut off. He said that the gradual pressure of departmental restrictions and the slow awakening that is already taking place in favour of temperance in the State have undoubtedly resulted in a fall in the consumption of arrack. He pointed out that the consumption of arrack per head of the population which stood at 1.64 drams in 1088 fell to 1.46 drams in 1098 which was a distinct reduction of 11.3 per cent. The reduction in spite of the increase in the population by 17 per cent. is a clear indication of the effect of the restrictive measures taken by the Department. He was of opinion that if the process of reduction in consumption should proceed more rapidly it should be achieved by a quicker awakening of the people in the direction of temperance and by greater efforts in the suppression of malpractices and not by cutting off the supply of liquor. The Committee were on the other hand of opinion that malpractices to a more or less appreciable extent would always exist and that if the Committee were to wait for its total extinction no definite advance would be made in the cause of temperance. A 2% reduction effected annually would lead to the gradual achievement of prohibition within a reasonable distance of time and the country would have the satisfaction of knowing that something definite is being done towards reaching that goal. The Excise Commissioner thinks that the gradual reduction in the number of shops and the increasing pressure of taxation would also work towards this end and that the process would ultimately lead to the extinction of all shops in the State. But while the process is going on there is no guarantee that the quantity of liquor consumed would decrease. The reduction in the number of shops has been known to have had the effect merely of concentrating the sale of arrack in a few shops and of actually increasing the quantity consumed. The Committee think that direct action is needed to secure a reduction in the quantity of arrack consumed. The Excise Commissioner stated that if the proposal is given effect to there would certainly be a guarantee that the supply of licit arrack would be reduced but there was no guarantee at all, unless the drinking classes co-operated, that illicit arrack would not take the place of the quantity cut off. This, he said, would surely ensue in the present conditions of the country and the only result would be a distinct loss to Government without any corresponding good to the cause of temperance. He said that cutting off the supply in the manner proposed would but add another and a more powerful incentive to the manufacture of illicit liquor thereby increasing the already heavy burden of his Department in the matter of the suppression of malpractices. It was also pointed out that the reduction would

be difficult to enforce in practice and would lead to jobbery and unnecessary loss of revenue. The Committee have carefully considered all the objections raised by the Excise Commissioner and are of opinion that the annual reduction by 2 per cent. in the supply of arrack would not lead to the disastrous results anticipated by him and that in the true interests of temperance, the proposal should be given effect to. The advantages of such a gradual reduction have been very clearly summed up by Mr. Shunmugom Chettiyar as follows :—

“It clears up the position of Government in relation to liquor traffic by definitely committing them to a policy of total prohibition. By attempting to bring about a gradual decrease in the consumption of liquor, it gives time for the formation of that strong public opinion which alone is the surest guarantee of the success of any temperance reform ; it gives time for the drinking classes to reconcile themselves to the advent of a day when there will be no drink ; it will enable the State to adjust its finance without bringing about any catastrophic change in the financial position which will be the inevitable result of attempting to bring about prohibition by a stroke of the pen. Last but not least, it brings total prohibition within the realm of practical politics and not merely relegates it to the limbo of an unknown future.”

31. The Committee concur in the above views.

32. The proposal having been put to the vote, was carried, the Excise Commissioner dissenting and Mr. Pitt being absent.

33. Discussion on this subject led to the consideration of the import of foreign liquor into the State. It is necessary to see that while the supply of country spirits is being restricted, its place is not taken by foreign liquor. It is possible that cheap foreign liquor may be imported in larger quantities to replace country spirits and the Committee are therefore of opinion that the importation of foreign liquor into the State should likewise be restricted by 2 per cent. annually. They will make an exception in the case of Mass wine actually required for sacrificial purposes in Christian Churches, but would recommend that the importation of other kinds of foreign liquor should be reduced annually by 2 per cent. as in the case of country spirits and that the necessary amendment in the Abkari Regulation be made to give effect to this proposal.

34. Mr. Madhava Variar further suggested that a similar reduction should be made in the case of toddy by restricting the number of trees licensed for tapping. This was opposed by some members on the ground that toddy being a less harmful drink than arrack it might be left alone since restriction was being placed on the stronger drinks. As against this, it was urged that toddy when not fresh was injurious to health, that it was drunk mostly several hours after fermentation had considerably advanced and that therefore it was necessary to restrict it in the same manner as country spirits. The Excise Commissioner urged that the independent shop system was about to be introduced into the northern taluks of the State and that without some experience of the needs of these taluks no estimate could be made at present of the number of trees that may be required there. Then with regard to the taluks of South Travancore and Shencottah where tapping for sweet toddy is allowed without any restriction, the Excise Commissioner stated that the admixture of sweet toddy with fermented toddy is commonly indulged in and that as this malpractice is gradually suppressed there would be a corresponding increase in the number of trees licensed for fermented toddy. He therefore said that it would not be possible to restrict the number of trees licensed in these areas as a large margin for increase would have to be allowed in this case.

35. In view of what the Excise Commissioner has stated, the Committee are of opinion that the proposal with regard to the reduction of trees by 2 per cent. need not be pressed, but that a recommendation should be made that in the case of the taluks other than those mentioned by the Excise Commissioner he should see that the number of trees licensed was not increased and that an attempt should be made to reduce the number of trees wherever possible.

36. The Committee recommend that the above proposals should be tried as a tentative measure for a period of five years and that at the end of the period another Committee should be appointed for reviewing the position and making such further recommendations as would accelerate the realisation of the goal of prohibition within a period of at least 25 years.

37. In conclusion the Committee desire to express that they have fully realised the importance and complexity of the problem referred to them for consideration and opinion. It has to be admitted that the question of prohibition occupies the forefront of administrative questions in almost every country in the globe. It has taxed the energies and resources of the greatest statesmen of the world to reach a satisfactory solution. It is a very vexed question bristling with practical difficulties at every step. The Committee have therefore taken considerable pains to study local conditions and recommend measures which in their opinion would bring the problem within workable limits and would ensure the attainment of the object aimed at within a measurable distance of time.

(Subject to my dissenting minute)

Do.

Do.

(Sd.) K. A. KRISHNA AIYANGAR

(Sd.) R. KRISHNA PILLAI

(Sd.) REV FR. VETTIKKAPALLI

(Sd.) M. R. MADHAVA VARIAR

(Sd.) G. PARAMESWARAN PILLAI

(Sd.) W. H. PITT

(Sd.) A. J. VAN ROSS

Appendix I.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHA RAJA
OF TRAVANCORE.

Read again :—

1. Resolution *re*: prohibition of the manufacture and importation of liquor except for medicinal and industrial purposes in the State moved by Mr. M. R. Madhava Variar at the Vrischigom Session of the Legislative Council 1098, and the report of the discussion thereon.

Read also :—

2. Letter R. O. C. No. 272/23/ Development, dated the 11th April 1923, to the Excise Commissioner.

3. Letter No. 1623/A. 653, dated the 19th September 1923, from the Excise Commissioner and the memorandum attached thereto.

In moving the resolution Mr. Madhava Variar referred to the Abkari policy of Government as laid down in the speech of the late Mr. Thanu Pillai, who piloted the Abkari Regulation (IV of 1074) through the Legislative Council, and the Dewan's reply to the representation made by Mr. Subrahmanya Karayalar at the 18th Session of the Sri Mulam Popular Assembly. He stated that, on both these occasions, the Government pronounced themselves emphatically in favour of promotion of temperance by gradual prohibition.

The discussion that followed elicited the fact that there is a volume of non-official opinion in the State in favour of gradual prohibition. The resolution was however withdrawn on the assurance given on behalf of Government that the principle of gradual prohibition would be accepted and that the Excise Commissioner would place a scheme before Government for examination and acceptance as far as it could be accepted.

Another resolution was also brought forward by Mr. G. Parameswaran Pillai at the last Session of the Legislative Council to the effect that a Committee be appointed to examine the Abkari policy of Government with special reference to the introduction of the principle of local option. On the assurance given that the Government would appoint a committee to deal with these questions, Mr. Parameswaran Pillai withdrew his resolution.

The scheme referred to has been received and perused.

ORDER THEREON R. O. C. No. 272/23/DEVELOPMENT, DATED TRIVANDRUM, THE 16TH NOVEMBER 1923.

Government have considered the scheme submitted by Mr. Van Ross. They are of opinion that the scheme should be examined by a mixed committee of official and non-official members of the Legislative Council. They accordingly nominate the following gentlemen to serve on the Committee.

1. M. R. Ry., R. Krishna Pillai Avl., B. A & B. L., Chief Secretary to Government.
2. A. J. Van Ross Esq., Excise Commissioner.
3. W. H. Pitt Esq., Commissioner of Police.
4. M. R. Ry., RAO BAHADUR K. A. Krishna Aiyangar Avl., B. A & B. L., Deputy President, Legislative Council.
5. M. R. Ry., G. Parameswaran Pillai Avl., B. A & B. L., Member, Legislative Council.
6. M. R. Ry., M. R. Madhava Variar Avl., B. A., L. L. B., Member, Legislative Council.
7. REV. FR. Vettikkapalli, Member, Legislative Council.

Mr. K. A. Krishna Aiyangar, Deputy President, Legislative Council, will be the President of the Committee, and Mr. A. J. Van Ross, Excise Commissioner, Convener.

The Committee should examine the proposals made by the Excise Commissioner and submit a report to Government within two months from this date as to how far the proposals should conduce to the realisation of the policy of Government of promotion of temperance by gradual prohibition etc. The Committee is at liberty to suggest other measures, if any, which in its opinion would secure the object aimed at.

(By order)

R. KRISHNA PILLAI,
Chief Secretary to Government.

To

The Gazette
The Members referred to
The Excise Commissioner
The Press Room
The Account officer.

Appendix II.

No. 1623/a 653.

Excise Commissioner's Office,
Trivandrum, 19-9-23/3-2-99.

From

A. J. VAN ROSS Esq.,
EXCISE COMMISSIONER,
TRAVANCORE.

To

THE CHIEF SECRETARY TO GOVERNMENT.

Sir,

With reference to your Letter R. C. C. No. 272/23/Development, dated 11th April 1923, drawing my attention to the resolution of Mr. M. R. Madhava Variar in the first session of the Legislative Council *re.* the prohibition of the manufacture and importation of liquor and my undertaking to suggest measures for minimising the drink evil, I have the honour to submit herewith a memorandum containing my proposals and request that Government will be pleased to pass early orders on the same so that I may be able to incorporate the changes ordered in the auction sale notices of the biennial contract beginning with 1100. As the notices have to be published not later than the end of Makaram 1099, I request that the orders of Government may reach me at least in the first week of that month.

I may add that the question was fully discussed at a conference of the Assistant Excise Commissioners of the Department and the proposals now made are a result of our joint deliberations.

I have etc.,
A. J. VAN ROSS,
Excise Commissioner.

MEMORANDUM.

In the first session of the Travancore Legislative Council of 1098, Mr. M. R. Madhava Variar moved a resolution recommending to Government "that the manufacture and importation of liquor be completely prohibited except for medicinal and industrial purposes." This resolution was discussed at length by the Council and in the end I made the following undertaking :—

"As regards the resolution I have said that I am in sympathy with it. The Government have also laid down their policy which is well-known to the members. There will be no going back on that policy. All that I wished to impress upon the House was the impracticability of introducing prohibition all at once. Now that the view seems to be that immediate prohibition was not what the resolution aimed at, but a gradual realisation of it, I find that I can agree to that. I have endeavoured to show to the House the practical difficulties in the way of any sudden drastic measures. That will only bring on a great recrudescence of illicit practices and defeat the object in view. We ought to go somewhat slowly, but steadily towards our goal. This agreed, I shall give the valuable suggestions of the House my serious consideration and formulate a practical scheme." In view of this undertaking the member withdrew his resolution:

Reference was made during the course of the debate to the policy of the Government as enunciated by the Dewan in reply to the representations of Mr. S. Subrahmanya Karayalar, Member, Shencottah taluk, at the 18th Session of the Sri Mulam Popular Assembly. The Dewan said as follows :—

"In regard to the Abkari policy of Government or the drink policy as you call it, the Government are at one with you in the view, that drink should be gradually abolished and that the revenue from abkari should disappear eventually. Whether all abkari taxation should be abolished at one stroke, or whether it should be effected gradually is the question. It is a very important question, and is one which has not yet been solved in other places. The question is one which teems with difficulties. If you abolish the abkari tax, it does not follow that you abolish drinking. Illicit drinking is bound to come into existence, if that is done. However, Government are entirely in agreement with you in thinking that abkari revenue should not be a source of profit, and in course of time that revenue should disappear and I have no doubt in regard to it whatever. The staying power of the people and the resources of the Government will increase with the abolition of the drink evil, but any sudden or drastic measures cannot but be disastrous." (*Vide* page 45 of the printed proceedings of the 18th Session of the Assembly.)

2. A study of the policy of the Excise Department since its re-organisation in 1082 will show that the policy enunciated by the Dewan is not at variance with that of the Excise Department. The activities of the Department on suppressing malpractices relating to liquor, the gradual reduction in the number of liquor shops, the steady increase of the duty on liquor, the various restrictions placed on the sale of liquor as embodied in the conditions of the license issued to the shop-keepers—these are all measures calculated to minimise the drink evil. As already pointed out in my speech in connection with Mr. Madhava Variar's resolution, the number of shops both arrack and toddy was reduced from 5,209 in 1084 to 2,022 in 1098, *i. e.*, by 61 per cent. The duty on jaggery arrack was raised from Bh. Rs. 2-8-0 in 1086 to Bh. Rs. 3-12-0 per proof gallon in 1097, *i. e.*, by 50 per cent. The duty on coconut toddy arrack which was Bh. Rs. 3-2-0 is now Bh. Rs. 6-4-0 per proof gallon, *i. e.*, an increase of 100 per cent. The tax on toddy, *i. e.*, the tree tax was increased as follows :—

- Palmyra trees by 25 per cent.
- Cocconut trees by 60 per cent. and
- Sago palm trees by 100 per cent.

The issue strength of arrack was reduced from 20° and 30° U. P. to 25° and 35° U. P.

3. Thus the policy of the Department has been to steadily reduce the facilities for obtaining intoxicating liquor both licit and illicit; for while the suppression of illicit manufacture is calculated to prevent cheap illicit liquor from reaching the drinking population, the restriction in the number of licensed shops and the steadily increasing pressure of the liquor duties are, on the other hand, intended to make it increasingly inconvenient and expensive to obtain licit liquor.

4. This policy of the Department is one that takes the line of least resistance and therefore gives the greatest promise of actual success. It avoids any direct coercive measures. To force the people in the matter of drink has been found from experience to be the surest method of stiffening their back and strengthening their desire to persist in the evil. If we in Travancore drive the people to take up this unfortunate attitude all hopes of weaning them from the drink habit would be lost. Travancore is a place which offers the greatest facility to obtain intoxicating drinks. The abundant growth of the palm trees from one end of the State to the other, the isolated location of houses and the consequent difficulty of maintaining an effective check on malpractices, offer every opportunity to the illicit manufacturer to ply his trade. The attempts made in several countries to use coercive measures have met with very doubtful results. In Travancore it would be worse. The Hon'ble Mr. Patro states thus:—

“As to its practicability in India there can be less difficulty in arriving at a decision. It is quite clear that in the most advanced countries the success of prohibition needs the steady pressure of enlightened public opinion. Another essential is a respect for law and the presence or absence of facilities for illicit manufacture will be a large factor. Here respect for law has been considerably disturbed by the non-co-operators, and while in the irrigated districts a large proportion of the population can draw toddy in their own back-yards, in other areas like the Ceded Districts illicit distillation is already so common that a law prohibiting licit sale, it is feared, would merely mean the transfer of the whole of the trade to the illicit distillers. Then again, a prohibition law is useless unless the State is prepared to enforce such a law. This implies the upkeep of a large and expensive staff with no corresponding revenue to meet this cost. If prohibition is to be complete, it implies giving power to the staff to enter and search private houses in search of liquor. It is doubtful how far the public will submit to such an extreme measure. There can be little doubt, whatever view is taken as to its propriety, that prohibition is not a practicable proposition in Madras at present.”

The policy of the Department on the other hand has been framed on very sound lines. It is based on a careful study of human nature and relies on the force of economic law. In proportion as the cost of drink increases there would be a natural falling off in the number of drinkers who cannot afford to meet the increasing cost of the drink, and as the facility for obtaining drink diminishes, such of the drinkers who have not become 'habituals' are likely to give up drink and turn total abstainers.

5. If the above policy of the Department is allowed to have free play, it must sooner or later lead to the total extinction of the drink habit in the country. Since a time must come when the steady raising of the liquor tax must result in making liquor so costly as to place it beyond the reach of the ordinary people, and the gradual reduction in the number of shops must end in the total extinction of all the shops in the State.

6. Two essential conditions are, however, needed to enable the Department to forge steadily and rapidly ahead with its policy and it is the absence of these conditions which have acted as a drag on the Department. The two conditions are (1) the effective suppression of malpractices and (2) a thorough awakening among the masses of the population to the evils of the drink habit coupled with a sincere desire on their part to rid themselves of the evil.

7. Of these, the first condition depends to a very great extent upon the second for its successful fulfilment. Malpractices relating to liquor are generally difficult to detect as, except in the case of illicit tapping, they are invariably committed in the

secret recesses of dwelling houses and cannot be discovered by patrol parties unless information is given to them. Such information is very rarely given by the public. Any information that is obtained is now got through the abkari shop-holder or through an enemy of the offender. Not only do the public fail to give information, but they refuse even to go to the help of the department when called upon to do so and frequently act in opposition to the department by rendering active help to the offender. When a case is detected the neighbours more often than not refuse to come forward to stand as *thadistars* to the search list. If they do attest the list, they often swear against the list when they are examined as prosecution witnesses.

8. This unfavourable attitude on the part of the general public is due to their failure to appreciate the evils of the drink habit and to the absence in them of a desire to put down the evils. If only the department received the support of the public in this matter, illicit practices in liquor could be reduced to an absolute minimum within a measureable distance of time and the department would thus be free to press forward rapidly towards its goal of ultimate prohibition. Without this support, the progress must necessarily be slow and unsatisfactory, for it would be futile to withdraw the facility to obtain Government controlled drink, unless we have some assurance at the same time that its place will not be taken up immediately by illicit liquor.

9. From what has been stated above, it will be seen that the effective suppression of the illicit manufacture of liquor is the pivot on which the success of the departmental policy turns and that no effective check on malpractices can be maintained without the steady pressure of enlightened public opinion. At present the awakening among the masses is not very apparent. As stated above, the people are generally very indifferent, and in some places they are actually opposed to any action calculated to check their easy access to drink. The movement for reform so far appears to be confined to a few men of light and leading who are sincerely anxious to see the drink evil eradicated. The movement does not appear to have permeated the mass of the population. I would appeal to these gentlemen to help the department by actual propaganda work on their side. Organised action has to be taken by them to educate the public on the advantages of prohibition and to create a deep and widespread public opinion against the drink habit and against the illicit manufacturer who should be regarded as a real enemy to the country instead of as a friend as is the case at present.

10. In the meanwhile, I shall proceed to state what the department proposes to do to accelerate the pace towards the goal of ultimate prohibition. The first place is naturally given to the effective suppression of the illicit manufacture of liquor, and as a first step in that direction, it is proposed that the work of collection of abkari rentals which is now being done by the departmental officers should be entrusted to the Tahsildars of the Land Revenue Department. This work is not one that properly appertains to the Excise Department. Throughout British India, the Excise Department has nothing to do with the collection of revenue. The work is done in British India and in other Native States by the Land Revenue Department. My predecessor in his letter No. 11930/A. 3679, dated 20-11-93/9-7-18, wrote as follows:—

“During the late administration when the question of entrusting the work of collection of the Excise Department was discussed, I strongly objected to this arrangement on the ground that this important additional work would seriously interfere with the legitimate duties of the Excise Department, *viz.*, the prevention of illicit practices on which depends the maintenance and enhancement of the revenue and an assurance was made to me by the then Dewan that in case this additional work told heavily upon the preventive work of the department the question will again be taken up for consideration. I think the time has come for this question being seriously considered. The major portion of the time of the field staff is now occupied by the collection of revenue and as a natural result, preventive work suffers largely throughout the State”.

The explanation very often given by the Assistant Excise Commissioners for the inadequate out-turn of preventive work is that the field staff has been wholly

occupied with the work of collection. Besides this diversion from their legitimate duties, I find that the retention of the collection work with the field staff has the pernicious effect of subjecting them to the undue influence of the shop-keepers leading to corruption and to the connivance by the officers of malpractices on the part of the shop-keepers who are mainly either by themselves or by their servants or agents the chief offenders against the Abkari Regulation and the Rules. To ensure the successful suppression of malpractices it seems to be essential that this point of contact between the field staff and the shop-keepers resulting in the formation of undesirable obligations on both sides should not be allowed to continue any further. The conference by a majority of one was of opinion that this work should be transferred to the Land Revenue Department in the interests of field work and that now that the Tahsildars have been divested of their Devaswom and Magisterial functions there should be no objection to this work being transferred to them. It is not proposed to entrust them with anything more than the actual collection work of the abkari rentals. The auction sale of shops will remain with the department as at present. With regard to the coercive steps that may have to be taken by the Tahsildars in connection with the collection of rentals, the final act of putting up a defaulter's shop to resale should be done only under the orders of the Excise Commissioner, the resale itself when ordered, being conducted by the Excise Division Officer helped by the Tahsildar. Out of the nine Assistant Excise Commissioners present at the conference, four were against this proposal. It was apprehended that the collection work would suffer appreciably when done by the Land Revenue Department and that the high percentage of collection now maintained by the department would not be kept up. I shall quote the views of one of the Assistant Excise Commissioners which fairly represent the objections of the other officers also. "I may state at the outset that I am not in favour of the proposal to transfer the work of collection of abkari revenue to the Land Revenue Department. The system of administration followed in Travancore not only in regard to the Excise Department but in regard to other departments as well, does not permit the work of one department being transferred to another. The Madras system cannot therefore be followed in Travancore. The British Collector is the Head of the District in regard to every Revenue Department so that it is easy for him to get the work of one department done by another. For the same reason the power given to him to conduct abkari auction every year does not seriously prejudice the revenue. It follows that as the Collector is the Head of the District so far as Land Revenue and Abkari Revenue are concerned, he has the facility to get the work of collection of Abkari Revenue done by the Land Revenue Department. I would invite your attention to page 134 of the Madras Excise Manual wherein the system is explained in the following words:—

"Collectors are generally responsible for the Excise administration of their Districts, though relieved of preventive work by the officers of the Salt, Abkari and Customs Departments who are in other respects their Assistants for Abkari and Opium purposes. It is the duty of the Collector to watch closely the working of the schemes, introduced with the approval of Government and to give the Commissioner and his subordinates the benefit of their local knowledge. For the prompt collection of revenue they are solely responsible."

"The Indian Excise Commission have stated their opinion on this system as follows:—"The Committee are fully agreed with the local Governments that it is above all things necessary to maintain the authority and secure co-operation of the Collector." It is stated that "the difference between a *darogha* wandering in forlorn obscurity from shop to shop with his little retinue of peons and a *darogha* in touch with Tahsildars, Deputy Inspectors of Police, Revenue *gardawars* and *patwaris* and accompanied or met by *zaildars* and local notables is the difference between weakness and strength and it is the word of the District authorities which makes that difference. On account of the status of the Collector and on account of the age of the system it may work well in British India. It is not so the case in Travancore where just the opposite process has been gone through. The functions were combined before the formation of the Excise Department and it was only a few

years ago that we broke off from the Land Revenue Department, because it was found that combination of functions was impossible. The work of each department is exclusive and is controlled and administered by an officer co-ordinate in status to the heads of other departments. There is no inter-relation or even sympathy of one department to another and it is not therefore possible to get the work of one department done by another with any degree of efficiency. The work of collection, if it should be transferred, should be entrusted to the Tahsildars and Proverthikars. The Excise Commissioners has absolutely no control over them, and he cannot secure efficiency in the work of collection. The Dewan Peishkars are certain, under existing conditions, not to evince the least interest in the work. Their hands are always full and they cannot be expected to find the time for or evince the necessary interest in the work or to bear the responsibility connected therewith. No amount of pressure from Government can secure the requisite efficiency in this direction so long as each department is worked exclusive of the other. To bring home the truth of this observation, I need only cite the instance of punishments in Excise cases by the Magistracy. The department has been pressing on the attention of Government year after year during the past 10 years, the inadequacy of punishments in Excise cases and the Government have in their turn been drawing the attention of District Magistrates to it. And yet it is seen that there is no striking improvement in the punishments awarded, because the District Magistrates do not evince any sympathy for the work of the Excise Department or do not bestow any serious attention to the work of checking the punishments as per orders of Government. * *

I do not in the least blame the officers. The indifference now seen is a defect of the system. Excise revenue is credited to a different major head and this takes away their interest in the work and there is nobody to question their action. As it is, the work of collection is very satisfactorily done by the officers of the Department as the percentage of collection is generally above 99 per cent. every year. The percentage is certain to go down if the transfer is effected, and at the end of the year there will be heavy arrears. There is no use to expect the Tahsildars to show good work as there are no satisfactory means of making them feel their responsibility. The very first answer to a poor or unsatisfactory collection in any year will be that the rental is unduly high and out of proportion to the value of the shop and that the men are all of doubtful solvency—a plea intended to shift responsibility. As the revenue goes to the credit of the Excise Department, it is certain to see to its own interests in selecting purchasers. But still, the plea will be put forward. * *

“It may be said that preventive work by a department burdened with the collection of revenue can at best be only a compromise. This view, in my humble opinion, is based upon an erroneous conception of the true functions of the Department. The function of the Department is not to make revenue somehow as by allowing illicit practices. I conceive it to be far higher and nobler. It is not impossible for an Excise officer to keep always the ideal before him and work up to it. If he acts otherwise, he forgets the ideal, he forgets himself and he forgets the department. If he is strict and stringent, there is nothing in his conduct inconsistent with the interests of the department. I cannot possibly bring to mind anything in the present working of the department which clashes with the ideal. No responsible officer knowingly allows illicit practice of any kind and the compromise, if any, is only in the collection in time, which does not in the least appear objectionable.”

“No doubt this work falls heavily on the department and prejudices other important work, but it is a work that cannot be shirked or shunted in the present condition of the department for reasons mentioned above. It is the function of the department and cannot be shifted to other shoulders.”

Another officer states thus:—“The transfer will cut at the root of development. In all cases of difficulties in the matter of collecting the revenue the plea will be that the business is a losing concern and the party has no means to pay the dues thus holding up the officer who sold the shop and the officer of the area to blame in the matter.”

It is true that there is some force in these objections. Tahsildars are likely to put forward the excuse for bad collection work, that the rentals of the shops were too high, and that owing to prevalence of malpractices the shop-keepers were losing and could not pay. It is also true that, since the Excise Commissioner has no control over the Tahsildars, it would not be possible for him to extract good collection work out of them and that it is not always practicable for him to keep reporting about the Tahsildars to Government for bad work. It may also be stated that if these rentals are not collected during the subsistence of the contract, it will in many cases be impossible to collect the money subsequently, since many of the shop-keepers will be found to have no property to be proceeded against. It is true that shops are given only to men who have property in their name and that the Tahsildar and the Proverthikar who are present at the auction give advice as to the solvency of the men, but the production of documents evidencing the possession of property is found to be a broken reed to lean upon. In a great number of cases, it transpires afterwards that the property is heavily encumbered or has been disposed of and that the shop-holder has no property to be proceeded against. These are real difficulties. But, after all, the Tahsildars are responsible officers and when the work is entrusted to them, I expect that they will realise their responsibility and discharge their duty efficiently. In view of the importance of relieving the field staff in order that they may concentrate attention in the suppression of the illicit manufacture of liquor, I would recommend that the transfer of collection work to the Tahsildars may be tried as a tentative measure for a period of two years.

11. Another step which is proposed but on which, unlike the previous one, the conference has unanimously expressed itself is the pressing necessity of awarding deterrent punishments to abkari offenders who have been brought to conviction. The infliction of deterrent punishments which will compel the offenders to realise that their game is not worth the candle, will be of very material help in suppressing malpractices. At present the punishments inflicted are mostly nominal and serve only to encourage the offenders to pursue their illicit trade. Magistrates should not be deterred by consideration of expenditure under "dieting of prisoners" in the matter of fixing punishments. The money spent in deterring offenders from plying their illicit trade and thus preventing cheap and deleterious liquor from reaching the drinking population, will be money well spent. If Magistracy would enter into the spirit of the Government policy in this matter and put down with a heavy hand all offences against the Abkari laws in the State, they would be helping forward the scheme towards ultimate prohibition.

12. Another proposal to accelerate the suppression of malpractices is that rewards should be granted to all officers of and below the grade of Inspectors and to informants who have been instrumental in the detection of cases. The conference is strongly of opinion that as the suppression of malpractices plays such an important part in the scheme for the ultimate realisation of prohibition, nothing should be left undone which will help forward the scheme. They are of opinion that the grant of rewards will be a great incentive both to the officers to detect cases and to members of the public to give information. As stated above, without information many of the graver offences cannot be detected.

In this connection, attention may be drawn to the irregular practice which now exists of crediting to the Judicial Department all fines and confiscations ordered in Abkari cases. This practice, it has been pointed out at the conference, is opposed to section 3 (1) of the Abkari Regulation which runs as follows:—

"Abkari revenue means revenue derived or derivable from any duty, fee, tax, fine or confiscation imposed or ordered under the provisions of this Regulation or any other law for the time being in force relating to liquor or intoxicating drugs." The practice has been brought into force by a High Court circular.

The conference is of opinion that all such fines and confiscations should in future be credited to Abkari revenue and should form a fund for the grant of the rewards. Since fines may not be imposed or realised in many cases, it is proposed that no more than 75 per cent. of the fines realised should be utilised for the grant of rewards. Rules may be framed for this purpose.

12. Simultaneously with the increased activity proposed to be taken in the suppression of malpractices, it is suggested that the following steps may be taken to accelerate the pace towards the goal of ultimate prohibition.

(i) *Location of shops.*—It is proposed that no new toddy or arrack shop should be located anywhere within two furlongs of a market, school house, place of public worship, hospital, factory, public office, railway lines and similar places of public resort. Every opportunity should be taken to make the rule applicable to the existing shops. The question of removing shops from road-sides was considered and the conference was of opinion that it is neither practicable nor desirable to do so. The location of a shop on the road-side is to a great extent a guarantee against the violation of the conditions of the license ; for, the shop being exposed to public view the shop-holder would not have the privacy or convenience favourable for committing breaches of the rules. Further, it is a check upon people resorting to the shop to drink. No one whose social or religious tenet is against the drink habit, would resort to a shop situated in such a public place. It was therefore decided that road-side shops may be allowed to continue.

(ii) As a rule there should be a distance of not less than half a mile between shop and shop whether toddy or arrack in municipal towns and of one mile in rural areas.

(iii) *Reduction of shops.*—It is proposed that a reduction of 5 per cent. in the total number of arrack and toddy shops in the State should be made at the renewal of each biennial contract. The question of reduction of shops is one beset with difficulties. On the one hand if reasonable facility is not offered to the drinking population, unauthorised sales of both illicit and licit liquor are sure to spring up. These sales being conducted in private houses, it would be difficult to detect them ; on the other hand, a reduction in the number of shops is calculated to concentrate sales in the remaining shops and to create a set of rich shop-holders who would do everything in their power to push forward the sales of liquor. It has been found from experience that the fewness of shops actually increases the consumption of liquor. Mr. Strathie in his note on Excise policy says as follows :—

“Evidence is available to show that the excessive reductions have tended to promote the growth of illicit practices.....Apart from this it has been contended that the paucity of shops is now actually increasing consumption. Shops are now more in the hands of rich capitalists who employ others to drink them. This has led to a system of hawking in many large towns. Again, the absence of shops within reasonable distance of home is alleged to have led many men to purchase a full bottle at a time. Instead of going to the arrack shop and buying their one drink a day, they stay at home and consume more. One Inspector has reported that the presence of a bottle of arrack in the house has led many a man's wife and son to develop a taste for alcohol which they might not have done if the drink had never been brought nearer to them ; and lastly it has been contended that the increased size of the shops has the tendency to make those who frequent them drink more owing to the effects of a crowd and the examples of others drinking to excess.” Hence the reduction of shops has to be done with great circumspection and the conference is of opinion that not more than 5 per cent. can be attempted at present with safety and without defeating the object aimed at.

(iv) *The hours of sale.*—The question was carefully discussed at the conference and it was found that in view of local conditions the existing rule requiring the closure of shops at 8 P. M. does not call for modification at present. Steps will be taken however to see that the rule is strictly enforced.

(v) *Sale of liquor at fairs and festivals.*—At present an occasional license is granted by the Excise Commissioner for the sale of liquor at fairs and festivals on the recommendation of the Assistant Excise Commissioners. It is now proposed that ordinarily no such license should be granted, but the Excise Commissioner should use his discretion in the case of large fairs and festivals occurring near the frontier

and in the case of harvesting operations in extensive *puncha padams*. The conference was of opinion that when fairs and festivals occur away from the frontier it would be possible for the field staff to prevent any supplies of liquor being brought to such gatherings, but it would not be possible to do so when the gathering occurs at a place one side of which is under the control of another State, such as the Sivarathri festival at Alwaye and the Church festival at Malayattur. If in these and similar places some facility is not allowed for the sale of licit liquor, the result would be that illicit liquor from the adjoining State would be consumed and the benefit intended would not be secured.

(vi) *Local option*.—Another method of checking the drink evil especially in towns is the grant of local option. On this question, the Hon'ble Mr. A. P. Patro states as follows :—

“The next stage is local option which has been defined as prohibition in its more logical form. This definition, however, has been found to be somewhat fallacious in practice. Logically it may be desirable that the people of a neighbourhood should say whether they will have drink shops or not. But the practical effect of such logical dealing with the question has been found to be that the neighbourhoods where drunkenness does not prevail are ready to prohibit in order to keep themselves respectable, while those where drunkenness does prevail are ready to retain their shops, with the result that the evil is only intensified where it exists. Again, the existence of “dry” and “wet” areas side by side creates a problem which it is very difficult to solve; either transport from the “wet” to the “dry” areas has to be prohibited and a staff maintained to enforce prohibition or in spite of the closure of shops, liquor will be freely obtainable from neighbouring areas. Even if this system had proved successful where it has been tried, it is very doubtful whether it could be made a practical success in Madras for the reason that this system again needs a large educated electorate which does not yet exist in this Presidency. In this connection, I would invite the attention of the Committee to the fact that in Scotland the voters numbered about 50 per cent. of the population, whereas in Madras the voters under the Bill published sometime back amount to about 5 per cent. of the population, being composed very largely of persons who by caste and religion are opposed to the taking of alcoholic liquor.”

Travancore too, it has to be remembered that the voters for the municipal elections number only about 3·8 per cent. of the population in Trivandrum and are composed largely of persons who by caste and religion, are opposed to the taking of alcoholic liquor. Any experiment, therefore, in the matter of local option has to be made with care and discretion. The question has been carefully considered at the conference and it is proposed that local option to the extent of advising the department as to the location and number of shops in the five major municipalities of Nagercoil, Trivandrum, Nilon, Alleppey and Kottayam may be tried as a tentative measure and that for this purpose an Advisory Committee may be formed in each of the municipal areas mentioned above consisting of the Excise Division Officer, the District Superintendent of Police, the local Tahsildar, the President of the Municipality and two elected non-official members of the Municipal Council. The conference is of opinion that the local Excise Division Officer should be the president of the meeting, but I would suggest that the president be elected at each meeting by a majority of votes from among the members of the Committee present and that the Excise Division Officer should act as secretary to the Committee. The secretary shall have power to convene meetings and to co-opt two non-official members representing the classes who do not regard drinking *per se* as a vice. The proposals of the Committee will be of an advisory nature and should be forwarded to the Excise Commissioner not later than the end of Vrischikam of the second year of each contract period. I would further suggest that the Excise Commissioner should forward the proposals of the Committee with his remarks to Government for orders. A new Committee may be formed at each general election of the members of the municipality.

(vii) *Increased taxation*.—The conference was of opinion that the increasing pressure of high taxation should proceed cautiously *pari passu* with the success obtained in the suppression of malpractices. The diminution of illicit manufacture

can be gauged by the increase in the consumption of liquor. It would be an undesirable result if the pressure of high taxation drove the drinking population to increased resort to illicit liquor. It was, therefore, decided that the Excise Commissioner should use his discretion in the matter and should not, by a too rapid increase of taxation, defeat the object in view by stimulating the spread of the illicit manufacture of liquor. The Hon'ble Mr. A. P. Patro, speaking of high taxation states as follows :—

“ If these measures are supplemented by a vigorous campaign against illicit distillation we may see a steady progressive reduction of consumption, while we shall have at the same time the confidence which we cannot have under any other system that the supplies which we are cutting off are not being replaced by equal or larger quantities of spirits far more harmful to the consumers * * Let revenue go by all means as fast as we can replace it, but let our policy of reduction of consumption be one which we can gauge, measure and control and not one which merely looks well on paper and is unworkable in practice.”

In view of the necessity for caution in this matter, it is proposed that at each biennial contract the question should be carefully considered in all its bearings before an increase in the taxation is decided upon.

(viii) The conference also considered the question of checking the consumption of foreign liquor in the State. It was felt that the shops for the retail vend of foreign liquor are attracting young men of the respectable classes who, by their social and religious customs, should be opposed to the drink habit. The practice is growing among these men of frequenting these shops regularly and the conference is strongly of opinion that no time should be lost in checking this evil. Though the retail price of foreign liquor is much higher than that of country spirits, yet the members of the respectable classes prefer resorting to the foreign liquor shop because of the more presentable appearance of these shops. If these retail shops are done away with, it is not likely that the members of the classes referred to would think of resorting to the arrack shops which are at present mean, uninviting in appearance and are chiefly resorted to by the lower and working classes. It is, therefore, proposed that the number of retail shops for the vend of foreign liquor should be considerably reduced and that while in the larger town a shop should be allowed, in the smaller towns no wholesale shops be allowed at all. It was also proposed to reduce the number of wholesale shops to two in the larger towns and to one in other places and to increase the license fee for retail shops in order to make the cost of foreign liquor prohibitive. I would suggest that the fee for a license for retail vend be raised from Bh. Rs. 150, the existing rate, to Bh. Rs. 200 and that the other proposals of the conference with regard to the reduction of shops be accepted. The reduction of wholesale shops can be carried out only carefully since any drastic measure will entail considerable loss on the license holder, the business being one in which large capital is invested and large outstandings have to be realised.

(ix) The conference was also of opinion that it would help considerably in the eradication of the drink habit if the growing generation who attend school are brought up with a full knowledge of the evils of drink and if an abhorrence of the drink habit is engendered in their minds in their early years. To this end the conference suggests that temperance teaching should be adopted in the various schools of the State and that text books in the English and Vernacular containing lessons on the benefits of temperance should be introduced in these schools. Other means, such as stories from the ancient classics of India, charts and pictures showing diagrammatically the effect of temperance and lantern slides, should be employed as in the Madras Presidency for this purpose.

14. I may add that, in this connection, a few remarks are needed regarding the system of disposal of shops by auction sales. The various systems adopted in different countries have been fully considered in Mr. Strathie's note on Excise policy

(Chapter IX); and it will be found that the Auction system is the least objectionable of all and the best suited for local conditions. Mr. Strathie says as follows :—

“ It may be interesting to note at the outset that this auctioning system against which so much abuse is levelled in India to-day has been repeatedly recommended by enlightened temperance reformers for adoption in other countries.”

It has been suggested recently in a newspaper article that the Surcharge system may be introduced here. This system is fully described on pages 92 to 99 of Mr. Strathie's note on Excise policy. The principal features of the system are the selection of vendors by the departmental officers, the fixing of retail selling price in each shop after ascertaining local conditions and the division of the profits of sale between the seller and the Government under a system which gives the renter a reasonable profit per gallon, his rate of profit decreasing as the sales increase, while the Government's share increases in proportion. Mr. Strathie remarks as follows regarding this system :—

“ The Surcharge system is based on a series of assumptions which are bound to make it very inaccurate in actual practice. In the first place, it is assumed that the fixed retail selling prices are adhered to. This is exceedingly doubtful. In the course of the seven years' trial in Bombay, Government found it impossible to enforce the fixed retail selling prices they had laid down. It has always been difficult to fix a retail selling price for any article. If demand is keen, there are always people who will pay a little more to secure the supplies they want. If demand is slack, the shop-keeper will lower the price in order to clear his stocks, and in the liquor trade in particular, apart from the question of adhering to a fixed price, there is invariably scope for dilution or short measure. If such practices exist, the true retail selling price is obscured and all the calculations on which the Surcharge system is based are upset. Similarly, as regards the calculation of the renter's reasonable profit, it has been proved by long experience to be impossible for the most experienced Excise Officer to make a true estimate of any renter's profit. This must vary enormously with the supervision exercised over sales, rent of the building and other incidental to sale and cannot be held to be the same even for two men selling the same quantities of liquor in the same town.”

The system is not one free from some serious defects and is not to be preferred to Auction system.

A. J. VAN ROSS,

Excise Commissioner.

Appendix III.

DISSENTING MINUTE

MR. M. R. MADHAVA VARIAR, B. A., LL. B.

Though I am glad to agree with most of the conclusions of the majority of the Excise Committee appointed for the purpose of considering the ways and means of attaining gradual prohibition I wish to add a note of my own in order to explain why I am led to agree with and differ from the conclusions of the majority. At the outset I may state that I have a serious difference of opinion with regard to the scope and object of the Excise Policy as enunciated by the Government and as adumbrated in the majority report.

THE SCOPE AND OBJECT.

I am under the impression that the Government have most unmistakably enunciated their Excise Policy. I believe that it is an entirely new policy quite at variance with the one now obtaining in Travancore and British India. When I moved a resolution in the Legislative Council that manufacture and sale of liquor should be completely prohibited except for medicinal and industrial purposes, the Government assured the House that the principle of gradual prohibition would be accepted by the Government and a scheme would be prepared by the Excise Commissioner to achieve the object. The Dewan had, long before the discussion of my resolution in the Legislative Council, made a lucid statement in the 18th session of the Sree Mulam Popular Assembly with regard to the drink policy of the Government. It runs thus: "In regard to the Abkari policy of the Government, or the drink policy as you call it, the Government are at one with you in the view that drink should be gradually abolished and the revenue from Abkari should disappear eventually." Later on Mr. G. Parameswaran Pillai moved a resolution in the Legislative Council for the appointment of a committee to examine the Abkari policy of the Government with special reference to the introduction of local option. I believe that by the acceptance of this resolution and by the wide terms of reference to the Committee, the Government have undertaken to examine the whole Abkari policy not only with regard to liquor but also with regard to other intoxicating drugs such as ganja and opium. In this interpretation of the policy I am strengthened by the liberty which the Government have vouchsafed to the Committee to suggest measures other than those mentioned in Mr. Van Ross's scheme, which would secure the object promulgated by the Government. I raised the question in the meeting of the committee that the terms of reference include consideration of the question of gradually prohibiting the use of intoxicating drugs also. Though my suggestion was not overruled by the president, it was unfortunately not taken up for discussion. As gradual prohibition of liquor may drive people to ganja and opium it is not proper to exclude those two intoxicating drugs from the purview of the Committee. I am of opinion that, if the society is to be gradually saved from the pernicious effects of deadly intoxicants, measures have to be devised to reduce the consumption of drugs *pari passu* with that of liquor.

Another circumstance which has induced me to write this note is that Mr. Van Ross has tried to circumscribe the scope of our Excise Policy. In para 2 of Mr. Van Ross's scheme, he says that 'a study of the policy of the Excise Department since its reorganisation in 1082 will show that the policy enunciated by the Dewan is not at variance with that of the Excise Department' and in para 5, he assures us that, 'if the above policy of the department is allowed to have free play, it must sooner or later lead to the total extinction of the drink habit in the country.' I have understood that Government have plainly declared gradual prohibition of intoxicating substances. Gradual prohibition implies the complete prohibition of liquor and drugs within a definite period. I agreed with some of the conclusions of the Committee on the distinct understanding that the Committee should recommend to the Government that at least the next generation of citizens should be brought up in an atmosphere of complete prohibition. The policy which the Government hitherto have pursued and that proposed by Mr. Van Ross is not conducive to this result.

In my view the new policy of Government lays down (1) that manufacture, sale and consumption of liquor and intoxicating drugs should be gradually reduced and within a definite period completely prohibited (2) that the Government are prepared to lose the revenue derived from taxing this vice and (3) that Government will adopt measures conducive to the direct reduction of manufacture, sale and consumption of the above-mentioned intoxicants. Mr. Van Röss and the Government sometimes use the word 'temperance' as a synonym for prohibition. The Dewan in his address to the Popular Assembly in 1099 has made a remark which further clouds the issue. He said that, "with a view to give effect to the policy of gradual *promotion of temperance* foreshadowed by me at the eighteenth session of the Assembly and reiterated by the Excise Commissioner in the Legislative Council on behalf of the Government a scheme was recently formulated by that officer and a committee composed of officials and non-officials has been constituted to examine the scheme and submit suitable proposals." I want to emphasise the fact that by the use of the phrase 'promotion of temperance' in the Dewan's speech it should not be understood that the Government are not pledged to change their policy and attain gradual prohibition within a definite period.

I shall endeavour to show by facts and figures that the policy hitherto pursued by the Government if allowed to have free play, will not lead to total extinction of the drink habit.

THE PRESENT POLICY.

The present policy of the Excise Department is entirely based on that of the neighbouring Madras Presidency. Our end and aim, it seems, is to follow the foot steps of the British Indian Government. The Government of India have declared their drink policy in clear terms thus:—

"The Government of India have no desire to *interfere with the habits of those who use alcohol in moderation*. This is regarded by them as outside the duty of Government and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy however is to minimise temptation to those who do not drink and discourage excesses among those who do and to the furtherance of this policy all considerations of revenue must be absolutely subordinated."

That the Travancore State is also following the same policy will be evident from history of the Excise Department. The Dewan has told the members of the Assembly that "steady efforts have been put forth in recent years to promote the policy of the Excise Department, *viz.*, maximum revenue from minimum consumption by reducing the number of shops, weakening issue strength of liquor and enhancing the still-head duty and tree tax." Prohibition is entirely alien to this policy. Mr. Badrul Hasan who has written a luminous book on "the Drink and the Drug evil in India" comments on this policy thus:—

"It will be noticed that this policy makes no mention of Government's intention of combating the drink-evil or of stopping the drink traffic; instead it has conceived a policy of benevolent toleration—toleration not with the reformer but with the drunkard and the publican." In pursuance to this policy Government of India laid down in 1899 three propositions, *viz.*:—

(1) that any extension of drink habit was to be discouraged;
(2) that taxation was to be as high as possible without encouraging illicit manufacture and vend; and

(3) that subject to these considerations a maximum revenue was to be raised from a minimum consumption of intoxicating liquors. The underlying idea of these propositions is that subject to the consideration of revenue, the Government are willing to minimise the drink habit. Revenue is the paramount consideration of the Government which they will scrupulously safeguard whenever any new method is resorted to. For the fulfilment of the policy above enunciated, the British Government have adopted the following practical measures, *viz.*:—

(1) Conversion of the farming system into independent shop system and of out-still system into the contract distillery system.

- (2) Imposition of high rate of still-head duty and a high rate of tree-tax.
- (3) Sale of the privileges of vending by auction system which would increase the retail selling price.
- (4) Reduction in the strength of spirit.
- (5) Restriction of the number of shops to reduce temptation.
- (6) Fixing the location of shops.
- (7) Regulation in the hours of sale.
- (8) Restriction in regard to persons to whom liquor should not be sold.
- (9) Fixing the maximum quantity that can be sold to an individual.

These indirect methods were found to be unsatisfactory for the promotion of temperance and after the Reform Act the popular ministers have attempted to change the system and to introduce the principles of rationing and local option.

Though the Excise Department in Travancore has not been able to copy all the practical methods that were adopted in pre-reform days in British India, it is satisfied that an accentuation of its present policy will lead to the complete extinction of drink habit sooner or later. The Excise Commissioner's report does not contain any new suggestion which will lead to the fruition of gradual prohibition. In making suggestions for the attainment of gradual prohibition Mr. Van Ross does not seem to have recognised the importance of the new changes in the excise policy of British India after the Reform Act and he has studiously avoided the mention of the scope and breadth of the present movements in British and Indian India. In the third paragraph of his report Mr. Van Ross has summarised what the Excise Department has been doing to promote the cause of temperance. "Thus the policy of the department has been to steadily reduce the facilities for obtaining intoxicating liquor both licit and illicit; for while the suppression of illicit manufacture is calculated to prevent cheap illicit liquor from reaching the drinking population, the restriction in the number of licensed shops and the steadily increasing pressure of liquor duties are on the other hand intended to make it increasingly inconvenient and expensive to obtain licit liquor." His scheme contains the enumeration of certain additional indirect methods adopted in British India during pre-reform days. The adoption of his scheme will be equivalent to negating the policy of gradual prohibition enunciated by the Travancore Government.

The only one suggestion in his scheme which is indicative of a change in the policy is the five per cent. reduction in the total number of shops at the renewal of each biennial contract. He has himself pointed out the effect of this measure by a quotation from Mr. Strathie's note on Excise policy and by the remark that "it has been found from experience that the fewness of shops actually increases the consumption of liquor." All the other measures which the Excise Commissioner suggests, *viz.*, the location of shops two furlongs away from market, school etc., regulation of the distance of shops, appointment of advisory committees, increase of taxation etc., have been tried elsewhere and here and found wanting. So I am emphatically of opinion that the present policy is not conducive to gradual prohibition. Instead of the indirect methods that we have been pursuing we have to resort to certain direct methods to achieve total prohibition at least within a period of 25 years.

THE RESULT OF THE POLICY.

I shall briefly deal with the results of the present policy. I do not deny the fact that the present policy has recognised the importance of temperance subject to the consideration of finance. But it has never conceived the possibility of temperance in the immediate or distant future. We have never tried to restrict the quantity of consumption. Each shop-keeper is allowed to sell as much liquor as is wanted by the customers. With respect to toddy there is no available figure of the quantity of its manufacture, sale and consumption. In northern taluks of the State each toddy drawer's house is a toddy shop and there is no restriction whatever in the number of trees to be tapped. The history of Excise Administration amply proves that the reduction in the number of shops will not tend to the reduction in the consumption

of liquor. I shall quote the figures showing the number of shops, the quantity of consumption, the number of trees marked in areas where independent system prevails.

No. of shops.	1086	1089	1092	1095	1097	1098
1. Toddy	1,351	1,704	1,550	1,506	1,430	1,375
2. Arrack	619	753	719	677	654	631

Though in recent years there is a marked decrease in the number of shops in Excise area the consumption has not fallen to an appreciable extent. The figures showing consumption of arrack in the state from 1086 onwards will indicate the truth of the statement.

Year.	Proof gallons.	Average sale per shop proof gallons.	Number of shops.
1086	111,597	180	619
1089	139,081	184	753
1092	105,793	147	719
1093	95,122	132	719
1094	130,238	192	677
1095	160,631	237	677
1096	153,159	237	656
10 7	114,489	175	654
1098	120,787	191	631

These figures reveal two facts, viz., (1) that consumption of arrack is not reduced by the fewness of shops and (2) that average sales per shop are not diminishing even when the number is reduced and duty is increased. In 1096 the rate of still-head duty per proof gallon of jaggery arrack was increased from Rs. 3 as. 2 to Rs. 3 as. 12 and that of coconut toddy arrack from Rs. 5 as. 10 to Rs. 6 as. 4 and prices also were considerably increased. High licensing had not the effect of reducing the drink appreciably. Even if there is a reduction in licit consumption it is entirely due to economic causes and illicit manufacture.

The number of trees being tapped has also increased *pari-passu* with the reduction of number of shops.

Year.	Coconut trees.	Palmyra.	Sago.	Total.
1086	30,666	12,109	1,332	44,107
1089	44,525	12,394	4,355	61,274
1092	48,616	12,041	7,875	68,532
1095	58,982	9,342	13,204	81,528
1097	56,003	11,783	16,068	83,851
1098	46,855	11,155	14,066	72,076

In 1091 the late Excise Commissioner Mr. Raman Pillai recorded his opinion that more trees are tapped than are actually wanted for the shops. Though the number of shops is reduced there is no attempt on the part of the Excise Department to reduce consumption. The number of trees I have given does not include those in the farming area where tappers are allowed to tap as many trees as possible. On the 26th of April 1916 Mr. Raman Pillai wrote thus :—

“ It has been a noteworthy feature of the Abkari administration in many of the ranges that an adequate proportion is not maintained between toddy shop rentals and the number of trees marked for each shop. Toddy shop licensees, on being asked to explain, always ascribe the above inequality to the constant compulsion

that is being brought to bear on them by the Range Officers to apply for the licensing of more trees than are actually wanted for their shops. In some cases Inspectors have admitted to the undersigned that, with a view to obtain as large a revenue under the tree tax as possible they have been persuading toddy shop-keepers to apply for the marking of more trees than what the shop-keepers would willingly go in for....
 The action of the Range Officer in compelling a shop-keeper to apply for the marking of more trees than the necessities of the shop would justify, naturally results in the manufacture of a large surplus stock of toddy which not infrequently is turned into illicit arrack. In ranges where such compulsion is resorted to, almost every toddy shop-keeper is indirectly encouraged to be a distiller, the consumption of licit arrack is as a rule kept down, every tapper becomes an unlicensed seller and toddy shop-holders are generally driven to the adoption of all sorts of devices to obtain an interest in the nearest arrack shops." In 1091 when Mr. Raman Pillai made these remarks there were 1,549 toddy shops and the number of trees marked was 66,181. In 1097 when there are only 1,430 toddy shops the number of trees marked is 83,851. These figures also show that the reduction in the number of shops is not conducive to the reduction of consumption and that a large surplus stock of toddy is manufactured which not infrequently will be turned into illicit arrack. Though rates of tree tax per half year per cocoanut tree was raised from Re. 1 as. 2 to Re. 1 as. 4 per palmyra tree from Rs. 2 to Rs. 2 as. 8, per sago palm, from Rs. 3 to Rs. 4 in 1096 the number of trees marked has increased. It is noteworthy that there is a phenomenal increase in the number of sago palms marked which yield the largest quantity of toddy though tax on it was increased by Re. 1 in 1096. This fact also shows that increased taxation will not lead to extinction of drink habit.

Though consumption can be moderately restricted by increased taxation that in itself will not solve the problem of prohibition. It will be quite apposite to quote the memorable words of Lord Chesterfield uttered in the House of Lords in 1743 against the British Excise and License Revenue derived from drink.

"Luxury, my Lords, is to be taxed but vice must be prohibited. Let the difficulties in executing the law be what they will. Will you lay a tax on the breaches of the commandments? Would not such a tax be wicked and scandalous because it would imply an indulgence to all those who would pay the tax? This Bill to license liquor-shops for the sake of revenue contains the conditions on which the people are to be allowed henceforth to riot in debauchery licensed by law and countenanced by the Magistrates. For there is no doubt but those in authority will be directed by their masters to assist in their design to encourage the consumption of that liquor from which such large revenues are expected. When I consider, my Lords, the tendency of the Bill, I find it only for the propagation of disease, the suppression of industry and the destruction of mankind. I find it the most fatal engine that was ever pointed at a people, an engine by which all those who are not killed will be disabled, and those who preserve their wits will be deprived of their senses."

I have quoted this remarkable speech to show that Government have organised this vice for revenue and that by high licensing it will be possible to enhance the revenue and not to reduce the consumption.

I am glad to note that quantity of foreign liquor consumed is decreasing.

Year.	Wholesale license.	Retail.	Permit.	Quantity consumed.
1086	40	20	234	26043
1089	41	16	281	36621
1092	43	23	180	19755
1095	38	19	252	19042
1097	46	19	181	15563
1098	45	15	184	15926

Though there is a decrease in consumption the Excise Department has not taken the opportunity to reduce the number of wholesale and retail licenses.

With regard to opium and ganja though the number of shops is reduced the quantity has not gone down very much.

Years.	No. of shops.	Ganja quantity. Srs.	Opium. Srs.	Average sale per shop.	
				Garja.	Opium.
1092	241	4893	5031	20	21
1093	216	5453	5492	25	25
1094	216	4933	5241	22	24
1095	155	5462	5418	35	35
1096	155	4408	8285	28	34
1097	141	2643	8063	18	35
1098	141	2298	4703		

Reduction of the number of ganja and opium shops in 1098 only led to an increase in consumption *in toto* and in each shop. An examination of the present policy has convinced me that the continuation of it will not reduce the consumption of either licit or illicit liquor or intoxicating drugs.

THE MOVEMENT OUTSIDE.

Almost all the Provincial Governments in British India have felt that the present policy is not sufficiently progressive. The Minister for Excise in Bombay has admitted that the reduction of shops, limitation of hours and the weakening of liquor are inadequate in the present situation and that more drastic measures would be required to suppress the drink evil. In a letter written to the July number of 'Abkari' last year Mr. Chunilal Mehta, the Excise Minister of Bombay stated as follows: "I stated to the Legislative Council and in a speech at Dhulia that the reduction of the number of shops, the limitation of hours, the reduction of the strength of liquor and the making of liquor expensive by means of raising still-head duty and vend fees were the policy of the Government in the past and that I considered that stronger measures were required. I therefore introduced an entirely new element in the policy of dealing with liquor, *viz.*, the direct limitation of consumption, in addition to the indirect checks mentioned above, involved in the new policy of rationing." In Madras, Assam and the Punjab, Local Option Bills were introduced in the Legislative Councils. In Bengal, the auction system has been abolished and in its stead has been substituted what is known as the surcharge system under which a higher licensing fee is charged in proportion to increased sales of particular shops. In the United Provinces, the late Minister Mr. C. Y. Chintamani who is a tried friend of the Temperance cause introduced surcharged system, substantially reduced the hours of sale and constituted licensing Boards in sixteen of the largest municipalities. Sir A. P. Patro means to experiment total prohibition of arrack in some taluks of the Madras Presidency. Some of the Indian States have gone ahead of the British Indian Provinces in the matter of temperance. It was announced in February last year that Her Highness the Begum of Bhopal had decreed the total prohibition of liquor traffic within her State which has a population of over a million ranking next to Hyderabad among the Mahomadan States of India. Hitherto Bhopal had derived a revenue of Rs. 5 lakhs from liquor contracts; but the sacrifice of revenue, it was anticipated, would be fully compensated for by a corresponding improvement in the material condition of the people. The Begum of Bhopal has pursued the policy of Mr. W. E. Gladstone which he enunciated to a deputation of brewers as follows: "Gentlemen, you need not give yourselves any trouble about the revenue. The question of revenue must never stand in the way of needed reforms. Besides, with a sober population not wasting their earnings, I shall know where to obtain the revenue." In Bhavanagar State total prohibition of the manufacture and sale of country spirits has been ordered from 1922 after an experimental period of drastic restriction which resulted in the increased happiness and contentment of the people. The neighbouring State of Palitana also has adopted the same policy. The Rani Saheb of Jaskan

State, Kathiawar has accepted prohibition as a State policy. The principle of local option has been successfully applied in Baroda. The Baroda Legislative Assembly has adopted a resolution in favour of total prohibition in one of the four divisions of the State. Though the Dewan of Baroda was in favour of an amendment that total prohibition should be aimed at by reducing the number of liquor shops by 10 per cent. every year the Legislative Council rejected it by a large majority. Sir Ali Imam proposed prohibition in Hyderabad but it was limited to the capital city owing to the intervention of the British authorities. All these facts go to confirm the remark of the Honourable Mr. V. S. Srinivasa Sastri that "the heart of India is not only committed to temperance but to prohibition." In view of the changes all over the world and in view of the failure of the present policy to achieve the object, the Travancore Government have proposed gradual prohibition of drink.

THE WAYS AND MEANS OF GRADUAL PROHIBITION.

The majority of the Committee including myself have come to the conclusion that limitation of consumption should be in the forefront of any suggestions for attainment of gradual prohibition. Though I am personally of opinion that complete prohibition ought to be proclaimed after 5 years of experimentation as a member of the Committee appointed to consider the ways and means of gradual prohibition, I cannot travel beyond the terms of reference. During the discussion on my resolution in the Legislative Council most of the members emphasised the fact that sufficient time must be given to the Government to adjust their revenue, to temperance workers to prepare the field for prohibition, to drunkards to reform themselves and to shop-keepers and tappers to choose a different profession. I fully believe that within a period of 25 years the policy of complete prohibition can be brought to fruition without any resistance from drunkards and shop-keepers. I have agreed with the majority that consumption of arrack and foreign liquor should be reduced by 2 per cent. every year for five years on two distinct understandings, *viz.*: (1) that prohibition should be effected within 25 years and (2) that after five years the pace of progress will have to be quickened to achieve the object. In addition to the proposals of the majority, I suggest that the number of trees to be marked and the quantity of ganja and opium also must be reduced by 2 per cent. every year for five years and that there must be complete prohibition with regard to those articles also within a period of 25 years.

As the Excise Commissioner differs from the majority with regard to the direct limitation of consumption, I shall briefly explain the methods proposed by the majority including myself.

REDUCTION OF ARRACK CONSUMPTION.

The Committee propose to reduce the consumption of arrack every year by 2 per cent. for 5 years. This is a modified form of the rationing system in Bombay. Mr. Shunmukham Chettiar who was one of the persons deputed by the Madras Government to study the various systems of Excise administration prevalent in different provinces describes the rationing system in Bombay thus :—

"Under the rationing system the quantity of country spirit which each shop is to draw from the warehouse or distillery is fixed by the Government. The quantity of liquor allowed to each shop is arrived at as follows. The year 1920-21 is taken as a normal year in the consumption of country spirits and all the shops are valued on the basis of consumption for that year. From that consumption reduced to proof gallons 10 per cent. is deducted in the cases of shops in the Bombay city and 5 per cent. for shops in other areas to arrive at the ration for the current year. And it is proposed that in each succeeding year the ration allowed to each shop will be 10 per cent. or 5 per cent. less than the quantity allowed in the next preceding year. The obvious result of such a system will therefore be to bring about prohibition of country liquors within 10 years or 20 years as the case may be. The maximum quantity of ration that each shop will thus be entitled to draw in each month of the year is published at the time of the auction so that the bidders may know exactly what quantity they will be entitled to sell in each shop. The quota which each shop is entitled to draw from the warehouse or distillery is fixed

monthly and it is the amount in proof gallons supplied to that shop in the corresponding period of 1920-21 as shown in the warehouse or distillery accounts minus 10 or 5 per cent. as mentioned above. In areas where there are country spirit warehouses weekly supplies are given to shops and in other places supply is monthly. The licensees are allowed to vary their weekly demands according to their requirements provided the monthly ration is not exceeded. It will be thus seen that, for the purpose of fixing the ration, each shop is taken as a unit and the ration is fixed on the basis of consumption in that shop independent of the quantity of liquor consumed in the locality."

The rationing which the majority of the Committee propose is not for every shop. The Committee suggest the reduction of quantity by 2 per cent. for the whole State. The Excise Commissioner has absolute discretion to issue arrack to shops according to the necessities subject to the total quantity fixed. Mr. Strathie who went along with Mr. Shunmukham Chettiar has condemned rationing system in Bombay. The Excise Commissioner chooses to follow Mr. Strathie. The chief difficulties which the rationing system will give rise to according to Mr. Strathie are *viz*:—(1) inadequacy of the ration in certain shops and its superfluity in others (2) increase in the sale of foreign liquor and (3) illicit practices. The two first objections are not applicable to Travancore if the majority report is accepted by the Government. As the Excise Commissioner has absolute discretion to distribute liquor according to necessities of each shop there will be neither inadequacy nor superfluity in any shop. Unlike in Bombay, as the Committee propose to reduce the quantity of foreign liquor by 2 per cent. every year *pari passu* with the reduction of quantity of arrack we need not fear any increase in the sale of foreign liquor.

With regard to increase of illicit practices, I agree with Mr. Shunmukham Chettiar when he says "that the question of illicit practices is inseparably connected with all measures of temperance reform and it is not an incident peculiar to rationing system." The Commissioner of Sind, in discussing about the disadvantages of the rationing system, referred to those of illicit practices as the least of these disadvantages." Temperance Reform cannot be introduced anywhere if we are to be frightened by the bogey of illicit practices. It is the duty of the Excise Department to put down illicit practices as far as possible. The Committee have proposed enhancement of punishments for certain offences with a view to reduce illicit practices to a minimum. I have no doubt that the public will render all help to the Department if the officers are inclined to work sincerely. The bogey of illicit practices cannot certainly stand in the way of Government to effect this much-needed reform. Illicit consumption will be very little compared with licit consumption. To argue that licit consumption which forms 90 per cent. of total consumption should not be reduced for fear of increase in the 10 per cent. of illicit consumption is manifestly illogical. Mr. Vanross has devoted a great deal of attention to this interesting topic of illicit practices. His idea is that if illicit manufacture is suppressed prohibition can be naturally achieved. He does not say how licit consumption can be prohibited without direct reduction. I may be pardoned if I venture to remark that, when he opposes the modified system of rationing which the majority of the Committee have proposed, he is deeply concerned with the problem of Excise revenue. Maximum of revenue and gradual prohibition cannot be reconciled. To show that illicit practices will be very great in Travancore, Mr. Van Ross describes the peculiar condition of the State. He says, "Travancore is a place which offers the greatest facility to obtain intoxicating drinks. The abundant growth of the palm trees from one end of the State to the other, the isolated location of houses and the consequent difficulty of maintaining an effective check on malpractices offer every opportunity to the illicit manufacturer to ply his trade." This is a clear admission of the fact that illicit practices cannot be put a stop to. It is now difficult to change the geographical or topographical features of the country. If illicit practices cannot be put a stop to by the present Excise Department, we will have to put up with illicit practices or to change the methods of administration. The remarks made by Mr. Pussy Foot Johnson, in reply to a question as to whether prohibition laws were not being violated in America, are worth quoting in this connection. He replied: "Yes, they are being violated, and so are

many of our other laws. Our murder laws are being violated and our theft laws are also being violated almost every day. But, then, please do not run away with the notion that we are a nation of criminals; for are not laws being violated in your country? England has had laws against theft for more than a thousand years now and I had not been in England three months when somebody stole my watch. Well, I did not go about demanding the repeal of the English laws against thieving and the substitution of an Excise law in the place of the present prohibition laws. No, friends! I did not go all over England suggesting that the Excise laws on theft should forbid all kinds of legalised thieving between the hours of 11 A. M. and 6 P. M. and that further it should altogether penalise all theft committed on children under sixteen years of age, and that Government should auction licenses to thieves on the explicit policy of a minimum of thieving and the maximum of revenue." When the same question about the difficulty of suppressing illicit distillation was brought to the notice of Mr. Johnson by an Excise officer in a meeting at Karachi, Mr. Johnson gave his experiences of putting down illicit distillation in certain parts of the United States and especially in the Philippines where the natural growth of vegetation and other conditions that lead to facility in illicit distillation were almost like those in India or Travancore and requested the Excise officer to see if some advantage may not be taken of this in dealing with similar problems in India. If Mr. Johnson was able to suppress illicit practices amidst total prohibition I wonder why the Excise Department in Travancore cannot cope with illicit practices when the Committee propose to reduce consumption only by 2 per cent. every year.

In addition to the objections raised by Mr. Strathie certain new objections may be raised. I shall deal with them *seriatim*.

1. The first objection is that it is a coercive measure. One may say that "it leads to local prohibition in certain areas, that is to say, the Department compulsorily deprives certain areas selected by mere chance of the supply of arrack." The system which the majority suggest will not lead to this difficulty unless the Excise Commissioner misuses his discretion. It is true that quantity will have to be reduced in some shops. It may be remarked that "It is a coercive measure and seeks to compel people to give up drink—a method that has met with failure wherever tried." This remark evinces a mentality opposed to all sorts of social prohibition. It will be now too late to question the declaration of the Government that gradual prohibition is to be achieved. Any kind of social prohibition is coercion. But the society has a right to prohibit certain vices. This question was raised by Mrs. Beasant when Mr. Johnson was touring India. She did not contend that prohibition interferes with the liberty of the citizen. But she maintained that preaching of abstinence should be left to the priest. In reply to her Mr. Johnson said: "The most primary duty for every Government is the protection of its weaker citizens against the greed and lust of the stronger and more unscrupulous ones. In fact, to my mind, that is the corner stone on which all honest Governments stand. Well, all Governments with a view to honestly discharging their duties do pass such laws as prohibit greedy people from selling impure milk or rotten meat. As to leaving the whole question to the moral suasion of the priest, I do not underrate the influence of the Church. I would give a most emphatic No; for if you leave this vice to the Church why not leave the other vices too—especially the other vices on which all the religions of the world are unanimously united in condemnation—such for instance as theft and adultery? I only expostulate that, if the State has any right to take these vices in hand and frame laws about them, it has just as much and more right to take the drink evil in hands and frame the law about it too." I think the Government have a right to compel the people to stop this vice at least gradually. If they show any resistance it will have to be put down. The fear of resistance which the Department is entertaining will lead further to illicit practices and general inefficiency.

2. Another objection raised by Mr. Van Ross is that it will lead to jobbery and corruption. I do not think that it is worthwhile to consider this objection as every executive act may be subject to the imputation of corruption and jobbery.

3. Mr. Van Ross also fears that the shop-holder will not be an informer and helper hereafter if rationing system is introduced. At present he says that "the

shop-holder would freely get the supply of arrack required for sale in his shop and as his profits depended upon the sales from his shop he would be on the alert to discover any illicit distiller or smuggler interfering with his custom and give information to the Department to enable the officers to put a stop to malpractices." If rationing system is introduced the Excise Commissioner fears that shop-holder will turn a distiller. Can he not become a distiller now? Is it not illicit distillation more profitable? My impression is that if ration in a particular shop is reduced and if another shop-holder attempts at illicit distillation the neighbouring shop-holder will be vigilant to give information to the officers as the illicit distillation of his neighbours affects his own trade.

4. Mr. Van Ross raises a serious objection to the limitation of quantity as the suppression of illicit liquor may lead to an increase of licit liquor. He also says that growth of population will lead to growth of consumption. As the Committee propose that at least the next generation shall be brought up in an atmosphere of total prohibition the Government should be loath to pander to the vices of the people. Those who take a larger quantity must be persuaded by force of circumstances to reduce their quantity of libation. Mr. Van Ross refers to difficulties of auctioning and the apathy of the field staff consequent on the introduction of rationing system. I do not think that it is possible to realise the difficulties without experiment. If the field staff become apathetic because licit consumption is not increased *pari passu* with the suppression of illicit practices, the only solution is to disband such men from the Department. I have dealt with Mr. Van Ross's objections in detail as his views were expressed during the discussions.

Though I fully accept the rationing system proposed by the majority, I maintain that reduction of arrack and foreign liquor alone will lead to an increase in the consumption of toddy and other intoxicating drugs. Mr. Van Ross says that "if this increase is not allowed the result would be that illicit tapping would be carried on to the detriment of Government Revenue." I agree with Mr. Van Ross that illicit tapping must be prohibited at all costs. But the fear of illicit tapping should not deter us from prohibiting the consumption of toddy which is a deleterious intoxicant. No doubt some people are consuming it believing it to be a food just as adulterated milk and rotten meat are consumed believing them to be wholesome. Mr. Strathie speaks thus about Toddy. "As regards toddy the popular theory that toddy is a comparatively harmless and non-intoxicating drink is entirely false unless the toddy is drunk soon after it is drawn from the tree. When fermentation has proceeded for any length of time toddy contains many acid substances which cause indigestion, diarrhoea, dysentery, rheumatism and gout. While in its fresh state fermented toddy does not contain much alcohol (about 89.4° v. p.) when stale it is a powerful and harmful intoxicant." Generally the toddy sold in shops is fermented and the working classes are affected injuriously by the use of this intoxicant. A Bombay Temperance Council once urged a reduction of taxation of toddy on the ground that it was not an intoxicant but "a wholesome, refreshing and invigorating beverage." Enquiries made by Mr. Jenks the Excise Chemist, to the Government of India, and by Sir Charles Bedford have proved the falsity of these theories. So I propose a reduction of the number of trees to be tapped and the quantity of ganja and opium by 2 per cent. I have clearly pointed out before, that there is a large stock of surplus toddy in the country which not infrequently is turned into illicit arrack. The reduction of the number of trees will help in a great way to suppress malpractices with regard to arrack which is considered to be a more deleterious substance.

Though I have agreed to the 2 per cent. reduction of the quantity of foreign liquor, I have to express my opinion that retail shops should as far as possible be abolished after five years. The career of many young men is now blighted by their resort to fashionable foreign liquor retail shops. Those who use foreign liquor regularly can purchase it from whole sale shops. The Indian Excise Commission recommends the restriction of retail licenses to a narrow limit. They observe that "shops for the consumption of foreign liquor on the premises are not necessary to meet the needs of the bulk of the native drinking population whose ordinary liquor is country spirit or country beer nor for the most part are they wanted for Europeans, Eurasians or Parsi

communities whose requirements are met by other licensees. To the native middle classes who are not usually addicted to taking liquor they afford facilities for acquiring the habit both by encouraging the tendency to imitate western customs in this respect and by their superior attractions, real or fancied, greater respectability, as compared with the country spirit shops." I understand that very few people purchase foreign liquor for medicinal purposes in small quantities; generally people will be inclined to buy at least one bottle for medicinal purposes. So retail shops can be completely abolished in the interest of temperance. The wholesale shops are too many for the State. Though wholesale shops are sanctioned in certain places there is practically no sale in many localities unless retail trade is sanctioned along with the wholesale trade. I suggest wholesale shops except in certain important towns will have to be abolished after five years of experimentation. There is no justification for sanction of shops in rural areas where very few people resort to foreign liquor.

If the scheme adumbrated above with regard to reduction of consumption be accepted, prohibition can be gradually achieved without any kind of serious resistance from any quarters. Mr. Shunmukham Chettiar sums up the advantage of rationing system thus:—

"As a means of attaining the goal of total prohibition, the rationing system has very many distinct advantages. It clears up the position of the Government in relation to liquor traffic by definitely committing them to a policy of total prohibition. By attempting to bring about a gradual decrease in the consumption of liquor it gives time for the formation of that strong public opinion which alone is the surest guarantee of the success of any temperance reform; it gives time for the drinking classes to reconcile themselves to the advent of a day when there will be no drink; it will enable the State to adjust its finance without bringing about any catastrophic change in the financial position which will be the inevitable result of attempting to bring about prohibition by a stroke of the pen. Last but not least, it brings total prohibition within the realm of practical politics and not merely relegate it to the limbo of an unknown future. For, naturally, the consequence of reducing the ration, say, by five per cent. every year, is to bring about total prohibition at the expiry of twenty years."

Transfer of Collection.—I entirely agree with the Excise Commissioner in his opinion that the work of collecting Excise revenue should be transferred to the Land Revenue Department. It is admitted by the Excise Commissioner that out-turn of preventive work is inadequate. He proposes that in any scheme to accelerate the pace towards the goal of ultimate prohibition the first place should be naturally given to the effective suppression of malpractices and the illicit manufacture of liquor. As a first step in that direction his suggestion is that the work of collection of abkari rentals which is now being done by the Departmental officers should be entrusted to the Thasildars of the Land Revenue Department. When this question was discussed and voted upon three voted for and three voted against the suggestion including Mr. Van Ross. The casting vote of the President was against it. For the successful working of the scheme which the Committee submit to the Government, the transfer of collection to the Land Revenue Department is absolutely essential. The Excise Commissioner points out that the field staff is being completely occupied with the work of collection. The officers are generally obsessed with the notion of revenue. They will see that the collection does not suffer on any account. Mr. Van Ross pertinently remarks: "Besides this diversion from their legitimate duties, I find that the retention of the collection work with the field staff has the pernicious effect of subjecting them to the undue influence of the shop-keepers leading to corruption and to the connivance by the officers of malpractices on the part of the shop-keepers who are mainly either by themselves or by their servants or agents the chief offenders against the Abkari Regulation and the rules. To ensure the successful suppression of malpractices it seems to be essential that this point of contact between the field staff and the shop-keepers resulting in the formation of undesirable obligations on both sides should not be allowed to continue any further." If the officers find difficulty to prevent malpractices now when all shop-keepers are given a liberal supply of liquor, I am emphatically of opinion that the field staff should not be burdened with revenue collection hereafter when they have to grapple with more

cases of illicit practices consequent on the direct reduction of liquor consumption. The majority of the Committee have completely overlooked this point and were led to vote against the suggestion by imaginary financial difficulties. The Land Revenue Commissioner, Mr. Robinson, was consulted with regard to the transfer of collection. His three main objections to the proposal are, *viz.*, (1) that the Land Revenue Department is overworked and it cannot find time to do this additional work, (2) that there would be friction and unpleasantness between the two departments, and (3) that transfer will lead to poor collection.

I think that the first objection is not very serious. The Land Revenue Department is recently divested of many duties and the additional duties imposed upon it are not very considerable. In a pakuthi on an average 300 to 400 assessees are now approached by the Land Revenue officers. The number of Excise kist payers will not exceed four or five on an average in a pakuthi. To say that to collect Excise revenue from four more people in a pakuthi is a very difficult task is unbelievable. Moreover the Excise kist payers remit the kist directly to the treasury. What the Proverthikar has to do is simply to remind them of paying their kist and in consequence of non-payment to realise the revenue by coercive measures. The additional work which the Revenue Department will be called upon to undertake will not necessitate the addition of more staff to the Department.

The second objection that there will be friction between the two Departments is rather illusory. The fear is that, if the power of auctioning is vested with the Excise Department, that department may try to increase the rental to an enormous extent and the Land Revenue Department will find it impossible to realise the sum from the shop-keepers. Mr. Robinson himself has admitted that, if the work of disposal of shops is also transferred to his Department, friction can be avoided. If the Government seriously believe in the theory of friction both these functions of auctioning and collecting may be transferred to the Land Revenue Department. If the Excise Department is divested of these two duties, a portion of the Excise staff that does clerical and supervising duties may also be conveniently shifted to the Land Revenue Department.

The third objection, namely, the poor collection of kist also is not acceptable. The shop-keepers have to give an advance of three months kist. On failure of payment shops can be resold. Under these circumstances there will be no arrears. The percentage of land revenue collection is not far below to that of the Excise collection. I shall give the figures for the last seven years.

PERCENTAGE OF COLLECTION.

Year.	Land Revenue.	Excise Department.
1092	99.0	99.82
1093	98.2	99.04
1094	97.9	99.62
1095	98.7	99.55
1096	98.3	99.76
1097	96.2	97.29
1098	97.22	99.57

It must be remembered that the Excise Department has got a special advantage. The number of shop-keepers are very few in comparison with land revenue assessees. The Excise officers are not very strict in enforcing the rules. As Mr. Van Ross has said they will connive at malpractices in order to collect the revenue without difficulty. They afford facilities to the shop-keepers to make money and then they realise the kist.

It is this policy which we try to change. The Excise officers can be forced to do their duty of detection only by the transference of collection to the Land Revenue Department. The majority of the Committee think that the Excise officers will be

inclined to do preventive work when they wander about goading the shop-keepers to pay the kist. So far as the present experience goes, I am led to conclude that they can never detect malpractices on the part of shop-keepers if their intention is to persuade the shop-keepers to pay the kist. So in the interest of the policy of the department which Mr. Van Ross has elucidated and in the interest of prohibition, I will strongly urge the transference of kist collection to the Revenue Department. Moreover, if total prohibition is to be achieved within 25 years, a separate Abkari staff may not be necessary after that period. The Police will be able to detect illicit practices. So even now the Excise Department should be rid of its onerous duties. With the reduction of shops by 5 per cent. at every biennial contract, the work of collection by the Land Revenue Department will be gradually diminishing. I honestly believe that without this reform and decentralisation and organisation of the Excise staff anew most of the suggestions of the Committee cannot be successfully carried out.

System of disposal.—The Excise Commissioner and the majority have recommended the continuance of Auction system. As this system tends to the increase of malpractices I suggest that it may be abolished and the Surcharge system, which is successfully worked in Bengal and United Provinces, may be safely introduced. The adoption of Surcharge system will be more favourable to the introduction of the Rationing system proposed by the majority of the Committee. The Indian Excise Commission have defined the essentials of a good system of disposal as follows:—

“The essentials of the system to be sought for in any such experiment are that it should leave the taxation of liquor to be fixed directly by the Government; that it should secure that the trade is in the hands of respectable and well to do men, who, so long as they abide by the law and rules and are prepared to pay such reasonable fees as may be demanded of them, are secure in the tenure of their privileges during good behaviour; that it should give no artificial stimulus to the vendors' natural inclination to push sales and so increase their profits; that it should secure the co-operation of the licensees with Government establishment in checking breaches of law; that it should not give rise to interests which would cause inconvenience to Government to restrict or get rid of; that it should give the smallest possible opportunity for corruption and jobbery and that it should be effective and easy for Government establishments to work”.

Auction system.—Now there are four systems of disposal in vogue, *viz.*, Auction system, Gothenburg system, Fixed Fee system and the Surcharge system. No single system is sufficient to satisfy all these conditions. The Indian Excise Commission considered in detail the advantages and disadvantages of Auction system and came to a conclusion that disadvantages outweighed advantages. The advantages of this system are, *viz.*:—(1) prevention of vested interests (2) facility for competition (3) avoidance of favoritism and jobbery (4) facility for the ascertainment of the true value of privilege granted and (5) ability to disclose the extent of illicit practices. The arguments against the system are: (1) that the uncertainty of tenure means a shifting set of dishonest, irresponsible licensees, men who have not the character to embark on any regular trade and who take up shops with the deliberate object of making all they can out of them in a short time and (2) that the excitement of the auction room, the desire to keep a shop formerly owned, or to drive out a hated rival or the inducement of zealous Excise officers have often forced up rentals to such a height that the successful bidder cannot possibly make an honest profit. Mr. Badrul Hassan comments on the Auction system thus: “The methods of auctioning licenses is the mother of an undesirable brood of numerous ills. The bidders cannot be expected to stop at the exact figure that will leave a fair margin for profit and the high prices which are realised for these licenses under press of competition undoubtedly lead to manifold illicit practices on the part of license holders. One candid publican who shall be nameless assured me that as a direct result of the high price he paid for the license he had to under-measure his liquors, *i. e.* he cheated all his customers by giving them a less quantity than they had paid for. He assured me that this ruse was commonly practised by all publicans and some of them treated it with water etc.”

I have known from inquiry that Excise Officers themselves are forced to connive at the violation of rules with regard to dilution of liquors, opening of sub-shops, illicit tapping etc. because they too are convinced of the high rentals of some shops. (3) The Auction system leads to loss of revenue because it is impossible to prevent combination entirely. (4) The system involves loss of dignity to Government officers and throws unpleasant work on the staff. As the Rationing system may naturally occasion a loss of revenue the Government ought to take very good care that further unnecessary loss is not incurred by continuing the Auction system.

Surcharge system.—I do not mean to discuss here the advantages and disadvantages of the other systems of disposal except the Surcharge system which I recommend for adoption by the Government.

Surcharge system has been followed in Bengal from 1919. It is working very satisfactorily. The essential features of the system can be briefly described here. The vendors are selected by collectors on the advice of the Excise Department. The Government fix the retail selling price for each shop, consideration being given to the nature of the locality. The price is higher in wealthy and industrial centres. The retail selling price of a gallon is fixed after calculating the cost of supply and the duty. From the general run of traders' profits in a locality and from the experience of past years it is easy to ascertain the reasonable profit which a renter is expected to get. The total margin of profit is divided between the Government and the renter so as to allow the renter a reasonable profit. A peculiar feature of this system is that profit decreases with increase in sales. The Excise Department publishes a table of license fees for each district. The advantages of this system are as follow: (1) It eliminates the gambling element from the trade and makes the vendors' profits more definite and less subject to risk. (2) The gambling element being eliminated, it tends to secure a better class of licensees. (3) It lessens the motive for malpractices. If sales are increased through malpractices, the renter does not secure the whole profit for himself. (4) It enables the Government to keep a very close control over consumption. If at any period of the lease it is found that consumption is increasing all that is necessary is for the Excise Commissioner to raise the fixed retail selling price and the duty. (5) It makes Government's budgeting easier as Government do not have to reckon with the uncertainty of bids at auctions. (6) It secures maximum Government revenue.

The disadvantages of the system are, *viz.*, it involves the selection of renters by somebody either official or non-official giving room for imputation of favoritism and corruption, it creates vested interests, it takes away the help of shop-keepers to the preventive staff and it identifies Government with the trade. With regard to the first objection what I have to say is that imputation of favoritism and corruption exists even now. Even though shops are auctioned, the Excise officers are invested with the power of accepting or rejecting a tender. Most of the auctions held by Government have ended in a kind of selection which are giving room for imputation of corruption. So long as any discretion is vested with executive officers imputation of corruption is not avoidable. I think imputations can be considerably minimised if the selection of renters is left to a licensing board or a body of officers. I think that if proper rules are framed no vested interests which cannot be got rid of by Government will arise. With respect to the third objection my opinion is that shop-keepers will be as vigilant as they are now if illicit practices are resorted to by the people or shop-keepers. The fourth objection is not at all serious. Even now the Government is identified with the trade. In fact, it is the Government who have organised this vice on a gigantic scale. Follow whatever system you like, so long as Government derive revenue from and exercise control over liquor the imputation will remain. The majority of the Committee fear that this system is not workable in Travancore. If the Excise Commissioner finds any difficulty in introducing this system he can depute an officer to study it in all its aspects. In the interest of temperance I recommend this system. If this system is followed, I am sure, malpractices will be considerably reduced.

LOCAL OPTION.

I agreed with the majority of the Committee in opposing the proposal of local option because the Committee proposed the adoption of the Rationing system. As an alternative to Rationing system I am prepared to accept local option with two questions *viz.*, Limitation and Prohibition. I do not discard the principle of local option as thoroughly unsuited to Travancore. My idea of local option is that the voters of any given area will have the right to say whether liquor shops in that area should be increased, diminished or abolished. If the number and location of shops is to be determined by the ballot of the voters, there is no use of fixing the percentage of reduction every year. We must either accept Rationing system or pass a law of local option if prohibition is to be achieved in no distant future. The Punjab Legislative Council passed a resolution asking the Government to lay down the principle of local option with regard to sale of liquors. It was passed with a common official and non-official unanimity and enthusiasm such as has not fallen to the fate of any other resolution. This resolution is to be incorporated into the form of a bill and the Committee appointed by the Government to go into the question has recommended giving municipalities entire power to close three-fourth of the shops by a mere resolution and to close the rest by having a referendum of all registered voters and making 55 per cent. votes in favour necessary for its enforcement and in the case of District Boards one-half of the shops are to be closed by a mere resolution and the rest by a referendum on the same conditions. If Rationing system is not acceptable to Government, I, for my part, shall recommend Local option of the Punjab type. It is sometimes urged that in a country where even the drunkards have no votes, local option should not be enforced. In suppressing a vice, it will be foolish to seek the consent of its devotees.

In addition to the questions raised in the majority report, I wish to make one or two suggestions.

EXPERIMENT.

The aim of the Government being gradual prohibition, Government have to experience the difficulties of prohibition in order to learn and unlearn so many beliefs. The Madras Government mean to enforce prohibition of arrack in Thenkasi. It will be a great help to the Madras Presidency if we also begin prohibition of arrack in Shencottah and other places wherefrom we derive less revenue. A Committee to be appointed five years hence to accelerate the pace of gradual prohibition will derive immense help from an experiment of the kind. So, I earnestly request the Government to associate with the Madras Presidency in the enforcement of prohibition of arrack in one or two frontier taluks.

HONORARY EXCISE OFFICERS.

The Excise Commissioner has complained in his report that the public are not co-operating with him in the promotion of temperance. This may be due to the feeling among the people that the department has not been working in the interest of temperance. I suggest that honest and respectable citizens may be appointed as Honorary Excise Officers to detect illicit tapping and other malpractices and to help the Department in all possible ways. This question was discussed for a long time in the Committee and was shelved without any decision on the merits.

ORGANISATION.

The work of prevention will be more difficult when the department truly aims at prohibition. A thorough overhauling of the department will then be necessary to decentralise the powers now vested in the Excise Commissioner. As the Excise Commissioner is concerned with too many duties, he will not find time to devote greater attention to the work of detection. I wish to suggest the appointment of a corps of C. I. D. with a separate officer to detect illicit practices and to check the work of the ordinary Excise staff.

SUMMARY AND CONCLUSION.

I shall now conclude my minute with a brief summary of what I have suggested. First of all, I am in favour of Rationing system by which the consumption of arrack, toddy and intoxicating drugs should be reduced every year by 2 per cent. for five years. After five years, the progress of prohibition should be accelerated so that complete prohibition can be achieved within a further period of 20 years. My idea in making this recommendation is to see that at least the next generation is brought up in an atmosphere of absolute prohibition. As any scheme of prohibition is likely to increase malpractices, I have recommended the transference of kist collection to the Revenue Department, adoption of the Surcharge system, appointment of honorary Excise Officers, experimentation of prohibition of arrack in a particular locality and decentralisation and organisation of the department. My sincere belief is that the adoption of these measures combined with the other suggestions of the majority will lead to early and successful fruition of the policy of gradual prohibition.

(Sd.) M. R. MADHAVA VARIAR.

Appendix IV.

THE EXCISE COMMITTEE REPORT.

(MINUTE BY MR. G. PARAMESVAREN PILLAI.)

I feel obliged to record this minute as, on some of the most important points, I differ from the views and conclusions of the majority as embodied in the report. One feature in regard to these, which strikes me is the restrictive nature of their scope and operation, as compared with the comparatively progressive proposals of the Excise Department. It is also strange that in some cases the Head of the department has not hesitated to recede in the Committee from the position he took in his memorandum which was forwarded to us for consideration and discussion. The proposals in the memorandum, it may be noted, embody the deliberate opinions of a full conference of the Excise officers with the Commissioner as the President, well conversant with the technique and policy of the Abkari administration. When such a body venture beyond mere departmentalism and endeavours to take a wide outlook of Excise problems in tune with enlightened public opinion, it deserves, in my opinion, to be encouraged in view to the possibility of its gradual expansion and identification with the demands of a thoroughly effective policy directed towards the eradication of the drink habit. But I regret to find the attitude of the Committee too cautious, too much pressed by doubts and inclined to place too great reliance on far fetched analogies. Acting solely on the recommendations of the Committee, I am afraid that the ideal of prohibition will not easily be reached. The report opens with the remark that "the drink problem in India is one of the foremost questions of the day and the leaders throughout India demand that effective measures should be adopted for the eradication of the drink evil." The recommendations of the Committee on some of the most vital matters and the observations on which they are based lead me to doubt whether full recognition has been accorded to the implications in the remark quoted above, to the just discontent and anxiety that are being universally felt as regards the growing drink habit and to the fact that in British India, with the transfer of abkari to popular ministries, the latter are impatient to go forward under the impulse of public demands and with the support of public opinion.

I now proceed to state my views regarding the recommendations of the Committee contained in Chapters III and IV. I entirely dissent from them in respect of the proposals on the subject of Revenue Collection and local option. In the other resolutions of the Committee, I generally agree. However, with reference to (1) increasing the taxation on country liquor, and (2) reducing the supply of arrack by 2 per cent. every year, I wish to discuss some of the statements made in the report and the Commissioner's memo and offer my own observations. This I propose to do while dealing with Chapter III of the report and commenting on the facts and figures given therein and the inferences drawn therefrom.

I. REVENUE COLLECTION WORK.

This subject occupies the foremost place both in the report and the memorandum. To arrive at a correct conclusion on this question, it is material to fully realise the first class importance attached to it. The Excise Commissioner is confident that if the policy of the department now in force is allowed to have free play, it must sooner or later lead to total extinction of the drink habit in the country. To enable the department to forge steadily and rapidly ahead with its policy, he considers two essential conditions necessary. Of these, the first is the effective suppression of malpractices. To achieve this, it is essential, he affirms, that the department should be able to devote its time wholly to it. This again, would be possible only if the collection work is taken away from the department. Accordingly, in formulating his proposals "to accelerate the pace towards the goal of ultimate prohibition," the Commissioner remarks, "the first place is naturally given to the effective suppression of illicit manufacture of liquor, and as a first step in that direction it is proposed that the work of collection of abkari rentals which is now being done by the departmental officers should be entrusted to the Land Revenue department." (Para 10 of the memo.)

One need not entirely agree in the existing abkari policy, nor share in the thoroughgoing optimism of the Commissioner as regards its potentialities before one proceeds to recognise the necessity of rooting out malpractices. This has to be done successfully on any account and in all situations. However, if "the effective suppression of the illicit manufacture of liquor is the pivot on which the success of the departmental policy turns," it is equally true that collection work has the greatest influence on that pivot. It is not difficult to see, therefore, how the answer to the question relating to collection work would bear on the attainment of the goal of prohibition. It follows that the work which so intimately affects the execution of the abkari policy should be so adjusted that it will not in the least hamper the policy in its progress towards fruition. The Commissioner is emphatic in regard to the adjustment to be effected and he gives cogent reasons in support of his proposal. He says "the explanation often given by the Assistant Excise Commissioners for the inadequate out-turn of preventive work is that the field staff has been wholly occupied with the work of collection. Besides this diversion, from their legislative duties, I find that the retention of the collection work with the field staff has the pernicious effect of subjecting them to the undue influence of the shopkeepers leading to corruption and to the connivance by the officers of malpractices on the part of the shopkeepers who are mainly either by themselves or by their servants or agents the chief offenders against the Abkari Regulation and the Rules. To ensure the successful suppression of malpractices, it seems to be essential that this point of contact between the field staff and the shopkeepers resulting in the formation of undesirable obligations on both sides should not be allowed to continue any further. The conference by a majority of one was of opinion that this work should be transferred to the Land Revenue Department in the interests of field work." The Commissioner goes on to state the objections raised by some of his Assistant Excise Commissioners and then observes :—

"It is true that there is some force in these objections. . . . But, after all, the Tahsildars are responsible officers and when the work is entrusted to them, I expect that they will realise their responsibility and discharge their duty efficiently. In view of the importance of relieving the field staff and in order that they may concentrate attention in the suppression of illicit manufacture of liquor, I would recommend that the transfer of collection work to the Tahsildars may be tried as a tentative measure for a period of two years." (Para 10 of the memo.)

I cannot conceive of a stronger condemnation of the existing system than the one depicted by the Head of the Department himself. Whatever its advantages, and they seem little or nothing, a system which allows the exercise by shopkeepers of *undue influence* on the field staff leads to *corruption* and *connivance* of malpractices against law, and finally, results in the formation of *undesirable obligations* on both sides—such a system stands self-condemned. That these evils, than which nothing else can be more powerful to destroy the morale of the department and to reduce the field staff to the position of officially authorised agents of the shopkeepers, in making the most money for these and for themselves out of the abkari contracts,—that these evils are prevalent now is plain from the remarks of the Commissioner. He is positive that the contact between the shopkeepers and the field staff should not be allowed to continue but should be sundered at once.

Nor is he alone in his opinion as to the transfer of the collection work. His predecessor in office, an authority whose views are entitled to the greatest weight, observed as follows as early as 1918 :—

"During the late administration, when the question of entrusting the work of collection of the Excise Department was discussed, I strongly objected to this arrangement on the ground that this important additional work would seriously interfere with the legitimate duties of the Excise Department, viz., the prevention of illicit practices on which depends the maintenance and enhancement of the revenue, and an assurance was made to me by the then Dewan that in case this additional work told heavily upon the preventive work of the department, the question will again be taken up for consideration. I think the time has come for this question being seriously considered. The major portion of the time of the field staff is now occupied

by the collection of revenue and as a natural result preventive work suffers largely throughout the State."

There is no combating these opinions. Before the creation of the Excise Department, the collection was attended to by the Tahsildars, and we are not aware of the reasons on which the work was taken away from them. However, almost from the beginning, the wisdom of having collection work in the Excise Department has been questioned. One significant point may be mentioned here, and that is, the removal of collection work has been urged in the very interests of the revenue about which all seem to be so anxious. The worst apprehensions entertained by the Commissioner are being realised, as the sole effect of the retention policy.

If, then, the stand taken by those who administer the department is irrefragable, and I have no hesitation in affirming that it is so, it is equally undeniable that there is no escape from the solution offered. In these circumstances, it is regrettable to find that the majority report should have reversed the recommendation stuck to the existing arrangement. It is strange, in addition, that Mr. Van Ross himself should have recanted at the last moment and helped to set aside his own proposal. The three non-official members of the Committee voted for the transfer of the work to the Land Revenue Department while the non-official President, the Chief Secretary and the Excise Commissioner voted on the other side. An equality of votes was turned in favour of retention by the casting vote of the President. If the Police Commissioner, also a member of the Committee and who had expressed his agreement with the non-official members, had been present or if Mr. Van Ross had not retraced his steps, the question would have been decided against retention by a majority. I say this because, in reality, the final recommendation of the Committee has not behind it the voice of the majority of the members. That is not immaterial as regards the weight to be given to a most important conclusion arrived at by a casting vote in a meeting not full in attendance at the time. It may be instructive to note here that, in the conference of the Excise Officers, a majority declares itself against retention.

Before proceeding to examine the reasons assigned for continuing the work in the department, I may refer to the practice obtaining elsewhere. The Madras system under which the Collector of the District is charged with the collection of revenue and auction sales is referred to in the memo and the report and commented upon. But the point is, whatever the apparent difference in administrative arrangements between Travancore and Madras may be, the principle underlying the Madras practice is the one that we aim at and ought to govern us, *v.z.*, the Excise Department ought to confine its attention and energy to preventive work and not to collecting revenue as is the case at present. Mr. Van Ross himself says that "throughout British India the Excise Department has nothing to do with the collection of revenue. The work is done in British India and in other Native States by the Land Revenue Department." Mr. Strathie who is often quoted in the report considers that, for the successful working of the independent shop system, collection work and auction should be transferred to another agency. In Mysore, it is the Amildar that is responsible for the punctual collection of the Excise revenue and for realising the full demand of his taluk. The rule on the subject requires him to examine the list of arrears from time to time and take suitable action for their prompt recovery. In Cochin again, the monthly kists of the shop are collected by the taluk authorities and the remittances are regularly ledgered in the shopwar register of kists maintained in the respective taluk offices. I do not multiply instances. None will dispute the Excise Commissioner's statement of fact that collection work is not one that appertains to the Excise Department.

Now, to the reasons advanced for continuing the work as now, I may state at the outset that the Land Revenue Commissioner who was invited and heard on the proposal of transfer was against it, and his attitude appears to have influenced the decision of the Committee. Briefly put, his contention was that he could not undertake the additional work without additional staff, that friction and unpleasantness would arise but may be avoided by taking up also the work of disposal of shops, and lastly that collection work would not be as satisfactory as at present. These reasons,

poor as they are, show that the Land Revenue Commissioner has no objection on principle to taking up collection work and even something more, but only wants some more staff. The fear of his, last mentioned, is just a fear, and to my mind, seems only as much as to say he would like to be saved the work if possible. Here, I may mention that the nature and exceptional facilities for the collection of abkari kists make it a very light work to the taluk authorities, unlike collection of land revenue. As per conditions of the license, the monthly payments are to be made on or before the 10th. The remittances are to be made to the treasuries on chellans issued by the Excise Inspectors. Collection work means thus issuing of chellans and attending to the regular remittance of the kists. The only additional work will be that involved in the maintenance of one or two registers in the taluk offices and a clerk may be needed therefor. But the Excise Commissioner, in his letter No. 11996/A. 4139, dated 24-3-24, says that, till the beginning of 1926, the D. C. L. register was being maintained in the taluk offices and one clerk for each of the thirteen important taluks was sanctioned for this purpose. Though this work has since been transferred, it does not appear that the additional clerks then sanctioned have been disbanded. It may be also noted that the taluk maintained the above register before the Revenue, Devaswom or Magisterial separation was given effect to. From a letter of the Commissioner, I find that seven clerks are deputed in his office to attend to collection and auction, and one or two clerks in each of the Excise Division Offices. When the transfer of kist is effected it must be possible to make a saving in this respect. Further when the question is carefully examined, it should be possible to effect retrenchment in the higher grade of officers by suitable re-adjustment of work. In these circumstances, I cannot understand how the Commissioner says that he could not help the Land Revenue Department in the matter of the small staff, if any, that may be needed. The Committee estimates the additional expenditure at Rs. 45,000 per year but feels that the Government would not be agreeable to incur the additional expenditure. But this feeling is not the result of an enquiry into the position and views of the Government. However, in view of what I have said above, it does not appear to me necessary to examine the estimate. I would, however, add that the Committee which apprehends that additional funds may not be forthcoming, recommends the strengthening of the Excise staff for field work, and expects the necessary money to be supplied by the Government.

In passing, I would interpose a word in regard to the likely friction and unpleasantness, the mutual recriminations and misunderstandings between the Land Revenue and the Excise Departments. It was the fear of this contingency, brought to notice by the Land Revenue Commissioner, that was partly responsible for the Excise Commissioner receding from the originally firm stand he had taken in his memo. Such a contingency as that throws some light on the working of our departments and on the capacity of official brotherliness. It is perhaps a painful irony of the situation over here. It is for the Government to enquire whether the apprehension is well-founded. If it is not so, it should be publicly allayed. If it is so, they should see that it is not allowed to spread but is nipped in the bud. To the public the services are all one, and each is expected to discharge functions devolving on it to the utmost of its ability and not discriminate between them and raise a hue and cry as if a function deliberately assigned to it by the Government is not its own. Further, the likelihood of recriminations and misunderstandings is a revelation that would disturb the public mind and may prove a severe handicap in the requisition for public help and sympathy when needed. In the carrying out of the abkari policy itself the Commissioner calls for help and appeals to men of light and leading for propaganda and organisation. It would be more fitting and effective if the Government first induce cordial co-operation as between their own departments before they proceed to tap public resources in men and advice. I therefore submit that the Government do the needful so that fears such as those referred to may never arise in the future. The interests of discipline, the development of the moral tone of the officers, the promotion of harmony as between the departments so that all may work in unison, in response to the orders of a common head, the Government at—these demand ungrudging loyalty and wholehearted devotion

to whatever work that may be entrusted by the Government. This perhaps is a truism but I cannot help recalling it when the causation of much heat is assured by the official heads themselves when their officers are disturbed in their wonted routine.

Other reasons than those brought forward by the Land Revenue Commissioner have also been urged by the Committee against transfer of collection work. But they were mostly advanced by the Assistant Excise Commissioners and already considered by their superior. There are one or two points however that I would notice. The Committee apprehends that there would be no tendency on the part of the Land Revenue Department to show some laxity in regard to collection, and the consequence will be the ruin of shopkeepers. It is this solicitude for the shopkeeper and the utter laxity on the part of the Excise officers that are responsible for the rampant corruption, the connivance, the mutual obligations etc. etc. It is already very late to put a complete stop to all this. I should surely wish for the rules being rigidly enforced, happen what may to the shopkeeper. Nothing serious will happen, he will only learn to be punctual and virtuous. Is it desirable that the rules are systematically violated and the character and name of the staff sacrificed that the shopkeeper may be accommodated? Again, the apprehension of the Committee that the revenue may go down with the transfer of collection work and the admission of the Excise Commissioner in the Committee that the collection work absorbs almost the whole time of the Inspectors point to the conclusion that the Excise Department appears to have been intended to raise revenue. It is high time that this view is definitely abandoned. The Committee "feel that the inducement for the officers to move about in the range would disappear with the transfer of the collection work. Having to meet the shopkeepers frequently in order to persuade them to pay up kists, the officers will be compelled to move about constantly in the range and would therefore have frequent opportunities for doing detection work. The retention of the collection work with the Excise Department would, however, operate to some extent as a handicap to the field staff in their preventive work as pointed out by the Excise Commissioner in his memorandum. This difficulty should be got over by the strengthening of the field staff whenever necessary." I feel unable to appreciate the argument. If collection work is *retained*, it would handicap preventive work; if it is *taken away*, it would remove all inducements to move out for detective work. That is what it comes to. I may point out that if collection work is transferred, the Excise officers would have no other work to do except that in the field, and they must either move about or sit quite at home and draw their salaries withal. To this I may add the following observation of the Committee. It shows that apart from their final decision, they have not failed to realise the situation. "The Committee see the force of the Excise Commissioner's view that for the successful enforcement of the policy of restriction, it is essential that cheap illicit liquor should not be available to the drinking classes and that this object can be secured only by the effective suppression of the illicit manufacture of the liquors. The proposal to divest the Excise officers of the work of collection will, no doubt, leave them free in many ways to take vigorous and sustained action towards the suppression of malpractices."

From the foregoing it is plain that the reasons for retention of collection work are untenable, that the grounds for transfer are overwhelming and that the objection raised are neither sound nor substantial. Efficiency, expediency and policy alike point only to one solution, viz., removal. I hold this view and regard transfer as the safest and most certain means of accelerating the pace towards prohibition. Along with my non-official colleagues, I would therefore earnestly request the Government to effect the transfer without delay

II. LOCAL OPTION.

In his memorandum, the Excise Commissioner says, "the question has been carefully considered at the conference and it is proposed that local option to the extent of advising the department as to the location and number of shops in the five major municipalities of Nagercoil, Trivandrum, Quilon, Alleppey and Kottayam may be tried as a tentative measure and that for this purpose an advisory

Committee may be formed in each of the municipal areas mentioned above, consisting of the Excise Division Officer, District Superintendent of Police, the local Tahsildar, the President of the Municipality, the two elected non-official members of the Municipal Council. The conference is of opinion that the local Excise Division Officer should be the president of the meeting, but I would suggest that the president be elected by a majority of votes from among the members of the Committee present and that the Excise Division Officer should act as secretary to the Committee. The secretary shall have power to convene meetings and to co-opt two non-official members representing the classes who do not regard drinking *per se* as a vice. The proposals of the Committee will be of an advisory nature and should be forwarded to the Excise Commissioner not later than the end of Vrischigom of the second year of each contract period. I would further suggest that the Excise Commissioner should forward the proposals of the Committee with his remarks to Government for orders."

The Committee by majority has resolved that "with regard to the number and location of shops in the major municipalities of the State the Excise Commissioner should ascertain and *as far as possible* give effect to the wishes of the municipalities, before fixing the shops for each biennial contract in those towns." (The italics are mine.) It will be seen that the memorandum details the procedure to be followed in the appointment of members to the Excise Advisory Committees, the convening of meetings and on the further steps to be taken on the proposals of the Committee. The majority report is silent on these points, and would obviously leave the means of ascertaining public wishes to the opinion and convenience of the Commissioner, instead of providing a standardised machinery for gauging those wishes. No obligation is imposed on the Commissioner to take the final orders of the Government for departmental guidance and action. The proposals of the Commissioner appear progressive, so far as they go, and it is unfortunate that the Committee should have so lagged behind and adopted a resolution, vague and ineffective. The conclusion come to by the officers of the department and modified on the side of improvement by the Commissioner in his memorandum, should naturally receive approval especially as it is designed to further, in however small a way, the policy of Government in regard to the drink problem. The responsibility so voluntarily proposed to be undertaken by the department in carrying out in practice the principle of local option ought to be welcomed and should have been given the fullest scope for operation. But the majority thinks otherwise and would subject the working of the principle to the exigencies of the department, and to the discretion of its head without even the controlling guidance of the Government. I would not be surprised if the history of local option under such a scheme turns out to be a tale of chequered failure leading to reaction on the policy itself as formulated by the Government. There is nothing in the scheme to awaken and foster the interest of the public, but there will not be wanting opportunities for discouraging them in their attempts to moderate the effects of the drink evil.

The reasons given by the Committee are that (1) no action in this direction has yet been taken in England, (2) in America, the efficiency of local option is doubted, (3) in Ceylon, it has proved a failure, (4) the Government of India have declared against it, (5) in Travancore, present conditions do not justify the introduction of local option in its wider sense, and (6) that even an attenuated form of it is incompatible with the policy of the realisation of gradual prohibition already adopted by the Government. I shall briefly examine these. In the first place, a comparison of Travancore with England in view to take a lesson in the matter of curbing or stopping the drink habit does not, in my humble view, serve any purpose. In England, the drinking habit is general and abstention most exceptional. In Travancore, abstention is general and the drink evil once confined is now spreading. Moderation is not so discountenanced in England as any contraction of the drink habit is reprobated by society here. Western countries may be fully satisfied with and may acquiesce in a policy of moderation for a long time to come; we, on the other hand, aim at the total prohibition in the near future. That a Royal Commission on Liquor Licensing did not recommend the adoption of local option, which may deprive localities of even

a moderate drink, is natural. The fight there is mainly between temperance and excess; here it is between drink and no drink. Any inferences drawn and opinions based on situations so dissimilar as that do not take us forward in any fruitful discussion of the aspects of the drink problem with which we are concerned. If a comparison with England is needed, we may institute it between drinking there and tobacco chewing here. Some regard the latter as a luxury, others as a necessity, but none looks at it as a virtue. It is a vice, perhaps as tolerated as the drink habit in cold countries. Suppose we wish, with our advance and enlightenment, to stop this habit and propose local option as a preparation, certainly it will be rejected. If England had this habit newly introduced, and horrified at the way in which it is spreading, endeavours to deal with it, I do not think England will say that in Travancore which is the home of this habit, local option was thought of and rejected. It may not be wide of the mark to say that Travancore is in a similar position in respect of the drink evil.

But even the West has given us splendid lessons in the matter of combating with and uprooting an evil thought of as almost ineradicable. In America, prohibition has been in force since 1920. The majority report says that, in America, the best temperance reformers have expressed doubts of the efficiency of local option. But it is a fact that the principle of local option had, prior to prohibition, been accepted in most of the States. However, doubting perhaps the efficiency of local option, America has decreed "dry" by law. To America may be added Russia where the manufacture and sale of Vodka was prohibited in 1914, as also Iceland which has been under prohibition since 1915. To comment on the failure of prohibition laws to achieve complete success in the initial periods in countries where alcoholic drinks had been universal for ages is not arguing the question fair and with a mind ready and willing to take to heart the lessons which even drinking countries have offered as encouragement to others. Again, in Canada and Australia, the principle of local option is said to be increasingly adopted and the feeling is growing in favour of prohibition. In Switzerland, local option is distinctly favoured by temperance opinion.

The report in quoting England and America adds a statement of Messrs. Rowntree and Sherwell who are "unable to believe that local option, if adopted, would solve the problem where it presents the greatest difficulties." What these difficulties are and where they are presented are not stated. However, this quotation may be opposed by another from them, namely, "they are far from hostile to the principle of prohibition in so far as it can be made operative through a system of local option." Nobody doubts the soundness of the theory of local option. In practice, the authorities quoted observe:—"The broad fact remains that, in the rural districts of America, as elsewhere, e. g., Canada, Sweden and Norway, popular sentiment is generally on the side of the restriction and prohibition of the liquor traffic and enforcement of the law is found to be comparatively easy. In the larger towns or cities, however, the conditions are different and it is there that local veto has failed. Thus, the failure relates to the densely populated and industrial towns of the west.

The failure in Ceylon is advanced in aid of the position of the Committee. I wish to point out that the failure there is explained as due to certain peculiar conditions obtaining in that island relating to the influence of the local headmen and also to the fraudulent handlings of duplicate poll-tax receipts, to the ballot being confined only to one class of shops and so forth. Mr. Strathie himself enunciates certain conditions on which local option may be made a success there. From the case of Ceylon, Mr. Strathie does not conclude that local option is inadvisable anywhere else. The next reason against local option is the attitude of the Government of India as contained in an old despatch of theirs. That despatch was indited in 1890 or 34 years ago, and much water has flown under the bridge since. Though the Indian Excise Committee of 1905-06 endorsed the earlier views of the India Government, that has not, as Mr. Strathie points out, prevented much advocacy of the system since, and trials of the same. There is another material point to be noted in this connection. The policy in British India is not one towards prohibition, but is

still in essence the old one of maximum revenue with minimum consumption. I may also add that conditions in British India, since the inauguration of constitutional reforms, have so completely altered the outlook of the Government and the people, as to make the 1890 despatch thoroughly antiquated. With the devolution of Abkari administration on to the Indian Ministers, the eagerness of these to move in the direction of national aims and ideals is evident everywhere. The desire for unity all round is so prevalent, the demands of the people are getting so insistent, the anxiety of the Governments to meet them wher-ever possible is so manifest that I seriously doubt whether the Government of India would now repeat the condemnation of the system foreshadowed in the despatch of 1890. Especially in regard to the drink evil, the voice of India is unifying and I am sure the Imperial Government would not prefer to go directly and severely against it. Already, in several of the Provinces, action has been taken or is contemplated in the direction of local option. To that extent, they have swung towards public opinion.

There remains the arguments relating to Travancore. But before commenting on them, I would invite attention to the opinions of a Madras authority, Dr. John Mathai, well-known to us as a member of the Travancore University Committee, specially invited to sit on it. His brochure on "Excise and Liquor Control" with special reference to the Madras Presidency is most informing and bears the impress of a close examination of the Excise problem, free from bias. His proposals for Madras possess special interest for us and deserve careful consideration. I make no apology therefore to reproduce his views in brief. As a means to check consumption of liquor, the auction system is as much defective as the fixed fee system. Under the latter, there is no necessary influence apart from direct Government control for checking consumption; under the former, while a steadily increasing price might act as a deterrent, the increased interest of the dealer in pushing sales is apt to result in augmenting consumption. He examines therefore the alternative remedies the surcharge and the rationing methods, and dismisses both of them as inappropriate, the former because it partakes partially of the evils of the fixed fee system and would further be attended with serious practical difficulties; the latter, because it offers no reliable guide in fixing consumption year to year. He then considers the three methods tried elsewhere for achieving substantial reduction in consumption—monopoly, prohibition and local option, the first he thinks neither desirable nor practicable, the second as out of the question in the present stage. In his opinion, local option is the most suitable of the remedies open to us. He says "the main arguments for local option are, first that unlike the licensing method it aims at applying a direct check to consumption and secondly that unlike prohibition, it aims at bringing about not a sudden but a gradual elimination of the drinking in closer accordance with the wishes of the community. The application of local option is bound to present difficulties in India and the chief difficulty being the creation of suitable electorates for the exercise of the option. It would be probably necessary in nearly every case to create an *ad hoc* electorate on a wider basis. The beginning may be made in this direction in some of the more important local areas where the conditions are likely to be satisfied. The failure of local option would mean the impossibility of applying any effective remedy for the problem of drink."

I would supplement the above with the distinction he draws between local option and prohibition which is instructive as showing the merits of local option. Those who advocate local option, however convinced they may be of the need for preventing the consumption of liquor, do not desire to force on their fellow citizens a reform for which they are not ripe and which they do not want. Prohibition, on the other hand, is the remedy of people who have not merely convinced themselves of the need for reform, but who have made up their minds that other people also must have it whether they approve of it or not. Local option is a more democratic measure than immediate total prohibition.

Now to the arguments of the Committee relating to Travancore, the majority point out that "it was felt that the conditions prevailing at present did not justify the introduction of local option in its wider sense." The nature

and scope of these conditions are not stated and arrayed against the system. For my part, I do not see how present conditions in the municipalities militate against local option. The formation of suitable electorates in rural areas will be facilitated by the passing of the Village Panchayat Bill which is now ripe for consideration by the Legislative Council. However, even a proposal in the attenuated form of local option to reduce the number and advise the location of shops, the majority considers as incompatible with the policy of gradual prohibition; for, the report says: "Advisory Committees appointed under the local option scheme would have the option of voting for 'no change' in the existing number and location of shops. Such a vote would impede the progress towards prohibition and would therefore be incompatible with the policy of Government." This, to my mind, appears going to an extreme in the attempt to fortify a particular position. The fear of the Head of the Excise Department himself relates to the possibility not of wholesale retention but of complete closure of all shops in an area subject to the system of local option. He says that the voters for the municipal elections are composed largely of persons who by caste and religion are opposed to the taking of alcoholic liquor. If the experience in Madras is a guide, it shows that every where it is the reduction of shops that is advocated and the complaint has been that reduction is not being carried sufficiently far. With the knowledge I possess of our municipalities, I am not inclined to believe even for a moment that in any one of them the people would vote for "no change" whatever; that is for thorough retention of all shops. I may also mention that in proposals for local option, prohibition, etc., the demands for committees, in short, the movement for a changed outlook and an ameliorative policy have sprung freely from the people in general and is being vigorously maintained by them with advanced public opinion in support. It may not be fair therefore to suppose that when once the responsibility for betterment is sought to be devolved on the people and the time for trial comes, a reaction would set in in favour of the present state of things with all their evil aspects. However, a solution for even the unlikely contingency is easily arrived at. Safeguards may be provided in the scheme as suggested by the Excise Committee in Bombay, whereby the law should only authorise a "no shop" vote. Government might rule out a "no change" vote and they may be given the final veto.

As Dr. Mathai observes, "if public opinion is somewhat lax on the use of intoxicating drinks, it may be necessary for the state to adopt a correspondingly uncompromising attitude as a corrective to public feeling." As regards the practicability of enforcing measures as a set off against the laxity of public opinion, the Doctor would have us remember that "the enforcement of temperance laws and for the matter of that, of all laws of a social character is bound to be difficult in any case. But the importance of this consideration should not be exaggerated. If a law on a social matter is not difficult to enforce there is apparently little room for a law on the subject." In regard to the power of veto above stated, I would also point out that its exercise will not only not be misunderstood or resented by the population of the area concerned standing singular in its perversity in continuing the vice of drinking unabated, but will also receive the willing approbation of the rest of the population. The Government therefore need not feel nervous about a situation apprehended by the Committee, as remote as unlikely.

I believe I have fully traversed the grounds advanced in the majority report. I shall now state my views. I am strongly in favour of introducing local option, as a first step in the policy of gradual prohibition, the option applying to reduction and location as well as closure. I am for its introduction in all the municipalities of the State without exception. It is essential that local option to be a success should have the intelligent support of the population. Also, the wishes of the people should be accurately ascertained, so that the final decision receives public support. To ascertain the wishes of the people in the municipal areas, I would grant adult suffrage, a privilege already proposed under the Village Panchayat Bill, now advanced beyond the Select Committee stage. The provisions of this Bill are a sufficient answer to doubters about the capacity and eligibility of our citizens in voicing their feelings and

opinion, in undertaking responsibilities and concerted action. The division of each municipal area into an appropriate number of wards will have to be done agreeably to the constitution and distribution of the population, the extent of consumption, the character of the drinking classes, etc. These, however, can be easily settled with the expert knowledge of the Excise Department assisted by the advice and co-operation of the people. Under such a constitution, the wishes of the majority can correctly be made out. As regards intelligent support, I have no misgivings. There is no reason to conclude that, when the occasion arises, the support given will not be intelligent. We boast of the practical shrewdness of our people, of the perceptible rise in the level of their intelligence, and of the vast spread of education. These distinguishing characteristics are to be utilised not in the arena of politics and for purposes of elections when swayed by power and influence, circumstances other than purely personal and moral may receive at times predominant consideration. But they are to be called into requisition for the improvement of the voters themselves and of their relations and friends, for the purification of their homes and for the amelioration of the communities to which they belong and the population in general. To secure these objects, it would be eminently appropriate for Government to demand such co-operation. And I have no doubt it will be forthcoming in an increasing degree. The majority aim at gradual prohibition only. That being the case, the adoption of local option will not only not prove antagonistic to the goal in view but would only pave the way for the speedy attainment thereof. Even in Bombay which has adopted the Rationing system, which has been approved with certain modifications by the majority, the Excise Committee recommended local option as the first step.

One of the drawbacks in the discussion of the problem is the indiscriminate attribution to us of conditions obtaining elsewhere and then theorising thereon. For instance, at times we fail to give due weight to the high literacy of the population in estimating their intelligent support. In the nineteen municipal towns together, there are 593 males and 251 females literate in a thousand of each sex. Individually viewed, the ratios are in excess of the averages in the towns of Kottayam, Nagercoil and Trivandrum, the figures for the last being 750 males and 350 females per mille each. I hope it will not be contented that the situation may be controlled by communities who are opposed to taking liquor or by persons who are interested in spreading prohibition and would not scruple to force the pace. Here again, analogies are misapplied. It is a fact that our towns are generally still in that condition in which they were years ago in respect of the dispersion and distribution of the population. Castes and communities live in more or less distinct areas and if mixing is taking place in some of the towns owing to material reasons, it is too small in number to exercise any influence on the final decision of the majority in each area. This fact deserves to be given full weight as against the argument of class tyranny. The allocation of the population is such as to prove no impediment to each sub-area being given the privilege of determination for itself—a consummation the best that can be desired in the matter of social reform and which will surely induce each class to compete with every other in the endeavour to do away with the drink evil as completely as possible.

The mixture of races and religions widely divergent in their habits and views of right and wrong, considered sufficient to rule out a system applicable only to a homogeneous population does not exist in our areas in any such form as may be said of tracts in British India inhabited by communities referred to in the 1890 Despatch of the Government of India. The application of such arguments to Travancore cannot be too carefully guarded against, especially in a matter of the gravest concern to the physical and moral well-being of every individual in the State. Whatever the difference in habits and customs, the several communities here are equally interested in putting down this monstrous vice—the one vice which stands pre-eminent in undermining the material, moral and intellectual resources of the individuals attacked by it and of the communities of which they are members. We are endeavouring to tackle and overcome such a vice easily caught and impossible to get rid of if well on. The generality of our people have so far advanced in intelligence and morality as to

perceive and realise the nature of the evil and its increasing spread. What is needed is merely a call to them to enlist, co-operate and support.

I may also refer here to one other feature of the situation as regards the Hindūs. The vice of drinking does not obtain among the many Hindu communities high in the social scale. The habit is found in an increasing degree as we go down the scale, so that it may be said that the habit is mainly confined to the labouring poor in the middle classes and to the classes known as depressed. It is increasing in intensity among these and is spreading upwards and this imperatively calls for arrest. A system of local option would be successful in effecting this. The Government have done much for the depressed classes, and they are also putting forth efforts to better themselves. This is a favourable time to aid them in their ameliorative endeavours. A successful attempt in the urban areas where they are not in large numbers would be no small stimulus for their brethren in the rural parts to follow the example. If the depressed classes can be cured of the drink habit, a more powerful lever for their betterment cannot be put into operation. In this task, we can count upon the positive aid of our Christian fellowmen and their Missionaries. It is interesting to note an instance recorded in one of the Excise Reports. In 1088, there was a large decrease in the consumption of arrack in the taluks of Quilon, Kottayam, Changanacherry, Ettumanoor, Meenachil, Peermade and in the town of Alleppey. The Excise Commissioner attributed this to the strict enforcement of temperance discipline by the Bishops of Quilon and Changanacherry.

For the foregoing reasons, I would earnestly plead for the adoption of local option in all the municipalities, as suggested above and gradually extend it to rural areas with the formation of Village electorates. It is an essential preliminary to the promotion of gradual prohibition throughout the State. The qualities that may be developed in the discharge of the responsibilities involved in the system proposed, the interest in public matters it will create and foster among the people, the intensifying of civic consciousness and of the desire for joint action, and the unifying force it would bring into active operation, the privilege of manhood suffrage and its immense effect on self-improvement and self-reliance—these are advantages so obvious that I do not think it necessary to dilate on them. Suffice it to express my wish that they are reaped and assimilated by my country men.

III. EXISTING POLICY AND RESULTS.

In his memorandum, the Commissioner says :—“The activities of the department in suppressing malpractices relating to liquor, the gradual reduction in the number of liquor shops, the steady increase of the duty on liquor, the various restrictions placed on the sale of liquor as embodied in the conditions of the license issued to the shopkeepers—these are all measures calculated to minimise the drink evil.”

He then gives figures under several heads and continues :—“Thus the policy of the department has been to steadily reduce the facilities for obtaining intoxicating liquor both licit and illicit; for while the suppression of illicit manufacture is calculated to prevent cheap illicit liquor from reaching the drinking population, the restriction in the number of licensed shops and the steadily increasing pressure of the liquor duties are, on the other hand, intended to make it increasingly inconvenient and expensive to obtain licit liquor”. Further on, he says :—“This policy of the department is one that takes the line of least resistance and therefore gives the greatest promise of actual success. It avoids any direct coercive measures. To force the people in the matter of drink has been found from experience to be the surest method of stiffening their back and strengthening their desire to persist in the evil. If we in Travancore drive the people to take up this unfortunate attitude, all hopes of weaning them from the drink habit would be lost. Travancore is a place which offers the greatest facility to obtain intoxicating drinks. The abundant growth of the palm trees from one end of the State to the other, the isolated location of houses and the consequent difficulty of maintaining an effective check on malpractices, offer every opportunity to the illicit manufacturer to ply his trade. The attempts made in several countries to use coercive measures have met with very doubtful results. In Travancore it would be worse. The Hon'ble Mr. Patro states thus :—

"As to its practicability in India there can be less difficulty in arriving at a decision. It is quite clear that in the most advanced countries the success of prohibition needs the steady pressure of enlightened public opinion. Another essential is a respect for law and the presence or absence of facilities for illicit manufacture—will be a large factor. Here respect for law has been considerably disturbed by the non-co-operators, and while in the irrigated districts a large proportion of the population can draw toddy in their own back-yards, in other areas like the Ceded Districts illicit distillation is already so common that a law prohibiting licit sale, it is feared, would merely mean the transfer of the whole of the trade to the illicit distillers. Then again a prohibition law is useless unless the State is prepared to enforce such a law. This implies the upkeep of a large and expensive staff with no corresponding revenue to meet this cost. If prohibition is to be complete, it implies giving power to the staff to enter and search private houses in search of liquor. It is doubtful how far the public will submit to such an extreme measure. There can be little doubt, whatever view is taken as to its propriety, that prohibition is not a practicable proposition in Madras at present."

"The policy of the department on the other hand has been framed on very sound lines. It is based on a careful study of human nature and relies on the force of economic law. In proportion as the cost of drink increases there would be a natural falling off in the number of drinkers who cannot afford to meet the increasing cost of the drink, and as the facility for obtaining drink diminishes, such of the drinkers who have not become "habituals" are likely to give up drink and turn total abstainers."

"If the above policy of the department is allowed to have free play, it must sooner or later lead to the total extinction of the drink habit in the country. Since a time must come when the steady raising of the liquor tax must result in making liquor so costly as to place it beyond the reach of the ordinary people, and the gradual reduction in the number of shops must end in the total extinction of all the shops in the State."

After this, it may be no exaggeration to say that it is perfection that is claimed for the existing policy. Unhampered and undisturbed by any other considerations, the policy needs simply to be continued with the hearty co-operation of the public and the effective suppression of malpractices, to take us on to the goal of prohibition. Technically, the ideal reached would not then perhaps be termed prohibition with total abstainers and no shops. Such a policy and its results so far achieved are well worth examining, for, in the first place, if the merits are so superlative, no fresh measures are called for, such as those embodied in the report relating to reduction of shops, restriction of supply etc., which are in a way superfluous, and in the second place, an attitude of unstinted confidence in the present arrangements is seen to have influenced, not a little, the reasonings of the Commissioner and his views on the most vital proposals put forward to reach the goal of prohibition.

I would like first to express by apprehension that there is some confusion in the mind of the Commissioner as to the implications of the present policy as against prohibition, and as to the arguments developed in reconciling them with one another. If, as it is affirmed, the activities of the department are all calculated to minimise the drink evil, the latter by itself cannot reach us prohibition. No doubt, when we minimise, we *protanto* abolish. But minimising neither means nor involves total abolition. Again, it is asserted that the existing policy takes the line of least resistance, that it avoids any direct coercive measures. This is straining words to that extent, drinkers are forced to abstain. I hope I will not be understood as hypercritical. The point which I wish to bring out and emphasise is that, for an unflinching advance towards our ideal, it is indispensable not only to start with the most definite idea of the means employed and take them at their actual worth, but also to examine and see that they automatically operate to keep the advance and even accelerate it. This would remove all haziness, impart strength to our convictions and give also freedom to modify and enlarge if need be.

Again, it is stated that "the policy followed in Travancore in respect of the drink problem is in all essentials practically the same as that adopted in the Madras

Presidency." That is the policy of maximum revenue from minimum consumption. The Committee says that the British authorities in originally introducing reforms "did not consider it desirable to resort to prohibition, but gradually evolved a system calculated to restrict the use of intoxicants in the country." In regard to the merits of licensing, the Committee quotes a keen critic of abkari administration who says that "except for total prohibition the system of licensing is the safest and best device for lessening the use of drinks." It is clear that it rules out prohibition now or hereafter. Finally, the Committee itself admits that "in British India, the principle of the gradual attainment of prohibition has not been adopted as in Travancore." It is therefore claiming too much for the existing policy that it would sooner or later lead to the total extinction of the drink habit in the country—a consummation which the originators from whom our policy was borrowed had not in view at all and which they have never claimed to attain.

I shall now examine the existing policy of the department and results in the matter of reducing facilities for obtaining drink by reducing the number of shops and the issue strength of arrack and by increased taxation.

(1) *Reduction of shops.*—The years 1084, 1088 and 1098 are compared with one another to prove the reductions made. The figures are as follows:—

	1088	1098	1084
Arrack shops	730	631	} 6,537
Toddy shops	1,553	1,375	

(The Devicolam taluk in regard to arrack shops is excluded by me for the years 1088 (5) and 1098 (7), but in the report it is included for 1088 but not for 1098).

The above figures show the considerable reduction effected between 1084 and 1088 and between 1088 and 1098. But such comparisons are vitiated by the influence of the different systems in force. The farming system under which the manufacture and sale of arrack and toddy are combined together and disposed of by taluks and under which no regulation is possible in regard to the number of shops was finally abolished in the last division only in 1088. The incomplete Excise system under which the privilege of the vend of arrack is separately disposed of from that of toddy and under which either privilege is given out taluk by taluk finally disappeared only in 1090 in regard to arrack and will disappear in respect of toddy only in 1100. The only divisions in which the complete Excise system has been in full force are Padmanabhapuram from 1084, Trivandrum from 1086 and Quilon from 1088. It is true that the incomplete system gives free scope for restricting the number of shops. But the disposal of privileges by taluk allows the grant of considerable latitude in the matter of number and location of shops. As observed in one of the Excise reports, the taluk vend contractors, as a rule, raise an outcry against any perceptible reduction in the number of shops within their rent areas. There is no finality in the number of shops wanted during the contract. Instances are not rare in which fresh shops were allowed to be opened in excess of the sanctioned number. To be on the safe side, the shops sanctioned used to be invariably in excess of those strictly required and actually opened. I shall give instances. For the 1090-91 lease, 720 shops were sanctioned for toddy in the vend renters' area. But only 641 shops were opened in 1090 and in 1091, 18 more shops were utilised leaving finally 61 sanctioned shops unused. Again in 1094, the number of shops actually opened was 29 less than the authorised number, and 88 less as compared with 1093. A contrary instance has also occurred. In 1083, the Chengannur taluk had only one shop, though it had an area of 757 square miles and a population of over a lakh, because the vend renter persisted in having one shop only for the whole taluk. It is easy to see from all these that even under the incomplete Excise system, the renters can push things either way to the extent it suited or pleased them.

A comparison, therefore to be fair and accurate should be confined to periods and areas in which the independent shop system was in force throughout. As between 1088 and 1098, this is feasible only in respect of the Trivandrum and Quilon divisions. In these areas together, the reduction effected in the case of arrack was

from 410 shops in 1088 to 374 in 1098 or 36 shops in the course of ten years. In regard to toddy a rise is noted from 610 to 624. If we take the old Trivandrum and Padmanabhapuram Divisions together, the reduction comes to only 5 each for arrack and toddy during the decade. The reduction of shops with the introduction of the independent shop system in any area is inevitable, and has no connection with any deliberate policy to reduce the facilities for drink. It would not be a true reading of the situation to import the latter into a matter of purely administrative exigency. If the two had gone together, the reduction might have been greater than stated above. My contention is that the question of reduction on the ground of a policy towards gradual temperance has yet to be taken up. I would like to stress this point, because the introduction of the independent shop system has just been completed together with the consequent reduction of shops from the administrative point of view. The question of reduction from the other aspect has thereafter to be taken up. I welcome therefore the proposed biennial reduction of five per cent. in the number of shops.

(2) *Strength of arrack.*—Arrack of two strengths has been issued all through—20° u. p. and 30° u. p. It was only in 1097 that the strength was reduced to 25° and 35° u. p. In regard to issue for consumption, the following are noticeable:—(1) arrack of lower strength alone is issued to the northern taluks of the State, (2) the issue of arrack of higher strength increased as we go down south, so that it is mostly consumed in the southern taluks, and (3) on the whole consumption of liquor of higher strength is increasing. The variations in the relative issues are remarkable and are subjoined for the years 1088 and 1098 and also for 1090 and 1095 when consumption was at the lowest and at the highest respectively during the decennium.

	1088	1090	1095	1098
Quantity of liquor of higher strength issued for 100 gallons of lower strength	31.8	45.4	70.1	246.1
Do. Do. in 100 gallons issued of both.	20.4	31.3	41.2	71.9

The proportions call for examination. Why liquor of the higher strength should be supplied to the consumers in such highly disproportionate quantities, and why its issue goes on increasing so largely have to be carefully looked into and explained. It is necessary that, in the attempt to promote temperance, the drinker is made to give up the stronger liquor and take to the weaker one more and more. Appropriate adjustment in issues has to be made and this should be always borne in mind and attended to. In 1097, when the reduction in strength was effected, the quantities issued were 1,01,304 gallons of 25° u. p. and 57,690 gallons of 35° u. p. In 1098, the respective quantities were 1,18,943 and 48,391 gallons. In practical working, reduction in strength is obviously having no wholesome influence. I trust that the Government will enquire into the matter.

(3) *Taxation and vend of liquor.*—Both the still-head charge in respect of arrack and tree tax as regards toddy have been considerably raised, as is seen from the Commissioner's memo. The incidence of vend rent for arrack has risen from Rs. 2—chs. 19—cash 3 in 1088 to Rs. 3—chs. 17—cash 7 in 1098, and of Excise duty from Rs. 2—chs. 17—cash 15 to Rs. 3—chs. 22—cash 14. Thus the revenue per proof gallon of arrack increased in the course of a decennium from Rs. 5—chs. 9—cash 2 to Rs. 7—chs. 12—cash 5. The supply rate has also risen. As a result of these, the selling price has substantially advanced. As stated above, shops also have been reduced and liquor weakened. As regards illicit manufacture, it is seen that the number of offences relating to illicit distillation fell from 125 in 1088 to 111 in 1098, while the offences of possession of illicit liquor and illicit sale of liquor rose from 243 to 295. Thus the policy of the department from the administrative point of view may be taken to have been steadily pursued. On the other hand, the

Government have not failed to realise an increasing revenue. Between 1090 and 1098, the receipt under arrack in respect of vend rent and duty rose by 28 per cent; while in the case of toddy in the complete Excise area, the revenue increased by 26 per cent. If arrack and toddy are taken together, the rentals are seen to have gone up by 25 per cent. and the receipts under duty and tree tax by 31 per cent. All these, however, represent but the preparatory side of the problem. They give in terms of money, a measure of the forces in operation, but the efficiency of their causative value had to be judged by the final effect on the population. The question therefore is whether minimum consumption has followed in the wake of maximum revenue, whether with advancing cost consumption is being checked and reduced. This I propose to enquire into.

(4) *Consumption.*—The report says:—“The effect of this restrictive policy is reflected in the consumption of arrack in the State. Whereas in 1088 the consumption of arrack stood at 1,16,624·95 proof gallons, in 1098; after a lapse of ten years the consumption has been only 1,20,786·62 proof gallons. The consumption per head of population was only 1·46 drams in 1098, against 1·64 drams in 1088, that is to say, the consumption actually fell by 11·3 per cent. when calculated on the increase in the population during the period. But for this policy of restriction on the part of the department, it is stated that the consumption of arrack should have been very much greater in 1098. During the intervening period between 1088 and 1098, the population has increased by about 17 per cent. and a good deal of illicit arrack must have been replaced by Government arrack as a consequence of the preventive work of the department. In spite of these two factors which ordinarily make for increased consumption of Government arrack, the actual quantity consumed has stood more or less stationary during the ‘decennium.’ The Commissioner says that “the gradual pressure of departmental restrictions and the slow awakening that is already taking place in favour of temperance in the State have undoubtedly resulted in a fall in the consumption of arrack.” That is a very strong expression of opinion and needs examination before acceptance. In the first place, I am afraid the comparison regarding consumption per head of population is not correct. While the 1098 figure relates to the State as a whole (excepting of course the Devicolam taluk) the one for 1088 refers only to the independent shop area. Outside of this area was the entire Kottayam Division and the Peermade taluk to which the complete Excise system was extended only in 1090. Further, unlike in Madras, the abkari leases are biennial here, and it is safer to take each contract period and one average with that of another. Between 1090 and 1098, there were four lease periods. The average consumption in each is given below as also the per-head share:—

Consumption.

	Total. (in gallons)	Per head of population. (in drams)
1090-91	105,382	1·48
1092-93	100,457	1·42
1094-95	145,434	2·04
1096-97	133,824	1·62

The above surely does not indicate a hopeful condition.

It would be appropriate to note here that consumption of country spirits is not uniform throughout the State. The habit intensifies as we go down south till it reaches its home, as it were, in the Trivandrum division. With less than 30 per cent. of the total population of the State, this division receives to its credit every year nearly 60 per cent. of the aggregate issue from distilleries, and in good years the proportion exceeds 60. The remainder is divided more or less equally between the other two divisions. It is in the Trivandrum division, therefore, that the operation

of the restrictive policy should be looked into. This division has been under the complete Excise system since 1086, a fairly long period. The biennial averages are as follows:—

Consumption.

	Total. (in gallons)	Per head of population. (in drams)
1088-89	69,832	3·4
1090-91	63,786	3·1
1092-93	58,600	2·8
1094-95	86,757	4·2
1096-97	79,675	3·3

The absolute increase in recent years which the two sets of figures disclose are alarming. They throw overboard the assertion of the Commissioner that “the reduction in spite of the increase in the population by 17 per cent. is a clear indication of the restrictive measures taken by the department.” I have also to point out that comparisons per head of population, as now made are quite misleading. The Census population is taken and used as the divisor for every one of the succeeding ten years. The consumption varying year to year, the quotient is with reference to that and not in relation to population which is assumed as an unchanging constant. For such comparisons to be correct and useful, the natural fluctuations in population must be taken into account, and the actual population in a year estimated according to ascertained ratio of growth and utilised to get at the *per capita* share. To be as far as possible near the actual share, deductions should be made from the estimated population of at least children and women and of Mahomedans of both sexes and all ages. It is also stated in the report that the consumption has stood more or less stationary during the decennium. Even if so, I am not at all inclined in the state of present day ideas and ideals, to view with equanimity a consumption that continues stationary, varying with population and detective work. It is a far from gratifying situation to remain in, and is even dangerous. It accords ill with the doctrine of maximum revenue, lulls suspicion, throws us off our guard and militates against the execution of the policy resolved upon. Further arguments based on the probable effects of the measures adopted do not take us far, and may lead us astray. To turn to Trivandrum, it is in this division that shops have been least reduced since 1088. It is here, again, the highest proportion of the stronger liquor is issued. The average sale per shop as also the average sale price are highest in this division. The incidence of the revenue is greatest here, and the division also pays 60 per cent. of the total rentals and duties. A detailed examination of facts and figures leads to only one conclusion, that the consumption of liquor is not going down, but is on the increase. If this is the final result of a policy which “is based on a careful study of human nature and relies on the force of economic law,” I, for one, despair of any success in the gradual attainment of prohibition. The assurance of the Commissioner that the departmental policy “must sooner or later lead to the total extinction of the drink habit in the country” cannot be accepted and we are not to rest satisfied and do nothing beyond allowing the free play he desires for the department even with the conditions he has laid down duly attended to. With departmental vigour and public co-operation more and more illicit liquor will no doubt pass into licit consumption. That is essential, but not adequate. The aim of the departmental policy does not end in licitising, to coin a word, all consumption. Consumption should be brought down and it is this that may be expected to lead the way to prohibition.

(5). *Reduction in supply.*—Holding the views I do and in the light of the examination of the consumption figures made above, I heartily agree in the recommendation to reduce the supply of arrack annually by two per cent. The reasons for such restrictions given in the report are strong and convincing and I do not think they need further supplementing. I shall confine myself, therefore, to making one

or two observations with reference to the dissenting minute of the Commissioner which I have had the advantage of perusing. This minute does not appear to contain any important additional arguments over and above those embodied in the memo or given in the report. The minute somewhat expands them and clothes them in strong language. The Commissioner is not tired of repeating his views in regard to the present policy as if they are sufficient answer in all cases. In spite of facts and figures to the contrary, he appears to be firm in his opinion. He also seems to separate existing defects and evils to support his opposition. He says:—"Under the proposal to restrict..... a new enemy." The main defect in the auction system is the incentive it furnishes to the shop-keeper to push on sales, as his profits depend upon sales and as he can get freely as much arrack as he wants. Under such a system, the Commissioner says that the shop-keepers are "mainly either by themselves or by their servants or agents the chief offenders against the Abkari Regulation and the Rules." In spite of this, we are told "that the shop-holder has been the only informant so far. Under a system of restricted supply his position in relation to the department would not be worse in the one case and would continue as good in the other. If he sees his ambition to earn defined by the conditions of supply, he would either give up the business and turn to any other or take it up satisfied with what it promises to offer. In the former case he would no longer be a shop-holder; in the latter there is no reason to suppose that he would cease to be the vigilant and reliable informant he is now. Why should we assume that the shop-keeper is incorrigible under all circumstances, and that he would either under the present system be swayed into promoting consumption with the unlimited supply at his doors or join the enemy and aid in its illegitimate spread? If he has been vigilant and reliable till now, he will continue to be so. The proposed system disables him from pushing on consumption with his own stock legitimately obtained. If his weakness for more and more gains which he may be said to share with every other in the land drives him to unlawful means, he is no worse than others in other cases, and takes the common risk which must apparently increase with the growing vigilance of the department. The response which the shop-holder may make depends further on the morale of the department and the earnestness of the call. It is no use over-rating his importance and capacity for further mischief.

According to the Commissioner, the departmental official would not only lose the shop-keeper as a preventive agent but would himself be lost. For he says:—"The suppression of illicit distillation naturally leads to an increase in the consumption of licit liquor. When the field staff realise that no such increase will be allowed, their incentive for preventive effort will disappear and illicit distillation will begin to flourish again." I think that if his sense of duty continues, his incentive will be multiplied a hundred-fold. Under a system of undiminished licit supply, illicit distillation is prevailing, and his successful efforts in curbing it are asserted and acknowledged. If, with a definite supply, he anticipates increase in illicit manufacture, he will not fail to recognise also the necessity to increase his detective activities. That is the ordinary course to take, and with increasing efficiency he may be expected to take no other. I am not prepared to assume that the official incentive to be watchful will vary inversely with the need for the same.

The Commissioner also points out that the "mere announcement at the auction time that a reduction in the supply of arrack would be made in the case of each shop would immediately *bring down* the rentals of arrack shops. Very often the sales in a shop depend on the tact and popularity of the seller, and, as I have already stated, upon various other circumstances and if the shop-keepers feel that they are not to be benefited by these circumstances there will be no bidding at the auction and the shops would have to be sold at greatly reduced rentals. This would result not only in serious loss of revenue to Government but would retard the cause of temperance." Here I believe I am touching the root of his objection to restrict supply. Under the new policy, Government stand to lose revenue in view to increase the staying power of the people. Lest he be misunderstood, the Commissioner is careful to add that that would retard temperance. I do not see any connection between the two. However, I may point out that ours is the cause of prohibition, and I would not be alarmed because rentals would go down.

The Commissioner considers that the two per cent. reduction would really cover a much larger quantity, as no allowance is made for increased consumption due to increase in population and to suppression of illicit manufacture. This argument does not go against reduction as such, but only against its rate. However, he has given no information as to what a normal consumption is and to what extent it would be influenced by the two factors he has stated. Opposition based on unascertained consumptions has no force. Even if the influence of the two factors are ascertained, it has further to be shown that the quantity to be provided afresh would be far in excess of that removed from consumption owing to the diversion of people from drink, temperance, etc.

The Commissioner says:—"The consumption in any specified area or throughout the State should be alarmingly large to compel the introduction of the system. In my opinion, not one shop in Travancore can come up to the requisite level. When compared to other parts of India, Travancore may be said to be relatively sober. In Bombay and adjoining areas where the system was first tried, there is a large labour population employed in mills and factories and the consumption is in consequence very heavy. Industrial awakening has yet to come into existence in the State and the average wage earned by a cooly here is very poor when compared to that of his brother in Bombay. Few labourers can afford the luxury of going in for arrack. Not one of our shops is comparable in point of consumption with the shop with the lowest consumption in Bombay. There does not appear therefore any necessity for the system being even experimented upon in Travancore." I doubt the correctness of the statement in regard to labourers. It is among these that drink most obtains. However, I consider the above as just the reason for the proposal. Travancore is sober, and it should be easy to make it more and more sober till it gives up drink altogether. If industrial awakening has yet to come into existence and if few labourers can afford the luxury of going in for drink, it is all the more fortunate because then the awakening Travancore would be able to respond in sobriety and furnish a body of labourers free from the vice which has ruined their fellowmen elsewhere.

Finally, the Commissioner observes.—"The proposal is, I regret to say, absolutely futile, and dangerous, in the results that may be expected from it. It can only be regarded as a political expedient in disguise as remarked by Mr. Strathie. I would very strenuously oppose the adoption of the proposal." It is unfortunate that the Commissioner, in agreeing with Mr. Strathie in his opinion on rationing, should have utilised a remark of his in a way as to imply its applicability to his country. I would not comment further on this.

I would point out in conclusion that the objections of the Commissioner may generally be traced to the insufficient recognition of the significance and requirements of the policy enunciated by the Government. If that policy is to be carried out, the present view point must radically change. The cause of progress will be hindered by a confusion of the two.

Mr. Strathie in concluding his book on "Excise and Temperance in Madras" says:—

"To sum up, the past history of Madras Excise has been one of steady advance in the direction of restriction of places of sale, restriction of consumption, increase of control, and association of non-official opinion. There has throughout been a willingness to co-operate with real temperance workers and numerous efforts have been made by the Government itself to encourage temperance by direct means. These have not included the more extreme measures that have been tried in some other countries for the reason that those measures have yet to be proved to be more successful or even as successful as the measures enforced in Madras. At the same time the Madras system affords ample scope for development in the directions in which the best temperance opinion desires development to take place."

The features above summarised have been well applied by the Commissioner to Travancore. The only difference is we have resolved to proceed in a further direction from temperance to prohibition, and it is essential to extend our vision and keep the ideal ever before us.

5. *Declaration of policy.*—The above would have made it plain that, in spite of the pronouncements of policy, there is still confusion of ideas about it and of means with the end. I would therefore finally add a word as to the necessity for such a declaration of the policy as would bring out unmistakably the ideal that should actuate departmental activities. From the Dewan's addresses to the Assembly, it is seen that the gradual promotion of temperance is taken as the policy of Government. Immediate prohibition is considered neither practicable nor desirable, but prohibition is hoped to be achieved in course of time. I am not in doubt as to the ultimate aim of the Government. But the language used is such as to lead one to infer that the Government are anxious to lay emphasis more on the means than on the end, more on the promotion of temperance than on the abolition of drink. *Temperance* is not *prohibition*. Gradual temperance means making people more and more temperate, as time advances. It does not mean making people on the whole abstain from drink altogether which is prohibition. By promoting temperance, we reduce drinking but do not abolish it. The one need not lead to the other. In declarations of policy, the words used should be quite unambiguous and precise to a degree. As the Government has accepted the ideal of prohibition, it is desirable, proper and expedient that they formulate that ideal in the most explicit terms.

Such a declaration is also called for in view of the change it leads to, and the effect it produces on the principle of maximum revenue with minimum consumption. In his address at the 18th session of the Assembly, the Dewan pointed out that the abkari revenue should in course of time disappear. As observed by Mr. Arthur Shadwell in his book on "Drink in 1914-22", the two objects of increased revenue and diminished consumption tend in opposite directions, and if they are pursued together a point is reached at which they become incompatible when one or other must be sacrificed. In my opinion, the point has been reached in Travancore with the enunciation of the ideal of prohibition. If the ideal is always clearly kept in view, and if steady endeavours are made every moment towards it, it must to that extent tell upon consumption, and thus upon the revenue yielded by consumption. The attainment of the ideal means primarily the reduction of consumption to nullity and as a consequence the disappearance of the revenue. An emphatic declaration from the point of view of consumption has a force of its own as a guiding factor in the working of the policy.

In these circumstances, it is imperative to clear the attitude of the Government towards the drink problem not only in justice to their good intentions, but also in view to afford correct compass and perspective to the means to be adopted. A declaration that it is the policy of the Government to abolish gradually the drink evil till it is extinguished altogether will also set at rest all doubts in the public minds, and would be an encouragement and incentive to their co-operation. I would therefore ask for a clear and specific declaration of policy.

(Sd.) G. PARAMESWARAN PILLAI.

Appendix V.

DISSENTING MINUTE OF MR. A. J. VAN ROSS.

It has been possible for me to agree with my colleagues in most of the conclusions arrived at by them, and on some points to give way to the majority but try as I would I have found it impossible to fall in with the proposal to reduce the supply of liquor by 2 per cent.

SCOPE OF THE PROPOSAL.

2. On the face of it the proposal looks harmless, for it would appear to the casual reader that no serious difficulty could arise in giving effect to such a small reduction. But a closer scrutiny will reveal the fact that the proposal involves a reduction far higher than 2 per cent. No margin is to be allowed for the increase in consumption which usually follows the natural increase in population and also for the further increase in consumption consequent on the suppression of the manufacture of illicit liquor on which it is proposed to concentrate efforts. Government-controlled liquor is bound to replace a large quantity of the illicit liquor that is now consumed when a greater measure of success is obtained in the prevention of illicit manufacture. When these two factors are taken into consideration it will be seen that the reduction proposed covers a much larger quantity than 2 per cent.

DIFFICULTIES OF PRACTICAL APPLICATION.

3. The first question to be considered is how the proposal is to be given effect to. If there was a contractor for the sale of arrack for the whole State or for a division or taluk, it would be possible to tell him that he would be given only a reduced quantity each year for sale and leave him to manage as best he can, but the department has no such single contractor. The independent shop system for the sale of arrack having been introduced throughout the whole State each shop-holder is a contractor for the sale of arrack and there are 631 such contractors in the State. The reduction has to be effected by reducing the quantity of arrack issued to each shop. That is the rationing system. The average consumption for each shop for the past 5 years has to be taken and made the starting point for the reduction. But it is known from experience that the basis thus obtained is thoroughly unreliable. The consumption in a shop depends upon several changing circumstances and varies from month to month. The consumption for a month is not the same for the same month the next year in the same shop. This is what Mr. Strathie says in his book on "Excise and Temperance in Madras" page 100, *re. sales in shops*. "Consumption in a shop varies with a thousand factors, the state of the season, the demand for labour, the growth of population, the occurrence of deaths, marriages, fairs and festivals, the prevalence of fever or other ailments or even with the personality of the seller. If the influence of some of the factors acts in a shop in a particular month in one year and not in the same month in the standard year on which the consumption is based, the supply of liquor in the shop will in that month be insufficient for the ordinary legitimate demand and vice versa. The result of rationing must therefore be that for part of certain months some shops will have to remain closed, *i. e.*, rationing brings about a temporary local prohibition at certain times and at certain places. The times and places are determined by pure chance."

4. After a thorough examination of the system he has come to the conclusion (page 10 of the joint report) that the "rationing system involves a confession that total prohibition is impossible and in effect says there will be local prohibition at such a time and at such a place. But it leaves the time and place to be chosen by accident. It hardly justifies the title of "system" at all and seems to me merely a political expedient disguised as a temperance measure." This is certainly very strong condemnation of the system by an officer who can with authority speak on the subject. It has to be noted that the supply of arrack is not reduced gradually by the steady pressure of taxation and control as in the present system but arbitrarily and abruptly and

I dread to think of the consequences. In regard to the rationing in Bombay, the system is reported to have failed even during the first few months of its trial and several subsequent modifications were in consequence allowed. The quantity allowed to one shop was diverted to another to meet demand. Next, Collectors were permitted to issue excess supplies freely subject only to the condition that the annual ration was not to be exceeded.

OPPOSED TO DEPARTMENTAL POLICY BEING A COERCIVE MEASURE.

5. From the above, it will be seen that there is serious practical difficulty in giving effect to this proposal. It leads to local prohibition in certain areas; that is to say, the department compulsorily deprives certain areas selected by mere chance of the supply of arrack. This is coercion and is opposed to the policy of the department. In my Memorandum, (page 4, para 4) I have stated as follows:—

“ This policy of the department is one that takes the line of least resistance and therefore gives the greatest promise of actual success. It avoids any direct coercive measures. To force the people in the matter of drink has been found from experience to be the surest method of stiffening their back and strengthening their desire to persist in the evil. If we in Travancore drive the people to take up this unfortunate attitude, all hopes of weaning them from the drink habit would be lost. Travancore is a place which offers the greatest facility to obtain intoxicating drinks. The abundant growth of the palm tree from one end of the State to the other, the isolated location of houses and the consequent difficulty of maintaining an effective check on malpractices offer every opportunity to the illicit manufacturer to ply his trade.”

6. The policy of the department is to steadily reduce the facilities for obtaining drinks by the gradual reduction in the number of shops and by the steadily increasing pressure of the liquor duties. The departmental policy is not to refuse to supply but to make the supply *difficult* and *expensive to obtain*. Under this policy a man need not necessarily seek for illicit liquor since he can always obtain licit liquor by taking a little trouble and by paying for it. But, under the present proposal, he would be forced to look for illicit liquor since the supply of Government liquor would be denied to him.

EVIL EFFECTS OF THE PROPOSED SYSTEM.

7. In places where there is no illicit manufacture of liquor, any direct step which would have the effect of cutting short the supply at the source and of ensuring a reduction in consumption is easy to evolve and to work out in practice. The case is quite different in a State which has *every hour to deal with the gravest of abkari offences*. The consumption of licit liquor forms only a portion of what is actually consumed and when even this quantity of licit liquor is cut short, the consequence will be disastrous. When the people of the locality served by a shop suddenly find that the shop is closed, they would be driven to the necessity of finding their own liquor and, as I have said, it is very easy in Travancore to obtain illicit liquor. The policy underlying this proposal can be enforced only *if the illicit manufacture of liquor is eliminated and the people are ready to submit to the deprivation of licit liquor*. Otherwise it would be futile. To quote again from Mr. Strathie, “ In addition to these administrative difficulties rationing in Bombay has led to an increase in illicit practices and in the consumption of foreign liquor. The object of the system, *i. e.*, the gradual reduction of the consumption of alcohol is therefore not being achieved.” One hundred cases of illicit distillation were reported in a place in a district in Bombay where illicit distillation was formerly unknown. A raid led to the discovery of illicit stills in eleven out of eighteen houses in a village. In the first six months of 1922, 522 cases of illicit distillation were reported in the Central Division against 606 in the twelve months of 1920—21 and 376 in the whole of 1921—22. The figures speak for themselves and comment is needless as to the effect of the rationing system on the manufacture of illicit liquor.

The Hemp Drug Commission are emphatic in their denunciation of this policy. They say, "it is not for the Government to determine how much of the drugs should be consumed. Its function is to exert pressure but not to fix limits, to regulate the conditions but not the actual quantity; and it is far better that subject to those conditions the laws of supply and demand should not be interfered with."

EVIL EFFECTS OF THE SYSTEM CONTINUED.

8. Another aspect of the question is that in trying to enforce this policy of rationing the shops, the door will be open to a good deal of jobbery and corruption. Shopkeepers would clamour for arrack, rival claims would be set up and imputations and complaints of corruption would be the order of the day. This would lead to a very undesirable state of things and should on no account be allowed.

9. Another very serious disadvantage would be the loss to the department of the shop-holder as a preventive agent and informer. Hitherto, the shop-holder was an effective helper of the preventive force. He would freely get the supply of arrack required for sale in his shop and as his profits depended upon the sales from his shop, he would be on the alert to discover any illicit distiller or smuggler interfering with his custom and give information to the department to enable the officers to put a stop to the malpractices. Under the proposal to restrict the supply, the shopkeeper would no more give any information. Being in want of arrack for sale, he would himself turn distiller or would be in league with the distillers, and the departmental officer would not only lose a vigilant and reliable informant but would find in the shop-holder a new enemy. He will have his work cut out for him. Informers from the general public are exceedingly few. The shopholder has practically been the only informer so far and his defection and going over to the enemy's camp would indeed be a very serious disadvantage and would effectively retard the cause of temperance.

PROPOSED REFORM NOT NEEDED.

10. The consumption in any specified area or throughout the State should be alarmingly large to compel the introduction of the system. In my opinion, not one shop in Travancore can come up to the requisite level. When compared to other parts of India, Travancore may be said to be relatively sober. In Bombay and adjoining areas where the system was first tried, there is a large labour population employed in mills and factories and the consumption is in consequence very heavy. Industrial awakening has yet to come into existence in the State and the average wage earned by a cooly here is very poor when compared to that of his brother in Bombay. Few labourers can afford the luxury of going in for arrack. Not one of our shops is comparable in point of consumption with the shop with the lowest consumption in Bombay. There does not appear therefore any necessity for the system being even experimented upon in Travancore.

FURTHER EVIL EFFECTS.

11. The suppression of illicit distillation naturally leads to an increase in the consumption of licit liquor. When the field staff realise that no such increase will be allowed, their incentive for preventive effort will disappear and illicit distillation will begin to flourish again. It is an irony of fate that when actuated by an earnest desire to advance the cause of temperance, I have, in my memorandum, asked for help in the matter of putting down malpractices more effectively, the only fresh proposal carried by the Committee is one that would not only considerably hamper me in attaining the desired object, but would directly lead to an increase in malpractices. The proposal is clearly not in the true interests of temperance whatever else it may be.

12. The mere announcement at the auction time that a reduction in the supply of arrack would be made in the case of each shop would immediately bring down the rentals of arrack shops. Very often the sales in a shop depend on the tact and popularity of the seller, and, as I have already stated, upon various other circumstances and if the shopkeepers feel that they are not to be benefited by these

circumstances there will be no bidding at the auction and the shops would have to be sold at greatly reduced rentals. This would not only result in serious loss of revenue to Government but would retard the cause of temperance. Reduced rentals will naturally be followed by a lowering of the retail price of liquor and a consequent increase in the consumption of the same since even those who could not afford the drink when the price was high, would now be found freely going in for it. The quantity of liquor allowed for a shop will therefore be consumed much earlier than would be the case if the retail price continued high and for the remaining portion of the month the shop would remain closed and the consumers would be obliged to resort to illicit liquor instead of the Government-controlled liquor. Thus, as a result of rationing not only *would illicit manufacture be encouraged but owing to the lowering of the selling price of Government liquor the drink habit is likely to spread to those who otherwise would have been free of the evil.*

PROPOSAL FUTILE AND MISCHIEVOUS IN ITS EFFECTS.

13. The proposal is, I regret to say, absolutely futile, may dangerous, in the results that may be expected from it. It can only be regarded as a political expedient in disguise as remarked by Mr. Strathie. I would very strenuously oppose the adoption of the proposal. It is a coercive measure and seeks to compel people to give up drink—a method that has met with failure wherever tried. If temperance or prohibition has to be achieved it is imperative that we should take the people with us and not alienate them. When they are ready to co-operate there will be no need for any coercive measures; the consumption will fall of itself. Coercion spells failure and it is opposed to the policy of the department. Not only can it do no real good but it is extremely mischievous in its effects and has to be rejected without hesitation.

RESTRICTION IN THE NUMBER OF TREES TAPPED.

14. I am also opposed to the proposal to prevent any increase in the number of trees tapped for toddy. The independent shop system in regard to toddy has been only gradually introduced into the State. In a great number of taluks in the north, the system may be regarded to be only in its infancy where the maximum number of trees required for tapping has by no means been reached. By improved preventive work and better supervision the number of trees licensed for tapping is likely to show a large increase. If this increase is not allowed, the result would be that illicit tapping would be carried on to the detriment of Government revenue. Further, as in the case of arrack, the incentive to do preventive work will be removed and the field staff would even collude with the shop keepers in carrying on illicit tapping. Toddy includes both the fermented and unfermented juice of any kind of palm tree. It ferments very easily and commences to do so very quickly. The rate of progress of fermentation varies with the kind of palm tapped and with the temperature. In a cold climate, alcohol is absent or is inappreciable for some hours. In proportion as the alcohol is less the percentage of unfermented sugar is greater. Toddy is generally used to appease hunger while spirits are used for their effect on the nervous system. Toddy, particularly cocoanut toddy is a nourishing drink for the labouring classes who mainly depend on the drink for sustenance during working hours. It is the least harmful of the different kinds of liquor. Its average strength is only 90° U. P. and it is said to contain nutritive elements—about 2.76 grains per cent. albuminoids and 2.2 grains per cent. sugar. The Government of India states “that so far as present information goes, tari (toddy) is the least noxious of all forms of alcohol in common use in India, that it would be a grave evil to discourage its use if this result should be purchased at the cost of driving the people to more deleterious intoxicants and that no consideration of revenue should be permitted to justify such a course.” It is against such weighty opinion that it is now proposed to cut down the supply of toddy. Having regard to the fact that its alcoholic strength is very low, that it is the cheapest alcoholic beverage and that it is consumed more as a food than as drink, I do not think that it is necessary to place any restriction on its use at present. Not one of the Provincial Governments of India

has taken any steps in regard to toddy and it appears to me that they stand on solid ground in doing so. In the Madras Presidency, the present Minister of Excise, Sir A. P. Patro, has proposed to stop the use of only arrack in certain specified taluks as an experimental measure leaving the use of toddy undisturbed. I think it will be premature to deal with toddy at present and I would recommend that it may be left alone.

15. The foregoing dissenting minute was written before the Committee met on the 3rd May 1924 and finally passed the Majority Report. At that meeting the Committee made an important addition to their recommendation for the appointment of a Committee at the end of five years to review the position. The addition is to the effect that the committee should, on reviewing the situation, make such further recommendations as would *accelerate the realisation of the goal of prohibition within a period of at least 25 years*. This change makes it necessary for me to add a few more words to my dissenting minute. I would also take the opportunity to amplify some of the objections raised by me against the proposal for the annual reduction in the supply of arrack by two per cent. In para 2 of the above minute, I have stated that the reduction would cover a much larger quantity than 2 per cent. This quantity represents the consumption due to the natural increase in population and to the intensive preventive work. Excluding this quantity, the supply of arrack that would be cut off during the 5 years, if the proposal is given effect to, would be 40,758 proof gallons and the duty due thereon is Rs. 1,63,032 calculated on the rate of duty now current. Though this sum is not inconsiderable for a small State like ours, yet it could be ungrudgingly given up if we have a reasonable measure of assurance that a corresponding degree of benefit would accrue to the people. If this could be assured, it will be money well lost. But unfortunately, as pointed out in para 7 *supra*, there is not only no such assurance but experience so far gained in Bombay shows that a serious recrudescence of the manufacture and consumption of illicit spirits is sure to follow resulting in much harm to the drinking population. From the dissenting minutes of Messrs. G. Parameswaran Pillai and Madhava Variar, it would appear that they regard this plea of illicit practices as a bogey conjured up by me to keep away any really effective measure for the rapid realisation of prohibition. I may assure them that this is far from being my object. All that I desire is that some real good should accrue to the people from our efforts and that we should not make mere paper reforms which would leave the people in a worse instead of a better condition than at present. That it would be absolutely futile to force on the people any reform which we have no assurance they are willing to accept may be easily realised from a perusal of the extract given below from a note which the Hon'ble Mr. W. C. Shepherd B. A., I. C. S., M. C. S., Commissioner of Excise, Bombay Presidency, prepared for the information of the Excise Committee appointed by the Government of Bombay in 1922-23, of which he was a member. Referring to the rationing system in Bombay, he says as follows:—

“But, apart from this, there is already good reason to believe that the system is producing more harm than good. It is obvious that illicit liquor is likely to be much more injurious than licit. Neither its strength nor its price is controlled, and it tends consequently to be of high strength and therefore very intoxicating, and cheap and therefore purchaseable in large quantities. The facilities for illicit distillation, especially in those parts of the Presidency where most alcohol is consumed, are so great that the Excise Department has never been really able to defeat it. All that it has been able to do is to keep it more or less within bounds. The extent of it in Mhowra growing areas may be judged from the following calculations :

“In the Navapur taluka of the West Khandesh District there are about 50,000 Bhils, Mavchis, and kindred wild tribes. These people are, compared to those of most other areas, notorious for the consumption of liquor. Men, women and children drink spirits. Liquor is a religious necessity. It is placed on the lips of new-born infants. If we assume that these people drink, on an average half a dram (1/96th of a gallon) per day, the average annual consumption per head would come to nearly four gallons. The consumption in the taluka would therefore be nearly 200,000 gallons annually. But the total licit consumption of the whole of the West Khandesh

District (and it must be remembered that there are Bhils and kindred tribes in many other parts besides Nawapur) was in 1920-21 only about 115,000 gallons.

Now, I give the figures of cases detected (these represent only a small portion, of course, of the offences committed, since detection is difficult) of illicit distillation and importation from 1917-18 up to date. The two sources of illicit supply are (1) from illicit stills in British territory, (2) importation from adjoining Indian States and Portuguese territory. I take the year 1917-18 as a starting point, because prior to that year, offences of illicit import and illicit possession were not shown separately:—

	<i>Illicit distillation.</i>	<i>Illicit import.</i>
1917-18	958	383
1918-19	928	367
1919-20	858	557
1920-21	1,195	466
1921-22	1,146	447
1922—9 months	1,373	916
or proportionate for the year	1,746	1,145

In 1920-21 and 1921-22 the cost of liquor was considerably increased, in 1920-21 by increase in the selling price and in 1921-22 by increase in still-head duty. In 1921-22 picketing also produced an increase in illicit traffic. The lowering of the strength may also have contributed to increased temptation to obtain illicit liquor. In April 1922 the strength was again reduced and the duty increased. But though there were frequent increases in duty in previous years, excise crime shows no very sudden or marked increase between 1914-15 and 1921-22. The only new factor of importance introduced from April 1922 was "rationing." It was accompanied by an entirely unprecedented increase in excise crime, and it is impossible to contend that it is not largely responsible for that increase. The returns for the nine months show that these offences compared with the figures of the 12 months of 1921-22 nearly doubled in Ahmedabad, Surat, Nasik and East Khandesh, more than doubled in Kaira, and in Thana were three and a half times as numerous. But the facts are worse than the figures shown. From more than one district, I received reports that the amount of illicit distillation was so great and the public feeling in its favour so strong that whole villages were concerned, and the establishments at the disposal of the department were so small that they had to leave these villages alone. Further, before rationing was introduced some of our best information about illicit practices came from the liquor shop-keepers. They naturally were ready to assist us since as their sale was not restricted, the illicit distiller was a competitor to be got rid of, if possible. But when their maximum sale was fixed, they concentrated their efforts on selling as much of the commodity as they could at the highest price, and declined to trouble themselves about illicit competition since unless it was on a very large scale it did them little harm. The demand was sufficient to keep both them and the illicit distillers busy. The temperate districts of the Deccan have been little affected; the demand is very small and material for illicit manufacture difficult to obtain. In Poona, however, there were 20 cases in 9 months, against 1 in the preceding 12. But the less temperate areas are being simply flooded with illicit liquor to the obvious injury of the inhabitants thereof. The facts before us seem to show that the effect of the measure has merely been to substitute illicit for licit liquor on a very extensive scale, and though this may be a matter of gratification to the drinkers it can hardly be hailed with much satisfaction by the advocates of temperance.

I might remark that even if rationing were not the main cause of this remarkable jump in excise crime the fact of the jump would still remain. Even if it is assumed to be due to the increased price of liquor owing to the increase in still-head duty and to the reduction in strength it has still got to be faced. The increase in crime is not due to increased vigilance on the part of the Excise Department for all officers agree that it is so great that it has got beyond their control. If something is not done we shall be faced with all the evil consequences of a large traffic with which we cannot cope. The only remedy seems to be to admit that we have gone too fast, and to reduce the cost and raise the strength of licit liquor. It would also obviously

be necessary to abolish the rationing system, since so long as the supply of licit liquor is fixed the price will remain high and the balance of the demand will be made up illicitly. The success of rationing is in fact dependent upon the absence of any other source of supply. The fixation of the amount to be sold merely eliminated the greater part of the competition which the illicit distiller previously had to face.

"There is a still greater danger ahead. At present illicit distillation is carried on entirely by illiterate and ignorant members of the lower classes, using small stills, and supplying a limited clientele. But in course of time, if the supply of licit liquor is kept at a fixed and arbitrary figure, a more intelligent class with greater resources is almost sure to take up the business. Liquor will be distilled on a larger scale, and detection and prosecution will be even more difficult than they are now."

16. This will show that the difficulties in the way of introducing any drastic measure such as rationing are real and not imaginary. What, may I ask, would be the good of reducing the supply of Government arrack if the people would be able nevertheless to drink more than before and, as pointed out by the Hon'ble Mr. Shepherd, if the liquor so consumed be deleterious in quality and higher in strength likely to produce in the consumers far greater evil effects than may be feared from the consumption of Government liquor? Another point on which I would lay stress in this connection is whether after all there is any need in view of the extent of the drink habit in Travancore, to regard it as a serious and urgent question calling for the adoption of any drastic measures such as rationing. Neither the Majority Committee's report nor the dissenting minutes of Messrs. Parameswaran Pillai and Madhava Variar show that any case has been made out for the introduction of rationing. Has the drink habit in Travancore assumed such proportions that the drinking classes stand in danger of a break-down either from the physical or economic standpoint? This aspect of the question does not appear to have been considered. I shall try to show below that the need has not arisen for the adoption of any urgent drastic remedy, nor, in view of the extent of the consumption of alcohol in Travancore, is such need likely to arise anywhere in the near future. I shall first refer to the consumption of arrack in the Bombay Presidency and what the Hon'ble Mr. Shepherd says about it. The consumption of country spirits per head of population in the Bombay City is 34.2 drams while it is not more than 16 drams in any mofussil district of the Presidency. Taking the Bombay Presidency as a whole, the consumption per head of the population is 16 drams and with regard to this consumption the Hon'ble Mr. Shepherd says as follows:—

"The first fact that strikes the student of the question is the remarkably small consumption of alcohol in the Bombay Presidency when compared with other countries for which we possess statistics. The consumption of spirit alone in the United Kingdom in 1909 was .87 gallon per head annually, or rather more than 4/6th of a gallon. This is the figure for spirit of the average strength sold. The corresponding consumption in the Bombay Presidency in 1920—1921 was about 1/3rd gallon. And it is to be remembered that the average strength of the liquor consumed in the United Kingdom was probably at least twice that of the liquor drunk in this Presidency. In addition to spirit the amount of beer drunk in the United Kingdom was 26.4 gallons per head per annum. The consumption of toddy which may be taken as the equivalent to beer in the Bombay Presidency in 1920—21 was a little under 3/5th of a gallon per head. If we reduce the toddy drunk in the Presidency taking the average strength at 5 per cent. proof spirit we get a figure of consumption of proof spirit (country liquor and toddy together) of about 11/30th of a gallon per head per annum. The corresponding figure in France is 9.59 gallons per head, in Italy 6.53 and in the United Kingdom 3.42".

Again in his minute of dissent in pointing out that no case has been made out for prohibition in the Bombay Presidency, the Hon'ble Mr. Shepherd thus refers to the consumption in the Presidency:—"This Presidency except in a few large towns is as yet happily free from the evils of industrialism, and the consumption of alcohol in it, as I have shown in my Note, is infinitesimal compared to that in Western countries."

17. Compare this consumption in the Bombay Presidency with that in Travancore and it will at once appear how little room there is for anxiety as regards the

drink habit in this State and for the adoption of any drastic remedies. In Travancore the consumption is only 1.46 drams (figure for 1098) per head of the population. In the municipal towns the consumption is somewhat higher, being 4.9 drams, but in the vast rural areas it is only 1.36 drams. In several taluks the consumption is much lower than this average, it being not more than .5 drams.

18. Dr. John Mathai, B. Litt. (Oxon) D. Sc., (London) Professor of Indian Economics, University of Madras, in his valuable little brochure on "Excise and Liquor Control", has taken considerable pains to work out on pages 46 to 48 the total *per capita* consumption of absolute alcohol per day in the Madras Presidency. He finds that the consumption is only $\frac{1}{3}$ rd of an ounce which is far below the limit of 1 to $1\frac{1}{2}$ fluid ounces of absolute alcohol which it is stated that a person in England may consume within a period of 24 hours with useful effect. He says that even making allowance for two principal differences between England and India in respect of this safety limit, *viz.*, (1) the difference of climate and (2) the difference in the character of the civilization and the intensity of life, it is doubtful if it can be maintained that we have reached the limit of safety in Madras. Applying the same method in working out the *per capita* consumption of absolute alcohol per day in Travancore it will be seen that the consumption is substantially less than in Madras.

The percentage of absolute alcohol in a gallon of proof spirit is estimated at 57. Taking the quantity of proof spirit per head of the population per annum as 1.46 (see para 17 supra) the quantity of absolute alcohol consumed by a man per annum in Travancore is--

$$\frac{1.46}{48} \times \frac{57}{100} \times 160 \text{ (160 fluid ounces or 48 drams being equal to 1 gallon)} = 2.77 \text{ oz.}$$

Next taking toddy, the average annual consumption per head of population is seen to be 82.4 drams. The percentage of absolute alcohol in toddy is estimated to be 5. The annual consumption of absolute alcohol per head of population as regards toddy is therefore-- $\frac{82.4}{48} \times \frac{5}{100} \times 160$ or 13.7 oz.

Arrack + toddy gives the annual consumption of absolute alcohol per head as 2.77 + 13.7 or 16.5 oz.

In striking the average per head of the population it is necessary to ascertain at first the number of people who *do* drink. The number of persons in Travancore who are in the habit of drinking may be roughly estimated as follows:—

Total population of Travancore	...	40	lakhs.
Deduct Muhammadans	...	2.7	"
Brahmins	...	30.7	"
Deduct women (roughly at a ratio of half the population)...	...	18.4	"
Deduct male children under 15 (roughly at the ratio of $\frac{1}{3}$ of the population)	...	12.3	"
Deduct well-to-do classes who do not drink arrack and toddy (roughly at $\frac{1}{3}$ of the population)	...	5.8	"

We thus get about 10 lakhs as the drinking part of the population or roughly $\frac{1}{4}$ th of the total population.

The average consumption of absolute alcohol calculated among the drinking part of the population therefore amounts to-- $4 \times 16.5 = 66$ oz. per annum.

The average consumption of absolute alcohol per day is therefore $\frac{66}{365}$ oz. or .18.

If allowance is made for abstainers in the drinking classes we get an average daily consumption per head of $\frac{1}{3}$ oz. of absolute alcohol in Travancore which is substantially below the figure for the Madras Presidency and is very far indeed below the safety limit of 1 to $1\frac{1}{2}$ oz. referred to in para 18 supra.

19. The above figures will show conclusively that applying the physical test there is absolutely no call for any drastic step being taken for reducing the consumption of liquor in the State and that it will be a very long time before we reach anywhere near the safety limit.

20. With regard to the economic test as applied by Dr. Mathai, he has found that the minimum estimate of the average expenditure on drink is somewhere about 1/9th of the family income and that this expenditure is too much considering that the average income of a labourer is only about Rs. 112 per annum. Dr. Mathai has however clubbed arrack and toddy together in arriving at this figure. Whatever may be the conditions in Madras, in Travancore, arrack does not appear to be consumed ordinarily by the labouring classes. There are hardly any industrial enterprises on a factory scale in Travancore and hence the labouring classes do not earn what is termed a high factory wage. As a rule, they consume only toddy leaving arrack to be consumed by the middle and the lower middle classes. With regard to the consumption of toddy by the working classes, it is not feasible to ascertain the economic strain brought about by this habit. As I have stated in para 14 supra, toddy is generally used to appease hunger while spirits are used for their effect on the nervous system. Toddy is a nourishing drink for the labouring classes who mainly depend on the drink for sustenance during working hours. This being the case, how much of the toddy drunk is merely for purposes of intoxication and therefore wasteful and how much is for the purpose of sustenance and therefore useful cannot be determined. But, that much of it goes towards maintaining the strength and efficiency of the labourer is certain. Sir A. P. Patro, in his Note prepared for the Excise Advisory Committee, Madras, referring to the toddy drinking cooly says:— "As regards the efficiency of the labourer it is difficult to match the physical strength of the toddy drinking cooly amongst his countrymen who do not drink." Thus, much of the money spent by the labourer on toddy is money actually spent on his sustenance and could not therefore be regarded as an economic waste.

21. Coming next to arrack which is consumed by those who are higher in the social scale than the labouring classes it has to be observed that the income of men composing these classes may be regarded as higher than the income of the labourer and therefore any inference based on the probable income of the labourer cannot be useful. Travancore in several directions is a more favoured country than British India and it is here that nature always smiles. We have a higher and steadier rainfall and the soil being more fertile repays the work of man much better. There is in addition a fairly large yield of raw products which generally command a good market price. These favourable factors make the average income of an adult of these classes much higher than that of the mere labourer. Of course, there are no scientific data available to enable us to fix the amount with any degree of accuracy. But the general factors are sufficient to lead to the inference drawn by me. It has been stated in para 18 supra that the drinking classes in the State may be taken to number 10 lakhs. Taking 1/3rd of this number as members of the middle and lower classes who drink arrack, a low estimate in my opinion, the individual expenditure on arrack per annum is as shown below:—

1/3rd of the drinking classes (10 lakhs) or 1/12 of the population	...	3.3	lakhs.
The quantity of arrack in proof spirit consumed in Travancore per head of population is	...	1.46	drams.
Therefore the quantity consumed by the actual drinker per annum is $1.46 \div 1/12$ or	...	17.52	drams.
The average price per dram of arrack in the State is	...	3½	annas.
Therefore the amount spent by a member of the middle or lower middle classes on arrack per annum is $17.52 \times 3½$ as.	...	Rs. 3	as. 13 p. 3

Whether this amounts to an economic strain will depend upon the income of the drinker. Considering that his income will be higher than that of a labourer which is fixed at Rs. 112 per annum it is clear that there is no question of economic strain in his case.

22. From the above it will be seen that there is really no case for the introduction of rationing as proposed in the majority report of the Committee. The members who advocate this policy have not given any reasons which should impel Government to adopt a measure which is not only difficult to enforce in practice but which, as I have shown above, is clearly likely to result in more harm than good. The proposal, though it may look well on paper, is one which I have no hesitation in saying will not secure the object in view but will seriously operate against the attainment of it. I would therefore strongly protest against the adoption of the proposal since no measure should be sanctioned which will not result in practical good to the people.

23. The proposal that a Committee should be appointed at the end of 5 years to review the position and make such further recommendation as *would accelerate the attainment of prohibition within a period of at least 25 years* is one which, I am afraid, goes beyond what the Government had undertaken to do at the 1098 Vrischigom Session of the Legislative Council. Government accepted the principle of gradual realisation of prohibition, but fixed no period within which prohibition should be achieved. Mr. Madhava Variar pointedly asked if Government would agree to pass a law on prohibition within a fixed period. But the President declined to make any such promise. To undertake to effect prohibition gradually appears to me to be different from effecting it within a specified period. To fix a period would mean that prohibition should be reached whether conditions are favourable or not. On the other hand, gradual realisation of prohibition indicates that advance should be made conformably with surrounding conditions and that, if the situation becomes unfavourable, the advance should be temporarily retarded. This precludes the idea of fixing a time limit. I do not think that it was the intention of Government to enforce prohibition among the people at any cost. It appeared to me rather to be their intention to feel their way towards the goal and to reserve liberty to themselves to advance or to hold back temporarily in the light of the experience gained. That the ultimate goal is prohibition has been accepted by Government and I think that, in view of the results obtained in other countries, prudence demands that the Government should have this freedom of action left in their hands. In supporting the plea of direct action in order to achieve prohibition within a definite period, the dissenting members have referred to the prohibition laws in America and to the feasibility of enforcing prohibition in Travancore also. The working of the prohibition law in America is of very doubtful success and the evidence obtained from several sources, as shown below, indicates that it has been a dismal failure and that, instead of doing any good, much serious evil has followed from the enforcement of the law. The following has been culled from the *Madras Mail* :—

“In a recent address on prohibition, Mr. Richard Enright, Commissioner of Police of New York City, said it was impossible to say what the economic effect of prohibition had been, because there were no reliable statistics, but the obvious sinister result of the law was that people who before prohibition used intoxicating liquor moderately, and confined themselves to light wine or beer, were now “drinking large quantities of hard liquor (Whisky) of very bad quality and the effect upon the social and moral tone of the community was anything but reassuring.

“It is considered smart by boys and girls, he told his audience, to carry flasks of liquor, generally of bad quality, when they go to parties, and the result must be injurious to the morals and health of the young people. Distinguished men in professional life, judges, statesmen, clergymen and men who have always represented the highest standard of honour and integrity he said, carry their private flasks and do not seem to think they are committing any offence against the law.

"Statistics made public by the Superintendent of Police of Washington show that Prohibition has not decreased crime in this city. The population of Washington between 1910 and 1923 increased by 32 per cent, while arrests for serious crime increased by 107 per cent. Arrests for murder were more numerous by 271 per cent. than they were ten years earlier, manslaughter by 250 per cent, crimes against morality by 800 per cent, robbery 103 per cent, bigamy 83 per cent. For violation of the Prohibition laws 13,040 persons were arrested last year and in addition 8,368 arrests were made for drunkenness, an increase of 121 per cent over arrests made in 1910."

Yet another testimony comes from the *Ave Maria*, a Catholic paper in the following words:—

"A formidable array of figures is presented by Dr. S. Dana Hubbard in the *New York Medical Journal*, to support his contention that Prohibition does not prohibit. He cites the records of Bellevue and King's Country Hospitals, which show that since 1918, when there were 1758 admissions for drunkenness, the number has steadily increased, until last year there were 5,624 admissions. Twenty nine hospitals in New York reported to the Department of Health that in 1918 there were 5,710 cases diagnosed as alcoholism, and in 1922, 6,869. The records of the Police Department show that in 1918 there were 5,323 arrests for drunkenness. Last year this number grew to 7,866, and increase was quite steady from the time Prohibition went into effect.

"More impressive than Dr. Hubbard's figures are some of his comments on them: "The normal man will never become a drunkard; and the real way to get at the liquor question is to protect the man with the "squint brain," the potential dipsomaniac who, once the habit is acquired, will go through fire and water, in any weather, to get his drink. Those wanting a drink will get it, law or no law. The man too lazy to attend church just around the corner, will walk five miles to keep a date with his regular bootlegger.

"Temperance cannot be made possible by statute. There is only one sure way to make moral progress, and that is through the hearts of informed men and women. Temperance is not abstemiousness (prohibition), but reasonable use of things. The one simple fact is positive—legislation covering drinking of intoxicating beverages is not to be respected, and public statute is helpful in government only so far as it is respected and willingly supported by public opinion, no further.

"All but the most intemperate of prohibitionists will admit that there is sober truth in what Dr. Hubbard says, though some may think that he might have set forth his statistics more soberly."

The Hon'ble Mr. Shepherd already referred to says as follows on the subject:—

"It is obvious that the recent experiments in the United States of America has had a considerable influence on educated opinion in this Presidency. But the condition of no two countries could be much more dissimilar and there is no ground for assuming that a policy which might be successful and even justifiable in the United States of America would be successful here. The United States of America is a country homogeneous in language and religion and to a great extent in race. It contains a population, the bulk of which is highly educated and public-spirited and in which public opinion is very powerful. It has a constitution which to a certain extent enables the general will of the inhabitants to take effect. It possesses means of rapid and easy communication and contains little easily accessible raw material for distillation of portable spirit. (Vide Mr. Stephen's note).

"I have made a careful study of this question and obtained information wherever I could. The evidence is, I think, overwhelming that liquor can be obtained with perfect ease in the United States of America by any one who can afford to pay for it. I may quote the statement of an American of high position, quoted in the *Times American Supplement* that there must be something wrong about a law

which is habitually disobeyed by all the wealthier and more distinguished and intellectual of the inhabitants. I have the evidence of distinguished English visitors to America, one of whom states that they discuss prohibition "over the walnuts and the wine." I have the direct evidence of an American lady who does her own distilling because the illicit liquor is of such bad quality. I have the evidence of an American medical missionary—himself a strong teetotaler—who holds that prohibition has done more harm than good because it has induced a number of young Americans of the upper classes, particularly girls, to drink who never drank before. Finally, I have the evidence of the extraordinary prosperity of the Bermudas and the controversy about the 3 mile limit. I do not know who the "independent witnesses are. But I do know that the Committees of Fifty who were almost all strong advocates of temperance were of opinion that State Prohibition in the United States of America was a complete failure. It is as I have remarked in my note impossible to treat this Presidency as if the conditions were similar to the United States of America. Illicit distillation has always been very difficult to check in areas where the raw material is easily available." Vide Mr. Shepherd's minute of dissent.

24. Mr. G. Paramesvaran Pillai has observed in the course of his dissenting minute that "doubting perhaps the efficiency of local option, America has decreed "dry" by law." What the effect has been of this "dry" law from a constitutional point of view is fully expounded by Dr. Nicholas Murray Butler of the St. Andrew's University who, in the course of a series of lectures on the building up of the American nation, has observed that the prohibition amendment to the constitution has "effected a veritable political revolution." He continues "In the prohibition amendment, there was for the first time introduced into the fundamental law an act of legislation in the form of a drastic and uniform exercise of the police power. The novelty and danger of this use of the amending power, as well as the likelihood that it may defeat its own ends, are fairly obvious. By putting this legislative act in the constitution itself, however, where to all intents and purposes it is beyond the reach of amendment or repeal (since one-fourth of the States plus one, no matter what their population can prevent such amendment or repeal) a situation was created whereby large numbers of persons, feel it certain that this new provision of law can neither be amended nor repealed, and dissenting entirely from the grounds upon which it was urged, more or less widely and more or less openly violate its provisions. The same thing would happen in the case of any sumptuary law attempted to be imposed upon a large, widely scattered and heterogeneous population of different habits, tastes and traditions. Herein lies the danger of attempting to correct or improve private moral and personal conduct by law, and especially by constitutional provision. The instinct of every good citizen is to obey law, whether agreeable or not and to assist in securing its obedience by others. Obedience to law, however, is one thing and enforcement of law is quite another. The former may come after a lapse of time, the latter may never be attainable. As a result of the adoption of the 18th Amendment, the people of the United States are now confronted by the exceedingly difficult problem—something insoluble problem—of attempting to build up respect for law and obedience to law while enforcing by the most extreme measures a particular provision of law which a large proportion of the population resent and are ready to defy."

25. These extracts prove that it is not only futile but positively harmful to force a prohibition law on a people unwilling to accept it and that the best Excise force in the world would be powerless to stem the tide of lawlessness that would follow the enforcement of the law. It is not merely a case of violating the law but it is a case of a remarkable increase in crime as a result of the enforcement of the law. Mr. Madhava Variar in his minute refers to Pussyfoot Johnson's plea that other laws are also being violated and that it is not remarkable therefore that the prohibition law also should be violated. The essential difference to my mind is that in the case of the other moral laws such as the law against theft, adultery, etc. they are backed by the general support of the community, but in the case of the prohibition law it appears that every man's hand is against it and that all the classes unite in violating it. As the Hon'ble Mr. Shepherd says there must be something wrong about a law

(prohibition law) which is habitually disobeyed by all the wealthier and more distinguished and intellectual of the inhabitants. I do not think that I can advance stronger evidence in support of my contention that the Government should be free to move cautiously in the matter of weaning the public from the drink habit. My memorandum lays special stress on this point and on the essential need of taking the masses with us in our efforts for their good. It cannot be effected by impatience and by the adoption of short cuts which will only lead to disappointment and failure. As Dr. Hubbard has said "Temperance cannot be made possible by statute. There is only one sure way to make moral progress and that is through the hearts of informed men and women." We cannot reach the hearts of the people by arbitrary methods. A good deal of patient work among the people alone can achieve this. I would, therefore, strongly protest against the fixing of any definite period for the attainment of prohibition or the appointment of a Committee for recommending steps to *accelerate* the realisation of prohibition. I have no objection whatever to the appointment of a Committee five years hence to review the position but the Committee should have a free hand as to whether in view of the conditions obtaining at the time, they would recommend an acceleration of the advance towards prohibition or not.

(Sd.) A. J. VAN ROSS.
