
**REPORT OF THE BIHAR AND ORISSA EXCISE
COMMITTEE.**

No 91-7-Ex.

GOVERNMENT OF BIHAR AND ORISSA.

MINISTRY OF EDUCATION.

EXCISE DEPARTMENT.

R E S O L U T I O

Dated the 27th October 1923.

READ—

The report of the Bihar and Orissa Excise Committee, published under notification No. 5133, dated the 16th May 1923.

RESOLVED:—

1. The Committee which was appointed under resolution No. 573-Com-R., dated the 30th October 1921, were requested to examine and report on the following issues:—

- (1) Whether total prohibitions, except for medical purposes, is a practical policy for the Government to adopt, whether it should be recommended for adoption within any specified period in lieu of the policy of the minimum of consumption with the maximum of revenue in regard severally to country spirit, *tari*, *pachwai*, imported liquor, opium and hemp drugs.
- (2) If the answer to the above issue be in the affirmative, what measures should now be taken to give effect to this policy, and should these measures be applied at once to the whole province or to selected areas? And if the latter, to what areas and why?
- (3) If the answer be in the negative, whether any changes should be made in the incidence of duties levied upon excisable commodities?
- (4) Whether the sliding scale or any other system should be substituted for the auction system? And if so, to what extent?
- (5) Whether in any towns, the excise advisory committees should be converted into licensing boards with power to determine the number and situation of shops for the sale of excisable commodities? If so, in which towns, and with what changes in the constitution of the committees should this experiment be introduced?
- (6) Whether there should be any change in the hours of sale?
- (7) Is any amendment of the Bihar and Orissa Excise Act or any other Act relating to excisable commodities or rules made thereunder desirable?

Subsequently the following additional questions were referred to the Committee for its opinion:—

- (a) The adequacy or otherwise of the subordinate excise staff of the province.
- (b) The possibility of introducing the Madras system of tree-tax on palm trees in the province.
- (c) The desirability of introducing into the local Legislative Council an Opium-smoking Bill on the lines of that framed in 1913.

2. On the first question whether prohibition is a practical policy in this province, the Committee, with the exception of Babu Shankar Prashad Misra, arrived at the conclusion that it is not and based this finding on the special

difficulties which would have to be faced in enforcing prohibition in the province. Such for instance are the existence of a large aboriginal population accustomed from time immemorial to brew rice beer and likely forcibly to resent any interference with their customs, interwoven as they are with religious observances, the difficulties of communication, especially in the areas inhabited by these aboriginal tribes, which would make it impossible to prevent illicit practices, the fact that a large portion of the province is bounded by small tributary States and by Nepal from which excisable articles could easily be smuggled into British India and finally the facility with which drugs such as *ganja* and *bhang* can be cultivated. The Committee further refer to the fact that the abolition of this source of revenue apart from the increased expenditure on a large preventive staff would reduce the province to bankruptcy.

3. The local Government agree with the practically unanimous opinion of the Committee that total prohibition is not in this province a practical step under present conditions or even in the near future, though, in the view of the Hon'ble Minister in charge of the department, it is the proper goal to be ultimately attained. At the same time the local Government are fully conscious of, and will do their utmost to eradicate, the evils of the abuse of alcohol and drugs. Their policy is to do everything possible to encourage temperance and in the words of the orders issued in 1914, with the approval of the Secretary of State, "to minimise temptation to those who do not drink and to discourage excess amongst those who do. To the furtherance of this policy all considerations of revenue must be absolutely subordinated".

4. On the question whether any change should be made in the incidence of duties on excisable articles, the Committee consider that in some cases the enhancements have been too high and too rapid, and that sudden precipitous rises may be an inducement to offences against property amongst those who find the prices too high for their pockets but are still determined to get drink or drugs. They are satisfied however that increases of duty have been properly used for checking consumption and enhancing revenue and have no specific recommendations to make on this point. Government recognize that high and frequent rises may have undesirable effects and this point will be borne in mind when any question of enhancement of duty arises.

5. (i) On the question whether the sliding scale system should be introduced and if so to what extent, the majority of the Committee are in favour of the substitution of this system for the auction system wherever practicable except in the cases of shops selling *tari* and *pachwai*. They consider further that with the exceptions quoted the department should aim at bringing all shops under the system as soon as practicable and, if possible, by the settlements of 1924-25. Two members however are in favour of the immediate introduction of the system throughout the province. While recognizing that there are some objections to the sliding scale system, for instance that it may lead to the creation of vested interests and so hinder the progress of temperance, or that it may lead to corruption among the subordinate staff of the Excise Department such as has been the experience in Bombay where the similar fixed fee system was in force, the local Government agree with the Committee and the Excise Commissioner that theoretically it is the soundest system. It appears to have proved a success in Bengal where it has been universally introduced, while at the shops at the headquarters of districts and at large centres of trade in this province at which it has been introduced during the last two years, it is reported to have worked well. At the same time it must be remembered that such shops are under the close supervision of the officers of the Excise Department who by constant inspection are able to prevent dilution, short measure and excess prices as well as illicit distillation; in outlying shops the prevention of illicit practices would be more difficult. The local Government therefore accept the recommendation of the Committee but consider that the system should be introduced gradually beginning with those areas in which the shops can be kept under proper supervision and control. It will not be possible to introduce the system all over the province in the

year 1924-25 but Government accept the proposal of the Excise Commissioner that at the settlements for the year 1924-25 it should be introduced in all excise shops (except those for the sale of *tari*, *pachwai* and foreign liquor) in the Patna Division and in the districts of Balasore, Puri and Cuttack. With the experience thereby gained Government will be in a position to decide whether to extend the system more widely in subsequent years.

(ii) As a corollary the Committee further recommend the extension of the distillery system in place of outstills in all places where an adequate supply can be maintained throughout the year. At present the outstill system is only in force in some parts of Ranchi, Singhbhum, Hazaribagh and Shahabad and in the districts of Palamau and Angul, all of which areas border on outstill tracts in other provinces or Feudatory States and in which there are many facilities for illicit distillation, owing to the large number of *mahua* trees and the inaccessibility of the country. Government however accept the recommendation of the Committee which is in accordance with their present policy, and will ask the Excise Commissioner to submit annually proposals for the gradual extension of the distillery system.

(iti) One member of the Committee suggests that licences should be settled only with persons at present unconnected with the trade. For this suggestion Government do not consider that there is justification, nor does it appear to be either equitable or practicable. Existing licensees should be given the chance of adapting themselves to the new system; if they prove unsatisfactory it will always be open to refuse them any further license. Two members further suggest that no licensee should get more than one shop. It is recognized that settlement of only one shop with a licensee leads to improved management, especially in cases where the licensee personally devote attention to the work, but it is hardly possible to lay this down as an invariable rule.

6. (i) One of the most important questions referred to the Committee was the question whether licensing boards should be established in place of the present advisory committees. The Committee are unanimous in recommending the establishment of licensing boards, and the local Government agree with them that they should be established, at least as an experimental measure.

(ii) The Committee were further asked to advise in which places they should be started, how they should be constituted and with what powers they should be vested. On these points there are considerable differences of opinion between the members of the Committee. As regards the places at which they should be established, the Chairman who was supported by three members recommends that they should be set up in the seven largest towns of the province. Some members were of opinion that they should be set up in all municipalities, while some members are also in favour of starting them in rural areas. Government agree on this point with the recommendation of the Chairman and consider that it is not desirable to establish licensing boards in the smaller municipalities in which the number of excise shops is small, nor do they think it desirable to attempt to establish them at present in rural areas. The local boards and district boards are being reconstituted under the Local Self-Government Act and it will be better to wait till the new bodies have been constituted before entrusting them with new duties under the Excise Act. Further this will give an opportunity of seeing whether the licensing boards prove a success in the larger towns. Government therefore propose to establish licensing boards in the first instance in Patna City, Gaya, Bhagalpur, Muzaffarpur, Chapra, Darbhanga, Cuttack and Monghyr.

(iii) On the question of the constitution of these boards the Chairman recommends that these boards should be constituted as follows :—

1. The chairman of the municipality.
2. One member to be elected by the municipal commissioners from among their own number or from outside.
3. One member to be nominated by the licensees.

4. One member to be nominated by the Collector to represent the labouring (or consuming) classes.
5. Any member of the Legislative Council resident in the municipality.
6. The Superintendent of Excise.

Rai Babadur Dvarika Nath criticizes this proposal on the ground that it contains too many representatives of the consuming classes, and recommends that there should be two members of registered temperance societies on every licensing board, and that larger representation should be given to municipalities or to members of the Legislative Council where there are no temperance societies. Babu Shankar Prashad Misra also objects to the presence of a representative of the licensees on the board, on the ground that the licensing board is not concerned with the interests of the trade. Government have carefully considered these suggestions and have also examined the constitution adopted for licensing boards in the United Provinces. They consider that it is not desirable to exclude a representative of the licensees and the fact that there are few recognized temperance societies in the municipalities of the province makes it difficult to obtain a representative of this type. They therefore propose that the boards be constituted as follows :—

- (1) The chairman of the municipality.
- (2) One member to be elected by the municipal commissioners from among their own number or from outside.
- (3) One member to be nominated by the licensees of the town.
- (4) One member to be nominated by the Collector to represent the labouring or consuming classes.
- (5) One member to be selected by the principals and the head masters of such local colleges and high schools as are recognized by the University or by the Education Department of Government.
- (6) One member of the Legislative Council resident in the municipality to be selected by the Collector; and
- (7) The Superintendent of Excise, who will also be Secretary of the Board.

(iv) In dealing with the powers to be exercised, the Chairman has recommended that the boards shall have power to reduce the number of the several classes of shops by not more than one-third, the number being that existing where the auction system was in force, to open new shops and fix their location and also to change the site of a shop if a suitable new site can be found in the same ward. The selection of licensees should in his opinion remain with the Collector. Mr. Tanner who agrees with the proposal considers it desirable to give the Commissioner of Excise a right of appeal to Government against any order of the licensing boards. Two members of the Committee are in favour of giving the boards right of local option and the power to decide how many shops there shall be in the town without any restriction. The local Government generally agree with the recommendation of the Chairman with the addition suggested by Mr. Tanner. It must however be noted in connection with these recommendations that though licensing boards can be legally constituted under the Excise Act and vested with the powers of a Collector, clause 2 of section 34 and section 35 of the Excise Act give definite powers to the Commissioner of Excise and to the Board of Revenue, and in view of these statutory provisions it is not possible to give full effect to the recommendations made by the Chairman without an amendment of the Act which it is undesirable to undertake till more experience of the system has been gained. Government, however, will request the Board of Revenue and the Commissioner of Excise to refer to them any case in which they consider that an order of the licensing board closing, opening or changing the site of a shop should be disallowed.

(v) Government are further prepared to give the licensing boards the powers to select licensees. In the United Provinces this power has been given but there it has been suggested to the boards that in the absence of proved misconduct they or board shall adopt the practice of continuing the existing licensees,

while the right of appeal to the Excise Commissioner is given to a licensee whose existing license has not been renewed. If the Excise Commissioner differs from the views held by the board a reference will be made to Government, but if he agrees with the board, the licensee will have no further appeal. An unsuccessful applicant for a new shop has no right of appeal whatsoever. Government consider that these powers, subject to these restrictions, may also suitably be given to the licensing boards to be established here. The Excise Commissioner and the Board of Revenue are being requested to submit rules to give effect to these decisions.

7. (i) On the question whether any alteration should be made in the hours of sale, the Committee with two dissentients recommends that the hours of sale of country liquor should be as follows: from midday to 8 P. M. between the 16th October and the 15th March and from midday to 9 P. M. during the rest of the year. One member was of opinion that the hour of closing should be 8 P. M. throughout the year, while another advised that the closing hour should universally be sunset. The Committee further recommends that the hours of sale of other excisable articles should remain as at present except that *ganja* should be sold between the same hours as opium, viz., from sunrise to sunset, and that the sale of *charas* should be abolished altogether. Government accept the recommendations of the majority of the Committee. They have already stopped the sale of *charas* with effect from the 1st April 1923 and will introduce the changes in the hours of sale with effect from the 1st April 1924.

(ii) In connection with this subject Rai Bahadur Dvarika Nath has suggested that severe punishment should be inflicted on licensees who are detected selling overtime and that as much notice should be taken of this offence as of illicit distillation. The Excise Commissioner has reported that heavy fines are now being imposed for this offence, that in the case of town shops the offence is not frequent, and that in rural areas it is not easy to enforce the rules. Government agree that this offence deserves a heavy punishment and will direct the Excise Commissioner to take such steps as are practicable to enforce the rules.

(iii) Babu Shankar Prashad Misra has further raised the question of the sale of liquor and intoxicating drugs in fairs, *melas* and festivals, recommending that the sale of these articles in these places should be entirely stopped. This point was not specifically referred to the Committee, and Government had not therefore had the benefit of the opinion of the other members on this suggestion, nor has any evidence on this point been recorded. They have, however, examined the question and find that the number of temporary licences issued for such shops in *melas* and fairs is not excessive. Temporary licences are only granted for the sale of *ganja*, country liquor, *bhang* and opium and not for the sale of *tari* and there is no reason to believe that the establishment of these temporary shops has led to excessive consumption. In fact during the last three years at the *melas* at which shops had been opened, only one criminal case has occurred which could be attributed to excessive drinking. On the other hand if such licences were not given and if shops in the neighbourhood of *melas* and fairs are closed there is very little doubt that there will be an increase in illicit practices and thus no reduction in the total quantity of liquor consumed. In view of these considerations Government are not satisfied that any case has been made out for a change in the existing practice of granting temporary licences in the case of larger *melas*.

8. Government accept the opinion of the Committee on the three additional points referred to them, viz., (i) that under present condition no reduction of staff is possible, (ii) that the need for the introduction of an Opium-smoking Bill has not been established, and (iii) that the Madras system of a tax on toddy trees cannot be introduced, until an experiment has been made of the possibility of tapping trees throughout the year as in Madras. In regard to the question of staff there is no doubt that the change from the auction to the sliding scale system will throw extra work on the department, and this fact, together with the considerable increase in illicit distillation during recent years, would make it extremely unwise to attempt any reduction in the staff, the cost of which is only 6 per cent. of the total revenue. The Committee

consider that some reduction will be possible after the new system has been established, while one member suggests that a definite reduction should be made in 1925-26 in proportion to the number of shops. It is hardly possible to say what reduction will be feasible in future, but the possibility of it will be borne in mind.

9. The Committee have accepted certain proposals made by the Excise Commissioner for the amendment of the Excise Act. These amendments are of minor importance and will be taken up at a suitable opportunity.

10. In conclusion the local Government desire to thank Mr. Weston and the members of the Committee for the careful manner in which they have examined the issues put before them and for the assistance they have given in dealing with these important questions on excise policy.

ORDER.—Ordered that the resolution be published in the *Bihar and Orissa Gazette* and that a copy be forwarded to the Board of Revenue, Bihar and Orissa, Commissioners of Divisions, District Officers and the Commissioner of Excise and Salt, Bihar and Orissa.

By order of the Government of Bihar and Orissa.

(Ministry of Education),

M. G. HALLETT,

Secretary to Government.

LOCAL SELF-GOVERNMENT DEPARTMENT.

EXCISE BRANCH.

The 16th May 1923.

No. 5133.—The following report is published for the information of the general public.

By Order of the Government of Bihar and Orissa,

(Ministry of Education)

M. G. HALLETT,

Secretary to Government.

REPORT OF THE BIHAR AND ORISSA EXCISE COMMITTEE.

INTRODUCTION.

The Committee was appointed by the Bihar and Orissa Government Resolution No. 573-Com.-R., dated the 30th October 1921, and it was requested to examine and report on the issues detailed below :—

ISSUES.

(1) Whether total prohibitions, except for medical purposes, is a practical policy for the Government to adopt, whether it should be recommended for adoption within any specified period in lieu of the policy of the minimum of consumption with the maximum of revenue—in regard severally to country spirit, *tari*, *pachwai*, imported liquor, opium and hemp drugs.

(2) If the answer to the above issue be in the affirmative, what measures should now be taken to give effect to this policy, and should these measures be applied at once to the whole province or to selected areas? and if the latter, to what areas and why?

(3) If the answer be in the negative, whether any changes should be made in the incidence of duties levied upon excisable commodities?

(4) Whether the sliding scale or any other system should be substituted for the auction system? and if so, to what extent?

(5) Whether in any towns, the Excise Advisory Committees should be converted into Licensing Boards with power to determine the number and situation of shops for the sale of excisable commodities? If so, in which towns, and with what changes in the constitution of the Committees, should this experiment be introduced?

(6) Whether there should be any change in the hours of sale?

(7) Is any amendment of the Bihar and Orissa Excise Act or any other Act relating to excisable commodities or rules made thereunder desirable?

Subsequently the following additional questions were referred to the Committee for its opinion :—

(a) The adequacy or otherwise of the subordinate Excise staff of the Province.

(b) The possibility of introducing the Madras system of tree-tax on palm trees in the Province.

(c) The desirability of introducing into the Local Legislative Council an Opium Smoking Bill on the lines of that framed in 1913.

2. Appendix "A" to this report shows the original constitution of the Committee, the subsequent changes in its members and the attendance at each meeting—Mr. Muhammad Yunus did not attend any meeting, and this report therefore has not been signed by him.

3. The Committee at its first meeting discussed a list of questions bearing on the issues, and these questions with modifications and additions, were circulated among District Officers, members of the Legislative Council, Municipal Commissioners, members of the District and Local Boards and Temperance Associations. Copies of the interrogatories were also published in the principal newspapers of the Province and the *Bihar and Orissa Gazette* and opinions were invited. Subsequently Commissioners of Divisions and employers of labour were specially asked to favour the Committee with their views on the interrogatories.

classes. He would give the Board the same power as suggested by Mr. Weston except that if less than 50 per cent. of the members represent the consuming classes, the Board would have the power of recommending abolition and not abolishing. He would have one member only of the Legislative Council on the Licensing Board. If in the area there were more than one, they would choose one from among themselves.

He would further set up similar Boards for rural areas, one for each Local Board area, reading in the above list "Local Board" and member of "Local Board" for "Municipality" and "Municipal Commissioner", respectively, and for "ward" (in the list of powers,) reading "Chaukidari Union".

Batu Bisra Nath Kar agrees with Mr. Weston generally except that he would introduce Licensing Boards in all Municipalities and thinks the proposed inclusion of any member of the Legislative Council should be more definite.

Rai Bahadur Dvarika Nath gives his opinion in a separate note. *Babu Nirsu Narayan Sinha* agrees with the opinion of *Rai Bahadur Dvarika Nath*.

Babu Shankar Prashad Misra.—Ditto.

The Right Reverend the Bishop of Chota Nagpur agrees generally with Mr. Weston, but, on the Licensing Boards, failing a member of the Legislative Council, he would appoint a member nominated by the Committees of local registered Temperance Societies.

7. The next matter in which the opinion of the Committee has been asked is whether there should be any change in the hours of sale of excisable articles. They recommend that the hours of sale of country liquor should be changed as follows: from midday till 3 p. m. between the 16th October and the 15th March and from midday till 9 p. m. during the rest of the year. *Rai Bahadur Dvarika Nath* was however of opinion that the hour of closing should be 8 p. m. throughout the year, and *Babu Shankar Prashad Misra* that the closing hour should universally be sunset. The Committee were of opinion that the hours of sale of other excisable articles should remain as at present except that *ganja* should be sold between the same hours as opium, viz., from sunrise to sunset, and that the sale of *charas* should be abolished altogether.

8. The last issue referred was whether any amendment of the Bihar and Orissa Excise Act, or any Act relating to excisable commodities or the rules made thereunder, is desirable. The Committee were of opinion that the proposals of the Commissioner of Excise given in his written statement were sound and should be given effect to. It is considered unnecessary to reproduce his proposals in the body of this report.

9. With regard to the further points on which the opinion of the Committee was sought, the following conclusions were arrived at:—

(a) Whether an Opium Smoking Bill on the lines of that framed in 1913 should be introduced in the Local Legislative Council.

The Committee were unanimously of opinion that at present the need for such a Bill in this Province had not been established.

(b) Whether the tree-tax system prevailing in Madras should be introduced into this Province.

The Committee understand that the success, or otherwise, of the system depends mainly on whether the Madras method of tapping trees all the year round can be successfully followed, and that experiments to this end are to be carried out by the agency of imported tappers. Until the results of these experiments are known, the Committee regret that they are unable to make any recommendations in the matter. *Babu Shankar Prashad Misra* is however opposed to the tree-tax system,

- (c) Whether the existing staff of the Excise Department can be reduced without impairing efficiency.

The Committee are of opinion that in view of the following facts:—

- (i) that a change in the system of settlement is recommended viz. from auction to sliding scale,
- (ii) that there has been a large increase in the number of illicit distillations, and
- (iii) that the cost of establishment is but six per cent. of the Excise revenue, a reduction of the staff is at present not feasible, though probably, when the new system is firmly established and the number of shops is reduced, it should be possible to reduce the number of officers necessary for supervision. Babu Ganesh Datta Singh wishes to make the definite recommendation that after 1925-26 the number of supervising officers should be reduced in proportion to the reduction in the number of shops.

DONALD WESTON.

E. L. TANNER.

DVARIKA NATH*.

BISVA-NATH KAR.

GANESH DUTTA SINGH.

SHANKAR PRASHAD MISRA*.

NIRSU NARAYAN SINHA.

ALEX CHOTA NAGPUR.

SATIS CHANDRA SEN (Secretary).

* Subject to note of dissent.

APPENDIX A.

THE Committee originally constituted consisted of—

1. Mr. J. D. Sifton, C.I.E., I.C.S., M.L.C., *President*.
2. Mr. H. K. Briscoe, C.I.E., I.C.S., M.L.C.
3. Rev. E. H. Whitley, M.L.C.
4. Khan Bahadur Khwaja Muhammad Nur, M.L.C.
5. Babu Ganesh Datta Singh, M.L.C.
6. Babu Bisvanath Kar, M.L.C.
7. Rai Bahadur Dvarika Nath, M.L.C.
8. Babu Shankar Prashad Misra, M.L.C.
9. Babu Nirsu Narayan Sinha, M.L.C.
10. Mr. Muhammad Yunus, M.L.C.
11. Rai Bahadur Satis Chandra Sen, Secretary.

The first meeting was held at Patna on the 1st February 1922 when the following attended :—

1. Mr. J. D. Sifton, C.I.E., I.C.S.
2. Mr. H. K. Briscoe, C.I.E., I.C.S.
3. Rev. E. H. Whitley.
4. Khan Bahadur Khwaja Muhammad Nur.
5. Babu Ganesh Datta Singh.
6. Babu Bisvanath Kar.
7. Rai Bahadur Satis Chandra Sen.

By the time the second meeting was held at Ranchi on the 12th August 1922, Mr. Sifton had taken leave and Mr. Gruning took his place and Mr. Whitley had also left the country. The attendance at that meeting was :—

1. Mr. J. F. Gruning, C.I.E., I.C.S., *President*.
2. Mr. H. K. Briscoe, C.I.E., I.C.S.
3. Khan Bahadur Khwaja Muhammad Nur.
4. Babu Ganesh Datta Singh.
5. Babu Bisvanath Kar.
6. Rai Bahadur Dvarika Nath.
7. Babu Shankar Prashad Misra.
8. Babu Nirsu Narayan Sinha.
9. Rai Bahadur Satis Chandra Sen.

The third meeting was held at Patna on the 28th November 1922. By that time Mr. Gruning had unfortunately died, Mr. Briscoe had taken leave, and Khan Bahadur Khwaja Muhammad Nur, having been appointed President of the Legislative Council, resigned the Committee. Mr. Donald Weston, I.C.S., Commissioner of Orissa, was appointed President of the Committee, Mr. E. L. Tanner, I.C.S., replaced Mr. Briscoe, and the Bishop of Chota Nagpur succeeded the Rev. E. H. Whitley. The meeting was attended by :—

1. Mr. D. Weston, I.C.S., *President*.
2. Mr. E. L. Tanner, I.C.S.
3. The Right Rev. Bishop of Chota Nagpur.
4. Babu Ganesh Datta Singh.
5. Rai Bahadur Dvarika Nath.
6. Babu Shankar Prashad Misra.
7. Rai Bahadur Satis Chandra Sen.

The fourth meeting took place on the 2nd December and the attendance was:—

1. Mr. D. Weston, I.C.S.
2. Mr. E. L. Tanner, I.C.S.
3. Babu Ganesh Datta Singh.
4. Babu Shankar Prashad Misra.
5. Rai Bahadur Satis Chandra Sen.

The fifth meeting on the 9th December was attended by the same gentlemen with the addition of Rai Bahadur Dyarika Nath, Babu Bisvanath Kar and Babu Nirsu Narayan Sinha.

The sixth meeting on the 13th December was attended by—

1. Mr. D. Weston, I.C.S.
2. Mr. E. L. Tanner, I.C.S.
3. Babu Ganesh Datta Singh.
4. Babu Bisvanath Kar.
5. Rai Bahadur Dvarika Nath.
6. Rai Bahadur Satis Chandra Sen.

The seventh and last meeting on the 2nd January 1923 was attended by the same gentlemen with the exception of Babu Bisvanath Kar.

Rai Bahadur Dvarika Nath's Note of dissent.

I sign the report subject to the following note of dissent :—

(1) I object to the proposed constitution of the licensing board. As at present proposed it consists of three persons who are interested in safeguarding the interest of the consumers. The other three are (1) Chairman of the Municipality (2) a member of the municipality, and (3) a member of the Council. It may be that none of these three men may be supporters of the temperance movement. The licensees, the labouring classes and the Government have one representatives each on the licensing board. But the friends of the temperance movement are not represented as such. I would therefore add two members of registered temperance societies to every licensing board. Larger representation should be given to municipalities where there are no temperance societies or members of council.

Similar boards should be constituted for rural areas.

Powers of the Licensing Board.

The licensing boards have been given the power of reducing the number of shops to the extent of one third and the location of suitable sites. I think the time has come when the licensing board in some municipalities, to begin with, should be given the power of local option i.e., the right to determine whether total prohibition is demanded by people or not. I am strongly of opinion that if two thirds of the residents of any municipality demand total prohibition, it should be acceded. If the temperance party can convert 2/3rds of the people to that idea, they have certainly made an irresistible case for the exercise of local option.

Sliding scale system.

I object to the gradual introduction of the sliding scale system as proposed in the report. I want an immediate introduction of the system all over the Province except in the case of toddy shops. I also insist on no licensee getting more than one shop. He must also remain at least for 2 hours every day in the shop. This will lead to better management and fixing of responsibility.

Total prohibition.

The declared goal of the Excise policy should be total prohibition. It is impossible to bring about a revolutionary change like this suddenly throughout the Province as it would lead to financial chaos, illicit distillation and smuggling. But once a declaration is made to that effect, the whole angle of vision would be changed and temperance and not revenue would exercise overpowering influence over the minds of those who have to deal with the Excise administration of the country. It is impossible to effect any material and substantial reduction in consumption by raising the prices. There may be some decrease in the consumption as is claimed by the department but it can not lead to any substantial decrease in consumption or have any lasting effect on the consumers. The Policy has failed in the past and time has arrived when other drastic measures should be adopted to save the people from this dire calamity.

Overtime sale.

I would insist on severe punishment being metted out to overtime sellers. In spite of the vigilance of the Department overtime sale is frequent. As much notice should be taken of overtime sale as of illicit distillation.

PATNA,
The 26th April 1923.

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DVARIKA NATH.

Note of dissent by Babu Shankar Prashad Misra.

Issues 1st and 2nd.—As I tried to impress upon the Council in my speech in the Legislative Council on the Prohibition Resolution in 1921, the goal of Indian Excise Policy ought to be prohibition, to be attained as soon as possible. I can see no reason why the Committee should set that goal before the public and try to frame every recommendation in the light of this aim. I am aware of the financial difficulty at present facing the Government, but I want this to be noted explicitly that it is the aim of Government to take every step to see that this tainted source of revenue should be done away with. The report as drafted gives many reasons why prohibition is not now practicable. I do not concern in all of them. For myself I do not believe that India would ever require a large preventive staff to check the illicit sale of liquor. Such a staff would be necessary only in towns. There was little of State interference or interest in the question of drink in pre-British days and I have not yet heard of any historian who would tell me that India was steeped in drink in those days. The reason is that the moral sense of the people is against drink and once the interest of the liquor licensees and of the State Treasury in the sales ceases, every home will have its preventive staff from the sober members of the family. I sincerely believe this to be a fact.

And again, much is made of the immemorial right of the aborigines to drink.

If liquor, as is said by the anti-prohibitionists, is the food of the aborigines, why need we tax or put duties on this item of food? My idea of prohibition is this that the interest of the trade and the State in the sale of liquor should go. If there are cases of illicit distillation in some quarters, I rely in the good sense of the people of the villages, of the members of the family to stop them.

It is on views of these remarks that I want to be explicitly stated in the report that the revenue question is the only thing that is hindering us. That would be certainly a more sincere answer: We need not camouflage the real answer by imaginary difficulties.

Issue 6th.—I am strongly against the sale of liquor and intoxicating drugs in fairs, melas and festivals. I shudder as I picture to myself some incidents which I have witnessed when fairs break up. The least that we can do—if prohibition is our goal—to stop the sale of liquor, etc., in fairs and melas. This point does not need any words of mine in support. The crux of the matter is, have we accepted prohibition as our goal to be attained? If so, then, there should be no objection to the stoppage of sale in fairs, melas and on festivals. As regards hours of sale, I am not prepared to support any proposal which will extend the hours of sale beyond sunset. 12 noon to sunset ought, in my opinion, to be the hours of sale of all exciseable articles.

Issue 4th.—I am in favour of the sliding scale system, to be introduced from 1924-25 in all areas, although I know that even this system has its disadvantages. I am prepared to admit that it is a better system than the auction system.

Issue 5th.—As a prohibitionist, I am in favour of local option. I believe that Licensing Boards should replace the present system of granting licenses, in every town. I desire to constitute the Boards as follows:—

Chairman:—Chairman of Municipality—(if official—the Vice-Chairman).

Members:—(1) Two Municipal Commissioners, elected from their own members.

(2) Any member of the Legislative Council resident in the area. (If there are more than one, the one elected by them from amongst the residents).

(3) The Superintendent of Excise or his nominee, (e.g., the Inspector of Excise).

I object to the presence of a representative of the licensees on the Board, as I can see aid to prohibition, my goal, thereby. The interests of the trade must not be the concern of the Licensing Board. I shall be sorry for the Board that stopped to listen to the advice of licensees.

Nor can I see how the Collector can nominate a member to represent the labouring classes. This, I suspect, is a device to secure a vote in the Board in favour of non-prohibition by the system of nomination. I abhor nomination and in India there being no such organization by which one could appoint the true representative of any class. I, therefore, refuse to give nomination any place except to avowed Government servants. My idea of Licensing Boards is that, ultimately, they must merge themselves into the local municipality and definitely inaugurate the principle of local option.

As regards power, I believe Licensing Boards should have absolute power to grant and renew licenses and to regulate the site and number of shops. I am even tempted to give them the power to regulate the hours of sale.

My aim in suggesting these is to give Licensing Boards genuine power and not the half-hearted concessions proposed by Mr. Weston.

Issue 8th B.—I am against the tree-tax system.

SHANKAR PRASHAD MISRA.