

## **THE BIHAR LEGISLATIVE ASSEMBLY DEBATES.**

*The 30th May, 1938.*

**Proceedings of the Bihar Legislative Assembly assembled under the provisions of the Government of India Act, 1935.**

The Assembly met in the Assembly Chamber at Patna, on Monday, the 30th May 1938, at 11-30 A. M., the Hon'ble the Speaker, Mr. Ram Dayalu Sinha, in the Chair.

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### **OATH OF ALLEGIANCE :**

Mr. W. H. Meyrick.

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### **STARRED QUESTION No. 1.**

**Mr. KRISHNA BALLABH SAHAY :** Sir, I would not be able to answer the starred question.

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### **SHORT NOTICE QUESTIONS AND ANSWERS.**

**Mr. KRISHNA BALLABH SAHAY :** Sir, I beg to lay on the table the information in answer to short notice questions nos. 8 and 9 which were put by Dr. Sachchidananda Sinha on the 10th May, 1938.

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**REPLY GIVEN IN THE HOUSE OF COMMONS BY LORD STANLEY TO THE QUESTION ON THE FORMATION OF NEW PROVINCES IN BRITISH INDIA.**

**8. Dr. SACHCHIDANANDA SINHA :** (a) Has attention of the Hon'ble the Prime Minister been drawn to the reply given in the House of Commons by Lord Stanley (the Under-Secretary of State for India) to the question put by Mr. Gary, M.P., on the 2nd May, on the formation of new provinces in British India ?

(b) If so, has the Hon'ble the Prime Minister noticed that Lord Stanley said " that the initiative for creating new provinces rested with the Crown, and that Lord Zetland did not regard it in the interest of India to embark on a policy of creation of new provinces at the present time".

**Mr. MUHAMMAD TAHIR :** If I am permitted to suggest a name, Sir, I will suggest Mr. Abdul Majeed to be a member.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** I have no objection.

Now, Sir, I beg to move :

That the Bihar Legislature (Members' Salaries and Allowances) Bill, 1938, be referred to a Select Committee consisting of the following members and they be asked to submit a report in two days' time :—

1. Mr. Krishna Ballabh Sahay,
2. Mr. Dip Narayan Sinha,
3. Mr. Ramcharitra Singh,
4. Mr. Tajamul Husain,
5. Mr. Saiyid Ali Manzar,
6. Mr. Abdul Majeed, and
7. Myself.

**The Hon'ble the SPEAKER :** The question is :

That the Bihar Legislature (Member's Salaries and Allowances) Bill, 1938, be referred to a Select Committee consisting of the following members and that they be asked to submit the report in two days' time—

1. Mr. Krishna Ballabh Sahay,
2. Mr. Dip Narayan Sinha,
3. Mr. Ramcharitra Singh,
4. Mr. Tajamul Husain,
5. Mr. Saiyid Ali Manzar,
6. Mr. Abdul Majeed, and
7. Hon'ble Mr. Shri Krishna Sinha.

The motion was adopted.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Sir, I do not want to introduce the Cess (Amendment) Bill at this stage.

**The Hon'ble the SPEAKER :** Then let us come to the next item.

THE BIHAR PROHIBITION BILL, 1938 (BILL NO. 2 of 1938).

**The Hon'ble Mr. JAGLAL CHOUDHURI :** Sir, I beg to move :

That the amendments made by the Legislative Council to the Bihar Prohibition Bill, 1938, which was passed by the Legislative Assembly on the 26th April 1938, be taken into consideration.

**The Hon'ble the SPEAKER :** The question is :

That the amendments made by the Legislative Council to the Bihar Prohibition Bill, 1938, which was passed by the Legislative Assembly on the 26th April 1938, be taken into consideration.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That in sub-clause (22) of clause 3 of the Bill, the words " the fermented or unfermented " be omitted.

The motion was adopted.

**The Hon'ble the SPEAKER :** The question is :

That at the end of clause 3 of the Bill, the following new clause be added, namely :—

" (24) ' institution ' includes clubs, restaurants, hotels and shops where liquor, intoxicating drug or article containing such liquor or drug is sold under license."

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That in clause 13 of the Bill, the words " or suffers " occurring at both the places be omitted.

**Mr. MUHAMMAD YUNUS:** May I just ask the Hon'ble the Excise Minister to state if he is prepared to tell the reason for the omission ?

**The Hon'ble Mr. JAG LAL CHOUDHURI:**

" Or suffers " रहने से उसका मानो होता है कि मालिक की इजाज़त के बिना छे डाले तो उसको prosecute किया जा सकता है । Permits के रहने से मतलब होता है कि express इजाज़त दी गई है ।

**Mr. MUHAMMAD YUNUS:** May I submit one word in this connection, Sir ? I confess, I fail to see that if the object of the Hon'ble the Minister is that it should be made punishable to tap any *tari*-producing tree, then why should it not be made punishable for a person who gives express permission to others to tap a *tari*-producing tree ? The Hon'ble the Minister is not able to give any satisfactory reasons why the word " permits " should not remain.

**The Hon'ble Mr. JAGLAL CHOUDHURI:** The clause as passed by the Assembly was :

Taps any *tari*-producing tree or permits or suffers to be tapped any *tari*-producing tree belonging to him or in his possession.

Now, the words " or suffers " are going to be omitted.

**The Hon'ble the SPEAKER:** The question is :

That in clause 13 of the Bill, the words " or suffers " occurring at both the places be omitted.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That in the proviso to sub-clause (2) of clause 26 of the Bill, for the words, " things intended to the " the words " things intended to be " be substituted.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That in sub-clause (a) of clause 29 of the Bill, after the word, " liquor " occurring at both places, the words, " or intoxicating drug " be inserted.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That in clause 33 of the Bill, after the words " that liquor " the words " or intoxicating drug " be inserted.

The motion was adopted.

**The Hon'ble the SPEAKER:** The question is :

That after clause 33 of the Bill, the following new clause be added, namely :—

33A. The provincial Government shall exempt all Christian Churches and their clergymen from the provisions of this Act for possessing or brewing wine in such quantity as may be prescribed which shall be required for the purposes of Mass or Holy Communion.

**Mr. RAMCHARITRA SINGH :** Sir, I am opposed to the introduction of this clause in the Bill by the Upper House. I think, Sir, that in the other place, the hon'ble members did not properly consider the feelings and the desire of this House. This House after proper consideration came to the conclusion that we should stop the drinking evil throughout the province. Any one belonging to any religion addicted to this evil habit must be stopped to drink wine in the interest of the nation. After proper consideration of these facts, the House came to this decision. There is a clause already in the Bill that Government for religious purposes will grant license or permit to any particular sect or community if wine is required. But unfortunately, Sir, I find that in spite of a full-dress debate in this House.....

**The Hon'ble the SPEAKER :** I am sorry. There is another amendment of which notice has been given by Dr. Sir Ganesh Dutta Singh.

**Dr. Sir GANESH DUTTA SINGH :** I am not going to move my amendment, Sir.

**The Hon'ble the SPEAKER :** Very well. Then the hon'ble member may proceed.

**Mr. RAMCHARITRA SINGH :** As I was saying, Sir, in spite of a full-dress debate in this House, and knowing it full well that the people of this province want that the whole province should go dry irrespective of the fact whether a person belongs to a particular community, the members of the other House introduce a clause which I find is most reactionary and is rather going to defeat the very purpose of the Bill, I beg to submit, Sir, that this new clause should not remain in the Bill and it should go out. I hope the hon'ble members of this House will consider it, and after proper consideration they will take a strong attitude. The Upper House should have respect for the feelings and the sentiments of the people which we represent here in this House. I hope the House will consider the question and will drop this amendment.

**Mr. IGNES BECK :** Sir, as a representative of the Christian community, I rise to support the insertion of a new clause, as clause 33-A in the Bill, exempting the use of liquor to Christians and their clergymen and also empowering them to brew and possess the required amount of liquor for the same purpose. I know, Sir, I will be told that there is already a provision to that effect in clause 33 which proposes to exempt liquor required for *bona fide* religious purposes by notification. But exemption by notification is wholly unsatisfactory since it ignores to recognise the existence of a well-defined fundamental doctrinal point of our religion and permits by grace or sufferance what is ours by right.

But before I speak on the subject in some detail, I feel it my duty to impress upon the House the general practice and the attitude of my community towards the drink problem in general and towards the present move of the Congress Government in particular. It is hidden to none that the Missionaries as a whole and the whole rank of the more enlightened of my community have ever waged, from their very existence in this country, a relentless war against this demon of drink. Christian activities being ordinarily more amongst the poor and the destitute, we have seen and felt through the experience of ages what untold havoc is being daily wrought by this vice, and are, more than any one else, convinced that unless and until this habit is strenuously fought against and uprooted, there is little chance either of social, economical or moral uplift of the millions of poor. Combined with this conviction, there is also a strict religious injunction on the Christians to observe and make others observe strict temperance and sobriety. As a matter of fact, there are sections in my community who in their zeal go even so far as to forbid the use of such things as cigars, cigarettes, chewing of tobacco and so on and so forth. Without in the least seeking to flatter my community, I may say that my community was the first in the field of India, even in advance of the Congress, to raise war-cry against the demon of drink and fight against it silently but persistently. To combat this evil, they have set up associations, staged dramas and magic lantern shows on the evils of drink and from pulpits as well as public platforms have never ceased to decry its evil effects. I might have at this stage enumerated instances, to my great advantage, of the method and the extremely useful work that is being done on this line by my community; but I fear, time will not permit me to do so. In this connection, I would request you, Sir, to allow me to read out a few statements that have lately been issued by the Church authorities, touching the stationary exemption of wine required for religious purposes. The head of the Lutheran Church says :

The Lutheran Church from the very beginning of her history in Chota Nagpur has prohibited drinking of liquor, *tari* and intoxicating drugs. Consequently, the Lutheran committee cordially welcomes the efforts being made by the Congress Government to combat the drink evil.

Again the Anglican Bishop of Ranchi says :

As the chief representative of the Anglican Church in Chota Nagpur, I desire to place on record my sympathy with the righteous efforts now being made by the Congress Government of Bihar to combat the evils of drink traffic.

In an emergency meeting, held at Ranchi, on the 19th May, 1938, the Chota Nagpur Catholic *Sabha*, in the name of the whole Catholic population of Chota Nagpur under the jurisdiction of the Bishop of Ranchi, expressed its genuine sympathy with the righteous efforts being made by the Bihar Congress Government to combat the drink evil.

Allow me to read, Sir, extracts from the report of the Missionary and the Director of the Chota Nagpur Catholic Co-operative Credit Society, Ranchi, touching the present Prohibition Bill :—

Two facts may illustrate the sincere desire of the Congress for the uplift of the aborigines, two facts which fall also entirely within our scope, that is to say, prohibition and amendments to the existing legislation on points which constituted a grievance for *raiya*s.

Although enforced prohibition is illicit in principle as infringing man's sacred privilege of freedom, yet the law enforcing it is advisable for people who by the abuse of this privilege run headlong to racial suicide. The drink-problem has always been the chief obstacle to the uplift of the aborigines. This is the result of former colonization or conquest policy ; for, it is a historical fact that the so-called civilized nations used the bottle of "fiery water" to vanquish and exterminate the aborigines. Hence the National Government, in its genuine desire for the uplift of all classes, must naturally have recourse to a reverse policy and uproot the obstacle to this uplift, which is drink ; its efforts are the more praiseworthy because in enforcing prohibition, it not only sacrifices the safest and richest source of its revenue but it is prepared to incur additional expenses. The reason is not far to seek : the members of the National Government are aware that the aborigines form an essential part of the Indian peoples and that they too will play an important part in the building up of the Indian Nation.

In our society there is a fundamental rule that no one may be accepted as a member who is given to drunkenness ; and yet there are drunkards even among our members. This vice is responsible for many bad arrears in the loans of the society ; the borrowers who became members in a moment of sobriety soon returned to their former drinking habits and squandered their time and money in the grogshop. Some may say that aborigines do not spend any money in brewing their home-made rice-beer ; this is true at least for the well-to-do people and I would even add that this home-made brew is wholesome when used moderately ; but the fact remains that, even by only drinking rice-beer, the habit of drinking is acquired, with all the evil consequences attached to drunkenness ; moreover many aborigines drink both at home and in the grogshop ; and everyone knows that the country spirit prepared in the grogshop is vile stuff and a poison for both soul and body. Drunkenness is the chief cause of all the quarrels, murders and poverty of the aborigines in Chota Nagpur.

My conclusion on this subject is that we must fully sympathize with the measure of prohibition ; and although we deplore the infringement on our freedom yet we must be prepared to observe it from our own free choice ; shun the grogshop as you would a forest infested with tigers and snakes, and you will walk upright towards the improvement and uplift of your race.

Such has been and is the attitude as you have seen of Christians and my community as a whole towards the drink evil. But now on the other hand, if the Christians present a united front in asking for the statutory exemption of liquor required for the religious purposes, no sensible man can take it that they claim this to evade the law of prohibition or that they will misuse their right. Exemption sought is not to be qualified as beverage nor as privilege or concession, but as an essential sacrificial requisite in the exercise of an inherent right of our religion. The use of

wine in the sacrament of the Holy Eucharist, as it is called and which signifies the food and drink of the soul, is a well-established doctrinal point or the dogma of the church, instituted by Christ Himself and commanded to perpetuate it in commemoration of His Passion and Death. As a matter of fact, the command of the Master has been most scrupulously and literally carried out through the ages of two thousand years down to our own day in all the Christian churches. Thus the existence and the age-long practice of such a well-defined fundamental doctrinal point has to be recognised in the body of the Act and exemption by notification could never be deemed to meet our unchangeable point of view. In other words, for the safeguarding of such central point of our religion, legislature must be held responsible and it cannot be left to the care and mercy of the Provincial Government alone.

No sooner was the question of Prohibition scheme contemplated by different Provincial Governments, then the ecclesiastical authorities took every precaution to present and press their view points before the Congress High Command, as well as to Provincial Governments and States when the time came. Accordingly, in December, 1937, on the occasion of the All-India Eucharist Congress, which was summoned to honour and worship this very sacrament in which wine is required and on which occasion thousands and thousands of Christians assembled from all over India, Burma and Ceylon, the Catholic Hierarchy, that is, the Bishops and Prelates of India, Burma and Ceylon sat in Council under the Presidency of His Excellency the Papal Legate for India and after mature deliberation passed the following resolution :—

(Religious rights and the Prohibition Act.)

#### I. The aim of Government.

It is taken for granted that Government aim at the adequate safeguard of religious rights under the Prohibition Act, and that they will, therefore, see to it that the Prohibition Act, in no way, derogates from these rights.

This principle is respectfully set forth in the resolution of the Roman Catholic Hierarchy of India, Burma and Ceylon adopted in their meeting in Madras on the 31st December, 1937, under the presidency of His Excellency, the Papal Legate, which is given below.

#### II. Statement of religious rights by the Roman Catholic Hierarchy apropos of the projected Prohibition Act.

“Whereas the Holy Sacrifice of the Mass is the essential and daily sacrifice of the Roman Catholic Church and WHEREAS the use of Bread and wine is by Divine Institution required for this essential exercise of our religion, be it therefore.

Resolved that the members of the Roman Catholic Hierarchy of India, Burma and Ceylon respectfully submit to the various provinces and states to recognise by law that wine from grapes must be made available for Sacramental purposes to every Roman Catholic Priest. The mere issue of Permits could never be considered as meeting our unchangeable point of view, and if Religious Freedom and the Free Exercise of our Religion is to be guaranteed, we must ask for Exemption by Law and not by Permit”.

III. Therefore, the Roman Catholic Hierarchy in Bihar respectfully request Government when drafting the Prohibition Act to state explicitly in the body

of the Act that "Nothing in this Act is to be construed as derogatory to traditional Religious Practices," and specifically that, "this Act exempts wine made from grapes for Sacramental purposes.

Again when the Bihar Prohibition Bill was submitted to the Select Committee, I requested my party to include my name in the Committee, and I pressed my point for statutory exemption both in the sittings as well as outside to the authorities knowing full well the well-defined fundamental rights of that religion. But due to want of time and hurry for printing and presenting the Report of the Select Committee, I had hardly time to do the needful. Therefore, when the Bill, having passed the Lower House came up for consideration to the Upper House, the amendment was moved with the fullest support of the ecclesiastical authorities and with the full public backing behind it. Subsequently, when the intention of Government was manifest to the Christian public in their reply to the amendment, public meetings of protests were held all over the Province and their unchangeable demands were reiterated in the shape of resolutions and statements and released to press for the information of Government and the public. I know, Sir, the present Government are a popular Government, which profess to be guided by popular views in matters, at least, that are just and reasonable. But it is to be waited and seen whether the democratic principles of this Government can be taken to be a general one or whether that principle can be said to be applicable only to particular cases and with reference to particular community only.

We are warned, Sir, in this connection that the safety of the minority lies in the good will of the majority community and the good will of the majority community can be assured only by trust being put in majority community. We are reminded that trust begets trust. Sir, never for a moment have we doubted the truth of this statement. But it is altogether a different matter when a well-defined fundamental right of minorities is disregarded. It is an admitted fact and it is pretty natural that the less powerful should stand in fear and diffidence of the more powerful and it is more the duty of the majority to create confidence in the minority by respecting and acceding to the legitimate rights and aspirations of minorities.

Again, just as it is true that the well being of the minority lies in the trust it puts in the majority, so it is equally true, if not more, that the existence and permanency or stability of the majority lies in the amount of good will that it can create in the minds of minorities.

At this stage, perhaps, we will be told, Sir, by Government that they have not the least objection or difficulties in acceding to the demands of the Christians but for the administrative difficulties. I beg to submit, in the first place, Sir, that no amount of exemption by notification is going to melt away the administrative difficulties of Government. Secondly, it is absolutely a wrong principle to disregard and sacrifice the well-established and legitimate rights of any helpless minority for the sake of administrative difficulties.



I would in passing like to point out to Government that when the Law of Prohibition was enforced in America, they had not the least difficulty as I am told in granting statutory exemption on the matter and Government of their own accord made statutory provision for brewing and possessing the required amount of liquor for religious proposes and they had not the least trouble on this score. If prohibition failed in America, it was not from this source.

Finally, Sir, it has been proclaimed from public platforms as well as given out in private talks that Congress is pledged to defend the rights of the minorities and safeguard and respect their religious rights and sentiments. Here is then a golden opportunity offered to Congress to prove to the world of the genuineness of their statements and dispel any doubt the minorities may have on the matter.

Sir, before I conclude my speech, I have to submit one or two points to clear the misconceptions that may be created with regard to the exemption sought. In the latter part of the clause, we have asked for exemption to brew wine required for the sacramental use. Sir, the reason for asking to have this right is not directly upon religious ground, but due to church administrative difficulties. We have to get the required amount of wine but whether we get that amount from the country or from America or from any other place, or we brew it at home, it matters little to Government. What Government have to do when we have the right of brewing is to see to the required amount of liquor. The operation of brewing will be entirely under the control and supervision of the Excise Department and only that amount of liquor will be brewed which is required for religious purposes and after that the brewing machine may be under the lock and key of Government. Sir, ordinarily we get our wine from Europe or South Africa or even from India. Now, suppose, there is a world war which is not at all unlikely, how are we to get wine from Europe or from Africa when the sea route is closed? Again if there is prohibition enforced all over India and brewing of wine is prohibited, how are we to get it even from India? These are our practical difficulties for which we embody that part of the exemption in the body of the Bill.

The second point which I want to clear is that there is a misconception in the minds of many that Christian churches are places of drunkenness. I quite understand that people, ignorant of Christian practices, should take things in this light. But I regret very much to note that such incorrect information without any attempt to get at the right information should be given such wide publicity even in papers. This lowers the esteem of the paper and shows a want of culture in the man who thus hurts the religious feelings of others.

The correct religious practice is that Catholics use in their services only one cruet of wine for each priest or one bottle for six or seven days. The laity do not participate in this form in the Catholic community. Amongst the Protestants both the laity and the clergy partake of it, but hardly one sip each man and this too once a week or more commonly once a month. This is the position. I submit that after this, there is no

ground to suppose that they can misuse their right. As I have already shown in the previous part of the speech, my community as a whole is fighting for the uplift of the poor and until and unless this vice is rooted out, we cannot speak of social, moral and economic uplift of the country. But on religious ground we claim statutory exemption, as exemption by notification will not meet our viewpoint. To illustrate it by an example, suppose exemption of notification means that you admit my right of ownership over a house, still you ask me to use it in the manner and when you like it. This is the position in the matter which we cannot accept as shown. With these words, Sir, I submit, that the Congress Government, which are a popular Government and which are pledged to respect the interests and the religious sentiments of the minorities, should consider my points. I appeal once more to Government and through Government to every member and to every section of this House to support the insertion of the new clause 33-A in the Bill. (*Clapping from the visitors' gallery.*)

**The Hon'ble the SPEAKER :** Order, order. Visitors are not to participate in the proceedings of the House either by clapping or in any other way.

**Mr. BONIFACE LAKRA :** Sir, I rise to support the insertion of the new clause 33A in the Bihar Prohibition Bill. But as my friend, Mr. Beck, who represents the Indian Christian Community, has already dealt long and wide and has explained to the House in its fullest details the religious principle involved and the exemption we demand on behalf of the Christians, I do not like to take the time of the House in explaining once again the religious intricacies of the Prohibition Bill, but I regret to remark that this Prohibition Bill has come just after the very beginning of the Congress Government, when the policy of the Congress Government, to make the country dry within three years, has been proclaimed and our Christianity says that liquor is absolutely necessary for religious purposes. So here is the question whether the Congress Government will recognise the natural rights of the Christians; whether Government will constitute themselves as a real natural guardian of the minorities or whether they will by their overwhelming majority tyrannise the rights of the minorities. Sir, we quite understand what this Congress Government say—and we also accept it—but still we have to see whether they are really a popular Government. They have been telling us in season and out of season that they are the real representative Government and that this House represents all sections of the community. We accepted that, and we have been accepting that so far; but now we want to see whether this sweet theory is simply a theoretical saying or is to be translated into actual practice. I beg to tell you and the House, and I beg to submit that we have not the least disregard for this Congress Government. We, the Christians, have great reverence and respect for Government constituted in this province, but still we respect it not as an absolute sovereign authority but only as a representative of the Almighty God. It is only because this that Congress Government represent some divine attributes, that is, to secure

peace and order in this world for the social welfare of the people, that we accept that they have and possess one very high authority as exists and has the sanction of God. But we maintain that this authority is a human authority based upon the will of the people as supported by the people's will and has no authority and jurisdiction to invade the rights and religion of ours. But in spite of this, this authority wants to entrench itself upon the commandments of the Almighty God. We beg to say, Sir, that when it does so, it goes beyond its jurisdiction. Now, let us see Sir, whether this Congress Government by granting us permits by notification (that is simply by the grace of Government) are going to interfere or are likely to interfere with our religion or not. We Christians believe that Christ is our God. Christ, before he was to be crucified, gave to his disciples wine and said: "This is my blood." He again took bread and blessed it and said: "This my body". Now, when Christ Himself, God Himself, commanded us that this wine when consecrated by the priest is changed from wine into the blood of Christ, and when he asked us to take it so that we may have our life ever-lasting and attain salvation, we must fearlessly and constantly and courageously obey that commandment, for after all this wordly life is but a probation for the next world. Now this very commandment of Christ, this very commandment of God seems to be in conflict with the policy of the Congress Government. Now, I hope that the Congress Government which are for the good of the people and which want to win us *Swaraj* and want that each community, each and each religion, should find equal opportunity to have complete freedom for practising and exercising its religious rights, will not only under pressure but of their own accord recognise our rights. We do not say that the Congress Government have been ungenerous towards us. The quarrel is not so much about the interference to give us wine for sacramental purposes but the degree of recognition. If Government recognise our natural rights, then I will assert that natural right, which even the Congress Government accept because they have great regard for the religion of their people. If the Government are going to give us licence by notification, we understand this to be as a matter of grace; because today they are giving it to us, tomorrow they may take it away. Perhaps the Congress Government are going to test our sincerity as to whether we are really true Christians or simply we profess the Christian religion. If that is their idea, then that is a different matter and only time will show whether Christians will be ready to lay down their lives to defend their religious rights. Since the Congress Government stand up for every section of the people and since we are in a minority, I hope, they will accept that we, the minorities, have the same right to exercise our civic and religious rights as the majority community. With these few words, I beg to resume my seat.

**Mr. TAJAMUL HUSAIN :** Sir, I am myself by nature and religion for total prohibition.

**Mr. BALDEVA SAHAY (Advocate-General) :** I am so glad to hear that.

**Mr. TAJAMUL HUSAIN :** But I do not wish, in any way, to interfere with the religious rights of any community. It has been, Sir, the declared policy of Government of the past and the present not to interfere with the religious rights of any community. I believe, Sir, it is also the Congress resolution that the Congress will respect and protect the minorities and their rights and everything else belonging to the minorities. Now, Sir, the only question before us is whether the Christians have a right to use wines in Churches for religious purposes. If it is proved before the House that it is the religious right of the Christian community to use wines for religious purposes in Churches, then Government will have no alternative but to exempt them from the operation of this Act. After hearing the Christian members, I am convinced that it is the fundamental and inherent right of the Christians to use wine in Churches for religious purposes. I am told, Sir, that for the last two thousand years, the Christians had been scrupulously and religiously using wines in such a manner. The belief of the Christians is that just before Christ—their Lord—was about to be crucified, he held a supper with his twelve disciples and there he broke the bread, gave it to his disciples and these were the words which he used then :

This is my body which is given unto you.

This shows that according to Christians bread represents the body of Christ. The next sentence is : He drank wine and said :

This is my blood which is shed for you. Do this as oft as you can.

Such, I believe, is the belief of the Christians. They say that those sentences appear in Mathews, Luke mark, John, Acts and Epistles. If such is their belief, then Government will have no alternative but to exempt wine in their case from the operation of this Bill.

Sir, even in the United States of America, when that country went dry and there was total prohibition, Government thought it best to exempt Christians to use wine for religious purposes.

**Mr. RAMCHARITRA SINGH :** Where ?

**Mr. TAJAMUL HUSAIN :** In the United States of America.

**Mr. RAMCHARITRA SINGH :** It was not done in the United States of America.

**Mr. TAJAMUL HUSAIN :** If my friend does not know, he should read the Statute of that country. Even in Turkey, in Afghanistan and in Persia which are Muhammadan countries, wine is prohibited but the Christians are exempted. Therefore, I submit that since it is a religious right of the Christians, I must, on behalf of the Congress, plead for the religious rights of the people. I would specially appeal to the Prime Minister and the Congress Government to exempt the Christians and accept the amendment of the Upper Chamber.

**\*Mr. SAIYID RAFIUDDIN AHMAD RIZVI :** It is really, Sir, surprising to find a Mussalman member on the floor of this House to

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\*Speech not corrected by the hon'ble member.

associate himself with the question of drink and exemption and appeal to Government for exemption (*A voice: "Shame"*). It has really given me a shock in my life.

The simple question before the House is whether the Christians should be exempted under clause 33, or under clause 33A,—whether they be granted a statutory right, or whether a permit or a license will be sufficient to meet their needs and remove their grievances. There is no question of discussing a religion here, and it would be laughing at religion, if things are degraded to this level. It has been said that for 2,000 years, Christians have been drinking freely and they should be allowed to drink freely.

**Mr. IGNES BECK :** Sir, may I know what the hon'ble member means by using the expression "drinking freely" ?

**Mr. SAIYID RAFIUDDIN AHMAD RIZVI :** I have been referring, Sir, to the last speech made by the hon'ble member from Sitamarhi. He has said, Sir, that even in Persia and other Islamic countries exemptions have been made in favour of Christians.

**Mr. TAJAMUL HUSAIN :** I said that exceptions were made for wine being used for religious purposes in Churches only. I did not say that they should be permitted to drink freely like fish. (*Laughter.*)

**Mr. SAIYID RAFIUDDIN AHMAD RIZVI :** Now, Sir, I have not been able to appreciate what the difficulty is with the Christians. If they can exercise their religious rights under a license or permit, it is in the interest of the Christian religion itself to come forward and help Government and put a stop to this evil. This will be the best way of doing it. It will be impossible for the Christian community to control it properly. If a free license is given and if people indulge in it without some check, things may come to such a pass that it will be really impossible for the Christian community to control it. They themselves have said and advocated, as has been just now said by my hon'ble friend who quoted resolutions from so many different societies and associations of Churches and Bishops that they are in favour of prohibition, that the country should go dry ; and so it was expected that the hon'ble members representing Christians would come and support Government. Here, Sir, no right is being infringed. Their religion is not endangered. What is wanted is that they should have the exercise of their religious rights. I have not been able to appreciate the difficulty that they have been labouring under. What is the point that they are wanting to make out ? One of my hon'ble friends has said that their religious rights are being infringed under clause 33-A. My friend has not been able to explain, how. I oppose the amendment with the force at my command. We know that the Congress Government are for the free exercise of all religious rights and for freedom of religion, but there should not be any such thing under the cloak of religion, in the name of religion, that things may come to such a pass that it will be difficult for those professing that

religion to control it and to make a better society and present a better picture. That is what I have to submit and really it was a shock to me that a Muslim member should stand up and support the amendment under debate.

**Mr. MUHAMMAD SHAFI:**

جناب صدر - میں مسٹر رضوی صاحب سے پرچھنا چاہتا ہوں کہ کیا اسلام نے یہ آزادی غیر قوموں کو دی ہے یا نہیں؟ اور انکے مذہبی ضروریات کے واسطے اگر انکے یہاں جائز ہو تو اسلامی قانون سے انکو مجبور نہیں کیا جا سکتا - میں رضوی صاحب سے کہنا چاہتا ہوں کہ وہ جوش میں آکر حکومت کی تائید کرتے ہیں اسلام کا بہانہ نہ دہواتے ہیں - وہ اسلام کے صحیح اصول کو نہیں پیش کر رہے ہیں - انکو معلوم ہونا چاہئے کہ اس معاملہ میں اسلام غیر مسلموں پر کوئی پابندی عائد نہیں کرتا -

**Mr. SAIYID RAFI UDDIN AHMAD RIZVI:**

جناب کے جوش نے جو حرارت پیدا کر دی ہے اسکا جواب دینے کے لئے میں کھڑا ہوا ہوں - میں نے کانگریس کی حمایت میں یہ نہیں کہا ہے -

**The Hon'ble the SPEAKER :** The hon'ble member has no right of a second speech.

**Mr. SAIYID RAFI UDDIN AHMAD RIZVI :** Sir, I was only explaining my position and giving a reply to the point so far as it concerns me.

**The Hon'ble the SPEAKER :** The hon'ble member may make a personal explanation but he cannot make a second speech.

**Mr. SAIYID RAFI UDDIN AHMAD RIZVI:**

میں نے اپنی تقریر میں جو کچھ کہا ہے وہ یہ کہا ہے کہ بحیثیت مسلمان ہونے کے شراب خواری کے متعلق کسی قسم کی مدد نہیں کرنی چاہئے - میں نے یہ نہیں کہا ہے کہ مذہب نے آزادی نہیں دی ہے - اسلام نے مذہب کی آزادی پوری دی ہے - جو کچھ ہم نے کہا ہے وہ یہ کہا ہے کہ ایک مسلمان کبھی شراب خواری کی حمایت میں کھڑا نہیں ہو سکتا -

**Mr. MUHAMMAD SHAFI :**

ہمارا سوال یہ تھا کہ اسلام نے یا مسلمانوں کے پیغمبر نے شراب کے متعلق غیر مسلمانوں پر قیود نہیں رکھے ہیں۔ کیا یہ اپنی جگہ پر درست ہے یا نہیں۔ اور اگر درست ہے تو میں یہ کہوں گا کہ بحیثیت مسام ہوئی کہ میرا فرض ہے کہ مسلم نقطہ نظر کو اس کے سامنے پیش کر دوں۔ مجھے کہنا یہ ہے کہ.....

**Mr. RAMCHARITRA SINGH :** Can the hon'ble member quote a sentence from the Quoran so that other members may know whether there is a passage which gives freedom to people professing other religions to drink.

**The Hon'ble the SPEAKER :** Order, order.

**Mr. MUHAMMAD SHAFI :**

سوال یہ نہیں ہے۔ سوال یہ ہے کہ اسلام کا مقصد شراب خواری کو روکنے کا تھا۔ ایک معلوم ہونا چاہئے کہ اس بل میں ایک دفع ایسا بھی ہے جس کے ذریعہ سے آپ سوائے مسلم کے اور قوموں کو خاص رجہ سے بڑی کر سکتے ہیں۔ اس کے خلاف آپ نے ایک بھی آواز مسلمانوں کی طرف سے نہیں سنی ہوگی۔ مسلمانوں نے یہ کہا ہے کہ شراب مسلمانوں کے لئے قطعی منع ہے اور ہر ایک نے اس کی تائید کی ہے۔ میں شراب خواری کی حمايت میں نہیں بولنا چاہتا ہوں اس لئے کہ میرا عقیدہ ہے کہ شراب خواری کو یقیناً روکنا چاہئے۔ میرے دل میں اسلام کی کافی عظمت ہے اور اس کے ساتھ ہی کافی راہاری بھی ہے۔ میں اسلامی قانون کو جانتے ہوئے کہی بھی یہ رائے نہیں دے سکتا کہ یہ حکومت یا اور کوئی حکومت زبردستی اور جبر سے کسی قوم کے مذہب میں مداخلت کرے اور اس کام کے کرنے سے جو دوسرے مذہب والوں کے لئے ضروری ہو رہے۔ میں یہ خیال کرتا ہوں کہ اگر مذہبی رسوم میں مداخلت کے اصول کو قبول کیا گیا تو آئے دن جھگڑا پیش آئیگا۔ اگر دوسری قوم کو مذہبی رسم کے ادا کرنے کیلئے شراب کی ضرورت ہے تو جبریہ حکومت کو روکنا نہیں چاہئے۔ بہتر طریقہ تو یہ ہوگا کہ ہم جائیں اور انکو سمجھائیں لیکن اگر آپ کسی کے مذہبی حقوق کو قانون کے ذریعہ سے روکنا چاہتے ہیں یا ان کے اس حق کو تسلیم نہیں کرتے ہیں اور ان کی مرضی کے خلاف قانون دینا چاہتے ہیں تو میں یہ کہوں گا کہ یہ جھگڑے اور فساد کی چیز ہوگی۔ کیا یہ مناسب ہوگا کہ اپ تعداد کے زور پر قانون کے ذریعہ کسی کے مذہبی رسم کو روک دیں۔ آپ کے نقطہ

نظر سے گاؤ کشی ایک بری چیز ہے آپ اسکو ناپسند کرتے ہیں لیکن کیا آپ قانون کے ذریعہ یہ جبر اسکو رک دینگے؟ کیا مسلمان اسکو ایک منٹ کے لئے بھی برداشت (tolerate) کرسکتے ہیں۔ میں یہ کہونگا کہ اگر مذہبی معاملات میں رواداری (toleration) کی ضرورت ہو تو آپ اسکو برتیں۔ ہاں آپ انکو سمجھا سکتے ہیں لیکن قانون کے ذریعہ سے آپ نہیں رک سکتے ہیں۔

سوال یہاں پر پیدا ہوتا ہے کہ دفعہ ۲۳-اے (A) رکھا جائے کہ نہیں۔ آپ فرماتے؟ میں کہ دفعہ ۲۳ میں آپ اجازت دیتے ہیں لیکن وہ کس طرح کی اجازت ہے۔ اسکے رے آپ انکے قانونی حق کی پابندی اپنے ارہر عاید نہیں کرتے ہیں یعنی انکے حق کو تسلیم نہیں کرتے ہیں اسکے ذریعہ سے آپ صرف حکومت کو اختیار دیتے ہیں کہ وہ نوٹیفیکیشن کے ذریعہ سے چاہے تو اسکی اجازت دے۔ لیکن آپ یہاں قانون مجلس قانون ساز میں بنا رہے۔ اسی قانون میں آپکو اس مذہبی حق کو اصولاً تسلیم کرنا چاہئے۔ یہ کافی نہیں ہوگا کہ آپ حکومت کو صرف اختیار دیدیں کہ چاہے تو وہ اسکو کرے اور اسکو کوئی پابندی نہر۔ ہر قوم کو حق ہے کہ بنیادی حق کو حکومت سے تسلیم کرانے اور اس حق کو حکومت کی مرضی پر نہیں چھوڑ دئے۔ اس لحاظ سے اقلیت (minority) حق بجانب ہے کہ اپنے پاس آئے اور کہ کہ اب جب قانون بنا رہے ہیں تو اس قانون میں انکے مذہب کا خیال کیجئے۔ آپکا فرض ہے کہ آپ انکے حق کو محفوظ کیجئے۔ ہمارے کرسچین درست جو اس ہاؤس کے ممبر ہیں آپ سے یہی کہہ رہے ہیں کہ دفعہ ۲۳-اے کی مخالفت نہ کی جائے۔ میں تو نہیں جانتا کہ حکومت کی طرف سے کوئی مخالفت ہو رہی ہے لیکن ہمارے دوست بابو رام چتر سنگھ جو حکومت کی پارٹی میں ہیں کسی وجہ سے اسکے خلاف ہیں۔ اس سے ہماری کہنے کا یہ مطلب نہیں ہے کہ حکومت اسکے خلاف ہے۔ چونکہ ہم لوگ اقلیت میں ہیں اس لئے اس اصول کو حکومت کے سامنے پیش کرتے ہیں کہ مذہبی سہولت اور مذہبی رواداری کو برتنے کی ضرورت ہے۔ میں شراب خواری کو بحیثیت مسلم ہونے کے ناپسند کرتا ہوں اور بحیثیت انسان ہونے کے اچھا نہیں سمجھتا ہوں۔ اور چاہتا ہوں کہ جہاں تک جلد ممکن ہو شراب خواری بند ہو جائے تو بہتر ہے۔ اور جب کہی بھی مرقعہ ہو تو ہم لوگ ان لوگوں کو اسکے ترک کرنیکی ترغیب (persuade) دیں اور



انکو سمجھائیں کہ شراب خواری سے بہت نقصان ہے شراب نوشی نہیں کرنی چاہئے۔ یہ ہماری اپنی ذات کی ذمہ داری الگ ہے لیکن جہاں پر سوال کسی دوسری قوم کے مذہب کا آتا ہے وہاں پر بحیثیت انسان کے روادار بننا پڑے گا۔ یہی ایک روادار ہے جس کی خواہش آپ سے کی جارہی ہے کہ آپ اقلیت کو وہ مذہبی سہولت (facility) دیجئے جو وہ مانگ رہے ہیں۔ وہ ہر رز کے لئے نہیں چاہتے ہیں وہ صرف ایک مخصوص موقعہ کیلئے چاہتے ہیں کہ انکو یہ حق رہے۔ اور چونکہ وہ انکا مذہبی حق ہے اسلئے قانون کے ذریعہ سے سلب نہ کیا جائے۔ میں ابھی تک نہیں سمجھ سکا کہ دفعہ ۳۳ء کی دوسری اگر انکو اجازت مل گئی اور یہ قانون پاس ہو گیا تو عام طور سے کرسچین کمیونٹی میں شراب خواری کیونکر جاری ہو جائیگی۔ دفعہ ۳۳ء کے الفاظ یہ ہیں۔

The Provincial Government shall exempt all Christian churches and their clergymen from the provision of this Act for possessing or brewing wine in such quantity as may be prescribed which shall be required for the purpose of Mass and Holy Communion.

اسلئے میں یہ کہونگا کہ اگر آپ کے دفعہ ۳۳ء کو جس طرح سے کہ آپ ہارس سے پاس ہو کر یہاں آیا ہے رھنے دیا تو یہ خطرہ یا خدشہ جو شراب خواری کے متعلق آپ کو ہے وہ صحیح نہیں ہوگا آپ انکو اس دفع کو قبول کر کے اطمینان دلائیں کہ اگرچہ آپ اکثریت میں ہیں لیکن انکے مذہبی حقوق کو قانون کے ذریعہ سلب نہیں کرنا چاہئے ہیں۔ اسلام میں رواداری آج سے نہیں ہے بلکہ چودہ سو برس سے چلی آتی ہے۔ اسلامی قانون کے مطابق اقلیت کو مذہبی حقوق دئے جاتے تھے۔ میں آپ سے کہونگا کہ چودہ سو برس کے اس تاریخی روادار سے سبق لیجئے۔ کسی کے مذہبی حقوق کو سلب نہیں کرنا چاہئے۔ اس اصول سے انکا مطالبہ صحیح اور درست ہے۔ ہاں آپ اس کے خلاف پروپگنڈا کر سکتے ہیں کہ شراب خواری نہیں ہونا چاہئے۔ ہمارا خیال ہے کہ انکے اندر ایسے لوگ موجود ہیں جو شراب خواری کے خلاف ہیں اور انکے مدد سے آپ کو ترغیب دینے میں کافی کامیابی ہو سکتی ہے۔

لیکن اگر ہمارے نقطہ نظر سے انکا کوئی مذہبی رسم غلط بھی ہو تو حکومت رواداری کے اصول کو تسلیم کرتے ہوئے اسکو نہیں رک سکتی۔ ہندوستان میں اسی مذہبی رواداری کے اصول پر آپس میں اتحاد و اتفاق ہو سکتا ہے اور ایک جماعت کو دوسری جماعت پر اعتماد ہو سکتا ہے۔

**Mr. SAIYID ALI MANZAR :** Sir, I am greatly surprised at my hon'ble friend, Mr Rizvi, for having taken recourse to the principles of Islam in this matter. I am afraid, he does not know his duties and responsibilities as a member of this House.

**Mr. SAIYID RAFIUDDIN AHMAD RIZVI :** More than you.

**Mr. SAIYID ALI MANZAR :** That is to be seen. Sir, my friend can legitimately inform the House about the principles of Islam in matters concerning the Muslims, but certainly he cannot take up the doctrine of Islam and apply the same in the cause of non-Muslims. My friend forgets that the main principle of Islam is toleration. Mr. Shafi has just now told us that toleration is the main factor in the life of the Muslims. I could have understood Mr. Rizvi, if he as a Mohammadan in this very House when the Money-Lender Bill was introduced and was being passed, had raised a protest saying that it was against his religion and that he would not be a party to the sanction of interest which is forbidden by Islam. May I know from Mr. Rizvi if he raised even his little finger by way of protest when the Money-lenders Bill was being passed in this House? The answer is, no. Therefore, I submit that it is not open to any Mohammadan to bring the principle of Islam when the question of non-Muslim is being discussed on the floor of the House. In Hyderabad, the ruler is a Muslim and a very staunch Muslim. Does my friend contend that in Hyderabad there is no temple, there is no church? Sir, there are thousands of temples. Hindus, Christians and men of all other communitities are enjoying full religious liberties under the ruler of Hyderabad. Therefore, to say here, that because our religion prohibits the use of wine, it shall be binding on each and every non-Muslim individual, would be absurd. Now, Sir, I come to the merit of the clauses. In this clause the only permission that will be given will be to use wine in churches for certain purposes. I think, Sir, the hon'ble members who have spoken before have already enlightened the House about the occasion on which the wine is to be used. I may repeat that among the Protestants this wine is passed and each member of the audience has just a sip. Among the Roman Catholics, the audience do not participate in this wine, but it is only the priests who have a sip. Can any one in this House say that by a more sip of the wine amongst the Protestants and by just one full sip amongst the Catholic priests there is any danger of its abuse? So far, Sir, we do not know of a single instance where there has been any abuse of this custom or this wine in any Roman Catholic or Protestant Churches. Apart from all this, Sir, I do submit that it is for no Government—whether they be a Congress Government or any other Government—to force the people to adopt or to think in the same strain as they do in matters of religion. Every person is entitled under a good Government to have his full liberty of religious performances and there is no reason why this Government should make a departure from the ordinary rule of good Government.

Then, Sir, it has been said that a notification will probably serve the purpose. I submit that it will be safer to have this as a matter of right

than to leave it to the good grace or the indulgence of Government. Supposing, Sir, we have a Prime Minister like Mr. Rizvi, I shall tell you that he will be the last person to promulgate the notification.

**Mr. RAMCHARITRA SINGH :** The hon'ble member should know that there is a joint responsibility.

**Mr. SAIYID ALI MANZAR :** The voice of the Prime Minister will prevail. Therefore, I will submit that it will not be safe to rely upon notification and it will be in the interest of the Christians that there should be made a separate clause as is embodied in 33A. I, therefore, appeal to the House that in such matters they should give full indulgence to the Christians and let them enjoy their religion as they like without any modification or dictates from us.

**Mr. NIRAPADA MUKHARJI :** Sir, I followed very keenly the interesting debate that is going on for some time past in this House and I am amazed to find that unnecessary heat has been brought in the speeches of the hon'ble members sitting opposite. The question before this House is whether Government in introducing prohibition are to make certain exemptions in the case of certain religious susceptibilities prevailing in the province. I have no quarrel with my hon'ble Christian friends sitting on the opposite side when they say that their religious susceptibilities must be respected. I beg most respectfully to submit before the House that Government have already by clause 33 accepted that principle and they have respected the religious susceptibilities of my Christian friends. I submit, Sir, that clause 33 covers all the objections that have been raised by my hon'ble friends on the other side. I have no quarrel with what has been urged by my hon'ble friends belonging to the Christian faith. They say that in their churches on certain ceremonial occasions wine has to be used. Likewise, Sir, I may inform my friends on the other side that in Hindu society and in Hindu religion, there is a great sect known as Tantrik, where wine is absolutely indispensable in their religious performances. Sir, when Government are committed to prohibition and when this House has already given its sanction to that principle, the only thing the House has to see is whether the religious susceptibilities of those sections of the Hindu community as well as of those belonging to Christian faith have been safeguarded or not.

Here I beg to read clause 33, so that everybody may know what is contained in that clause. Clause 33 is :

The Provincial Government may, by notification, declare that liquor or intoxicating drug required by persons other than Musalmans for *bona fide* religious purposes to be specified in such notification shall be exempt from all or any of the provisions of this Act subject to such conditions and restrictions as may be specified in such notification.

Sir, the very mention of the word "exempt" shows the recognition of susceptibilities of those religious sects and those religious communities which do require wine for the performance of certain religious functions.

**Mr. MUHAMNAD SHAFI :** Under clause 33, you empower Government to exempt, but you do not exempt the churches under the Bill, whereas under clause 33A the position is different.

**Mr. NIRAPADA MUKHARJI :** Sir, exactly that was what I was going to submit that it was a distinction without differences. There was no necessity to insist on clause 33A.

**The Hon'ble the SPEAKER :** The hon'ble member said that it is optional with Government and not obligatory under clause 33.

**Mr. MUHAMMAD YUNUS :** Does the hon'ble member want to change the expression "The Provincial Government may" into "The Provincial Government shall"?

**Mr. NIRAPADA MUKHARJI :** Sir, my answer is in the negative I draw his attention to the following :—

The Provincial Government may by notification declare that liquor or intoxicating drug required by persons other than Muhammadans for *bona fide* religious purposes to be specified in such notification shall be exempt.

The consequential relief, Sir, which Government propose to give is obligatory. Government, certainly, do reserve to themselves the right of examining how far the claims advanced by particular religious groups are *bona fide*. So far as that is concerned, it is "may". But as soon as Government are satisfied that these things are required for the performance of certain religious functions then "shall" comes in. Government are bound to exempt them from the operation of this Act. The moment Government come to this conclusion that wine and intoxicating drugs are required for religious functions by certain sects, the word "shall" comes into play. But why "may" has been used in the first clause is to enable Government to examine the proposals made by the different religious sets—whether they be Christians or Hindus or aboriginals. Certainly, if Government do not reserve to themselves that power, this Prohibition Bill will be quite useless. So, Government must have that power. As soon as they are satisfied that a particular section of the people—whether belonging to the Christian faith or the Hindu faith or any other faith—requires the use of wine for *bona fide* religious purposes, Government are bound to exempt such section from the operation of this Act. Therefore, Sir, I think it is just like a tempest in a tea-pot. It is nothing more than that, Sir. In certain speeches, I am sorry to say, the *bona fides* of the Government have been assailed. But I would appeal to them to examine clause 33 in the light of the interpretation that I have put upon this clause, and they will be satisfied that Government have accepted their separate entity, that Government have respected their religious susceptibilities and that Government do by clause 33 propose to exempt wines and intoxicating drugs as may be required for the performance of religious rights. I do not want to enter into the interesting controversy that was going on between my friend Mr. Shafi and Mr. Rizvi or my hon'ble friend, Mr. Manzar—I am not a student of Islamic culture and, therefore, I am not in a position

to say what is exactly enjoined by that religion. If my hon'ble friend, Mr. Shafi or Mr. Manzar, wants to be magnanimous in the matter of granting exemption of wines, I have no quarrel with them. Government have already recognised that principle. If under the cover of this support to the Christian community, they want to bring discredit on Government, that is quite a different matter.

**Mr. SAIYID ALI MANZAR :** I do not understand what my hon'ble friend means by " bringing discredit ".

**Mr. NIRAPADA MUKHARJI :** I want to say that, if in the garb of exhibiting sympathy with the Christian community, they want to say that Government are trampling upon the religious susceptibilities of a minority, I beg to submit, Sir, that it can bear one and one interpretation only that on this plea they want to bring discredit on Government.

**Mr. MUHAMMAD SHAFI :** May I, Sir, explain my position ? I never said that Government were opposed to clause 33-A, but I said that one member belonging to the Congress Party was opposed to clause 33-A. That was only what I said, and I made an appeal and that appeal was made to the members of the whole House without casting any aspersion on any member of the House.

**Mr. NIRAPADA MUKHARJI :** I am very much pleased, Sir, to hear that there was no intention of casting any reflection upon Government. A reading of clause 33-A would, as I have already submitted, make the position alone clear.

I have not the least doubt in my mind that my hon'ble friend, Mr. Shafi, and my hon'ble friend, Mr. Manzar, will now stand satisfied that Government far from trampling upon religious susceptibilities of any particular community are respecting, as far as it is necessary, their feelings in the matter. Government as well as the House are committed to prohibition. There must be a limit to exemption. If a *carte blanche* is issued to Christian community or for the matter of that to the Tantric community in the Hindu society, there is no meaning in this Prohibition Act.

**Mr. MUHAMMAD SHAFI :** Under clause 33-A, exemption is only asked for on the occasion of Mass and Holy Communion and for no other occasion and purpose.

**Mr. NIRAPADA MUKHARJEE :** That is 33-A. I read clause, 33 and put an interpretation on that clause and I believe you now stand satisfied that they have respected the religious susceptibilities of communities interested in the use of wine on ceremonial occasions. That is my point.

**Mr. MUHAMMAD SHAFI :** May I say that in clause 33, the words " shall be exempted " do not occur in the first part of the clause ?

These words occur only in the second part which means that Government are not bound to exempt them, but when such order has been given, then it is binding on the officers of Government.

**Mr. NIRAPADA MUKHAJEE :** Supposing, Sir, after the passage of this Bill, if certain individual of a certain locality comes forward before Government with the prayer that he wants two drams of wine for the performance of his religious worship, will Government at once issue a blank cheque in his favour ?

(Inaudible interruptions by Mr. Shafi.)

Therefore, the word " may " has been used here. Government certainly reserve the right to themselves to enquire into the necessity of the use of such wine and as soon as they are satisfied, the words " shall exempt " come in.

**Mr. MUHAMMAD YUNUS :** Even if in clause 33, the word " May " is altered into " shall ", the right of Government to examine the *bona fide* of the claim for the use of wine remains, because the words " *bona fide* " already occur in that clause.

**Mr. NIRAPADA MUKHAJEE :** That *bona fide* is to be read with the word " may ",—

May, by notification, declare the liquor or intoxicating drug required by persons other than Mussalmans for *bona fide* religious purposes to be specified in such notification.

That is to say the enquiry stage includes enquiry into the *bona fide* nature of the transaction, otherwise Government will not issue that notification, and as soon as Government are satisfied that there is the *bona fide* necessity for the use of wine or intoxicating drug, then Government have no other alternative but to issue an order of exemption. Therefore, under the circumstances, Government's intention is very clear on the subject and I can assure my friends belonging to the Christian faith that the Congress Government are determined to protect their interests as much as they are bound to protect the interests of people of other communities. I beg to assure that Government by clause 33 have already assured them of the free exercise of their rights without any infringement whatsoever. With these words, I beg to resume my seat.

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Sir, we have not much work to do to-morrow. The only serious work is the consideration of the *Bakasht* Bill. We have to wait for the Agricultural Income Tax Bill to be finished by the Council which may take two or three days more and, therefore, there is no harm, if the House sits to-morrow at 2 P.M.

**Mr. CHANDRESHVAR PRASHAD NARAYAN SINHA :** These are official days and the convenience of Government would suit us.

**Mr. MUHAMMAD YUNUS :** To-morrow we shall have further discussion over the Prohibition Bill, I think ?

**The Hon'ble Mr. SHRI KRISHNA SINHA :** Yes, yes. I do not want to shut out any discussion on the Prohibition Bill.

The House then adjourned till 2 P.M. of Tuesday, the 31st of May, 1938.