



Prohibition Laws and Issues

For Prelims: Right to Privacy, States that have banned sale of alcohol, Directive Principles of State Policy(DPSP), Fundamental duties.

For Mains: Concerns associated with Prohibition Acts in India, Art 47 versus Right to Privacy (Right to life including Right to Eat and Drink of one's choice)

Why in News

Recently, the Bihar Government has decided to use [Drones](#) to monitor illegal liquor manufacturing.

- This has initiated the debate of the utility of using physical and financial resources to implement the provisions of the prohibition act.

Key Points

▪ About:

- Prohibition is the **act or practice of forbidding something by law**, more particularly the term refers to the banning of the manufacture, storage (whether in barrels or in bottles), transportation, sale, possession, and consumption of alcoholic beverages.
- **Constitutional Provisions:**
 - **Article 47:** The Directive Principle in the Constitution of India states that “The **state shall undertake rules to bring about prohibition of the consumption** except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”.
 - **State Subject:** Alcohol is a **subject in the State list** under the [seventh schedule](#) of the Indian Constitution.

▪ Other Prohibition Acts in India:

- **Bombay Abkari Act, 1878:** The first hint at the prohibition of liquor was through the Bombay Abkari Act, 1878 (in the Province of Bombay).
 - This Act dealt with levying of duties on intoxicants, among other things and aspects of prohibition via amendments made in 1939 and 1947.
- **Bombay Prohibition Act, 1949:** There were “many lacuna” in the Bombay Abkari Act, 1878, from the point of view of the government’s decision to enforce prohibition.
 - This led to the birth of Bombay Prohibition Act, 1949.
 - The [Supreme Court](#) (SC) upheld the Act broadly barring a few sections in 1951 in the judgment of State of Bombay and another versus FN Balsara.
- **Gujarat Prohibition Act, 1949:**
 - Gujarat adopted the prohibition policy in 1960 and subsequently chose to enforce it with greater rigidity, but also made processes easier for foreign tourists and visitors to get liquor permits.
 - In 2011, the Act was renamed as Gujarat Prohibition Act. In 2017, the Gujarat Prohibition (Amendment) Act was passed with provision of up to ten years jail for manufacturing, purchase, sale and transportation of liquor in the dry state.

- **Bihar Prohibition Act, 2016:** The **Bihar Prohibition and Excise Act** was brought into effect in 2016.
 - Over 3.5 lakh people have been arrested under the stringent prohibition law since 2016 leading to crowded jails and clogged courts.
- **Other States:** Alcohol prohibition in India is in force in the states of Mizoram, Nagaland as well as in the union territory of Lakshadweep
- **Arguments against Prohibition of Liquor:**
 - **The Right of Privacy:**
 - Any invasion by the state in an **individual's right to choice of food and beverage** amounts to an **unreasonable restriction** and **destroys the individual's decisional and bodily autonomy**.
 - **Right to privacy** has been held as a fundamental right by the Supreme Court in several judgments since 2017.
 - **Aggravate the Sense of Violence:** Various research and studies have shown that alcohol tends to aggravate the sense of violence.
 - Most of the domestic violence crimes against women and children are committed behind closed doors.
 - **Loss of Revenue: Tax revenues from alcohol** is a major part of any government's revenues. These enable the government to finance several public welfare schemes. Absence of these revenues may severely impacts state's ability to run public welfare programmes.
 - **Source of Employment:** Today, the Indian Made Foreign Liquors (IMFL) industry contributes over 1 lakh crore in taxes every year. It supports the livelihood of lakhs of farming families and provides direct and indirect employment to lakhs of workers employed in the industry.
- **Arguments in Favour of Liquor Prohibition :**
 - **Impact on Livelihoods:** Alcohol **denudes family resources and reserves** and leaves women and children as its most vulnerable victims. A social stigma at least as far as the family unit is concerned is still attached to the consumption of alcohol.
 - **Discourage Regular Consumption:** Strict state regulation is imperative to discourage regular and excessive consumption of alcohol.
 - As the prohibition is mentioned in the State List under Schedule Seven, it is the duty of the state to make provisions related to prohibition.

Way Forward

- Between issues such as **morality, prohibition or freedom of choice**, there are also **factors like economy, jobs, etc, which cannot be ignored**. What is required is an informed and constructive dialogue on the causes and effects.
- Policy makers should **focus on framing laws which encourage responsible behavior and compliance**.
 - **Drinking age should be made uniform across the country** and no person below that should be permitted to buy alcohol.
 - **Tough laws should be made against drunken behaviour** in public, domestic violence under influence, and drinking and driving.
 - The governments should set aside part of revenue earned from alcohol for social education, de-addiction, and community support.

[Source:TH](#)