



## Ban on Liquor

**For Prelims:** Mahatma Gandhi, Liquor, Article 47, DPSP, Seventh Schedule

**For Mains:** Pros and Cons of Liquor Ban, Government Policies & Interventions

### Why in News?

A recent hooch tragedy in Bihar claimed many lives and left several others critically ill and blind.

### What is the Background of Liquor Ban in India?

- In India, **attempts at prohibition have been influenced by the thinking of Mahatma Gandhi**, who viewed alcohol consumption more as a disease than a vice.
- Following India's independence, **Gandhians continued to push for a liquor ban**.
  - These efforts led to the inclusion of **Article 47 in the Constitution**.
- Several Indian states have enacted bans on alcoholic beverages.
  - For example, **Haryana made several attempts at prohibition but was forced to abandon the policy** due to the inability to control illicit distillation and bootlegging, which also resulted in many deaths.
- **Prohibition has been in effect in Gujarat since 1<sup>st</sup> May 1960**, but the liquor trade persists through the black market.
- Bihar's prohibition, imposed in April 2016, which initially appeared to succeed and yield certain social gains.
  - However, following several deaths from consuming illicit liquor, the policy is increasingly coming under attack.
- Currently, there are **five states (Bihar, Gujarat, Lakshadweep, Nagaland, and Mizoram) with total prohibition** and some more with partial prohibition.

### What is the Indian Constitution's View of Alcohol?

- **Directive Principles of State Policy (DPSP) (Article 47):**
  - It mentions that "in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."
  - **While DPSPs are not in themselves legally enforceable**, they set goals that the state should aspire towards to establish conditions under which citizens can lead a good life.
  - Thus, **alcohol is seen by the Constitution and by extension**, the Indian state, as an undesirable evil that needs to be regulated.
- **Seventh Schedule:**
  - According to the **Seventh Schedule of the Constitution**, alcohol is a state subject, i.e., state legislatures have the right and responsibility to draft laws regarding it, including "the production, manufacture, possession, transport, purchase and sale of intoxicating liquors."
  - Thus, laws regarding alcohol differ from state to state, falling in the whole spectrum between prohibition and private sale.

## What is the Reason that Not all States have Banned Alcohol?

- While the Constitution sets prohibition on alcohol as a goal, for most states, it is very difficult to declare a ban on alcohol.
- This is primarily because **liquor revenues are not easy to ignore and have consistently contributed a large share of state governments' revenue.**
  - For instance, in Maharashtra, state liquor revenues amounted to Rs 11,000 crore in April 2020 (during the nationwide Covid lockdown), compared with Rs 17,000 crore in March.

## What are the Pros and Cons of Prohibition?

- **Pros:**
  - Various studies have provided **evidence linking alcohol with domestic abuse or domestic violence.**
    - Case of Bihar: Crimes against women have **clearly declined both in terms of rate** (per 100,000 female population) and incidence (absolute numbers).
- **Cons:**
  - **Strengthen Organised Crime Groups:**
    - Prohibition **creates opportunities for a thriving underground economy** that distributes liquor, outside the regulatory framework of the state.
      - This **creates its own problems, from strengthening organised crime groups (or mafias)** to the distribution of spurious liquor.
      - In the case of Bihar, it was reported that a year after prohibition was enforced, **there was a spike in substance abuse.**
      - While the government made liquor more inaccessible, it is impossible to take it out of circulation completely.
  - **Affects Poorer Sections of Society:**
    - Prohibition **disproportionately affects poorer sections of society with upper classes still being able to procure expensive** (and safe) alcohol.
      - In Bihar, most of the cases registered under its prohibition laws are related to **illicit or low-quality liquor consumption.**
  - **Burden on Judiciary:**
    - Bihar introduced complete prohibition in April 2016. While it certainly has led to reduction in alcohol consumption, the related social, economic, and administrative costs have been far too much to justify gains. Prohibition crippled the judicial administration.
      - The former NV CJI Ramana had stated that decisions like the liquor ban in Bihar put a huge burden on courts. As of 2021, there are three lakh cases pending in the courts related to liquor ban.

## Way Forward

- **A Nuanced Approach is Needed:**
  - There is a **need for a nuanced approach that integrates the regulation of alcohol production and sale** without compromising the requirements of public health.
  - The goal of an **effective and sustainable alcohol policy can only be achieved through coordinated action between multiple stakeholders**, such as women's groups and vendors.
- **Regulating Liquor:**
  - On the regulation side, **the rules on drunken driving and liquor advertisements can be tightened**, and compulsory labelling on the dangers of excessive drinking can be mandated.
    - On the advisory side, developed nations have adopted behavioural counselling, educating their people on the consequences of excessive liquor intake. Such campaigns help people make educated choices about their lifestyles.

PDF Refernece URL: <https://www.drishtias.com/printpdf/ban-on-liquor>

