Effects of Banning Alcohol

Why in news?

The death toll from the latest hooch tragedy in 'dry' Bihar has mounted to 38. Some people claim that one of the reasons behind the tragedy is the state's prohibition policy on alcohol.

How the Indian constitution views alcohol?

- India has a long history of banning alcohol, with prohibition a part of the Directive Principles of State Policy (DPSP) in the Constitution.
- It is also among the key Gandhian principles.

> *Gandhi wrote, "Alcohol makes a man forget himself and while its effects last, he becomes utterly incapable of doing anything useful. Those who take to drinking, ruin themselves and ruin their people."*

- One of the DPSP mentions that "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.

How is alcohol regulated?

- According to the Seventh Schedule of the Constitution, **alcohol is a state subject**.
- This means that the 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.

Why do all states not have prohibition?

- 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 have consistently contributed a large share of state governments' revenue.
- All states have some regulations with regards to alcohol consumption and sale (like age requirements or dry days).

- Currently, there are five states and UTs with total prohibition (*Bihar, Gujarat, Lakshadweep, Mizoram and Nagaland*) and some more with partial prohibition.

Does prohibition work?

- There is evidence to show that by and large, 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 had earlier 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.
- Furthermore, prohibition **disproportionately affects poorer sections of society** with upper classes still being able to procure expensive (and safe) alcohol.
- However, prohibition might have some limited benefits as well.
- **Benefits** - Various studies have provided evidence linking alcohol with domestic abuse or domestic violence.
- In India, prohibition has often been framed as a "women's rights" issue.
- A report by the Sexual Violence Research Initiative says that after prohibition was introduced in Bihar in 2016, "crimes against women have clearly declined both in terms of rate and incidence."

  Here, rate means 'registered cases per 100,000 female population' and incidence means 'absolute numbers'.

- While other factors may also be involved, other studies have shown marginal improvement in certain kinds of crime after prohibition.
- In the US, prohibitions were associated with lower murder rates and lower crime overall, specifically when one looked at alcohol and violence.

Reference

1. Indian Express | Why do some Indian states ban alcohol? What are its effects?
2. Finology | Alcohol Ban: Dry States in India

Quick Facts

Alcohol Laws of India

Article 19(1)(g) - Right to Trade Liquor

- Article 19(1)(g) of the Fundamental rights of the Indian Constitution states, 'All citizens shall have the right to practice any profession, or to carry on any occupation, trade or business.'
- Supporters of consumption say that the right to trade liquor is included in Article

19(1)(g).

- Article 19(6) permits the State to put only ‘reasonable restrictions’ and not a complete ban.
- So it is important to note that if the fundamental rights include the right to trade liquor, then the complete ban on liquor trade is an infringement of the Constitution.

Article 21- Right to Consume Liquor

- In the landmark K.S. Puttaswamy case, the right to privacy was declared a part of article 21.
- Some argue that the right to privacy provided in the Indian Constitution includes the right to consume liquor argue that what a person consumes is the result of his personal choice; it is an integral part of his privacy.

Article 47- Right to Liquor

- Article 47 (DPSP) of the Indian Constitution deals with the State’s duty to raise citizens' nutrition levels, living standards, and public health.
- Article 47 states that improving public health is one of the primary duties of the State, and the State must tend to prohibit the consumption of intoxicating drinks.
- So, because liquor is injurious to health, the State tries to fulfil its duty prescribed under Article 47 of the Indian Constitution. Hence, the right to consume and trade liquor per se doesn’t exist.
- Thus, from all these provisions, one can say that there has been an interesting conflict in the arguments supporting or not supporting the sale and consumption of liquor.

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