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## Prohibition of Alcohol in Bihar: A Study of Socio-economic Impact

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### Abstract:

*Bihar government has strictly prohibited the alcoholism and its sale in the state by declaring it as an illegal act. Though, it was prohibited earlier in Gujarat, Nagaland, Manipur and Lakshadweep. But it is herculean task for the Bihar government to hundred percent prohibition of alcohol, as it resulted into major revenue loss to the state. It is expected that the government may face a loss of up to Rs. 6,000 crores per anum from the absence of sales of country liquor. In the present article the author has showcased the socio-economic impact of alcohol prohibition in Bihar.*

**Key words:** alcohol prohibition, Bihar, socio-economic impact

### INTRODUCTION

Prohibition of alcohol is the term used to denote that the making, transporting, importing, exporting, selling, purchasing, and / or consuming of alcohol is an illegal act. Prohibition of alcohol is more commonly jus called prohibition and is considered very controversial throughout the world. As a result, let's review both the advantages and disadvantages of prohibition.

## **PROHIBITION OF ALCOHOL IN INDIA**

Alcohol prohibition in India is in force in the states of Gujarat, Nagaland and parts of Manipur, as well as in the Union Territory of Lakshadweep. Kerala has been implementing prohibition in a phased manner since 2014. Bihar banned alcohol sale on 1<sup>st</sup> April 2016. All other Indian states and union territories permit the sale of alcohol.

## **PHASE-WISE PROHIBITION OF ALCOHOL IN INDIA**

### **Gujarat**

Bombay State had prohibition between 1948 and 1950, and again from 1958. Gujarat has a sumptuary law in force that proscribes the manufacture, storage, sale and consumption of alcoholic beverages. The legislation has been in force since 1<sup>st</sup> May 1960 when Bombay State dissolved into Maharashtra and Gujarat. The Bombay prohibition Act, 1949 is still in force in both states, however the licensing regime in Maharashtra is quite liberal with granting licenses to vendors and traders. Gujarat is the only Indian state with a death penalty for makers and sellers of homemade liquor where fatalities are caused. The legislation is titled the Bombay prohibition (Gujarat Amendment) Bill, 2009. The legislation was prompted by numerous deaths resulting from the consumption of methyl alcohol.

Predictably, smuggling and illicit sale of alcohol are even though liquor was banned for long periods during the pre-Independence days, most of the states lifted bans soon after India achieved freedom. Very common, "Folder" is a slang term of unknown origin, used in Gujarat to refer to a bootlegger who delivers alcohol on demand.

But, Gujarat, after its formation in 1960 out of Bombay State, continued the ban and still enforces it to this day. So basically, the manufacture, sale, consumption and storage of

alcohol is illegal in the state. But that hasn't stopped a massive industry of illicit liquor widely prevalent in the state. In fact, it's said to be so easily available that you can get bottles delivered at your doorstep. Gujarat

### **Nagaland**

Permits foreigners and NRIs are able to purchase 30-day liquor permits.

### **Kerala**

On 24 August 2014, the Chief Minister Oommen Chandy announced, after along persuasion from KPCC President V M Sudheeran, the state will implement prohibition in a phased manner. The decision was supported by the Indian Union Muslim league (IUML) and the Kerala Congress. Liquor bars in Kerala had to renew licenses every year; the state government did not license any bar on 31 March 2014, resulting in the closure of 418 bars. The state Government also declared its intention of not renewing licenses of the remaining 313 bars in the state next year. The state owned Kerala State Beverages Corporation (Bevco) has 338 shops, and Bevco will shut down 10% of them every year. Consumer fed, which has 46 shops, will also be closed. However, sale of alcohol will continue to be permitted in 5-star hostels, and there were fourteen 5-star hotels in the state as of August 2014. Toddy will also continue to be legally sold, and toddy shops will be permitted to operate as earlier.

The Congress government in Kerala introduced a liquor policy in August, 2014 advocating for total prohibition. Now, this is a state which is among the big consumers of liquor in the country and the state government knew that the loss in revenue would be a big hit for the administration as well as for the tourism industry. But the party's policy was opposed aggressively by bar owners who feared a loss in employment. The fight between the government and the powerful bar owners

lobby even led to a manor scandal in which several ministers were allegedly bribed in order to procure licenses for opening liquor shops. The top court in December 2015 finally backed the state's liquor policy restricting the sale of alcohol only to five-star hotels and establishments. More than 700 bars were reportedly shut down in the wake of the policy.

### **States that have experimented with Liquor Bans**

Andhra Pradesh, Haryana, Tamil Nadu, Mizoram and Manipur are all states that have experimented with partial or complete ban on liquor. But changes in Governments as well as a negative feedback from the public have forced political parties to reverse the decision. Widespread smuggling and sale of illicit liquor have also been the reasons for such bans to collapse.

**Lakshadweep:** completely bans the sale and consumption of alcohol. Consumption is permitted only on the island of Bangaram. Bangaram is an uninhabited island, but the Bangaram Island resort has a bar. Lakshadweep is one of the union territories where liquor is not widely available and a complete ban is in place. There are reports that a single island called Bangaram has access to liquor, but it could not be verified.

**Manipur:** Prohibition is enforced the Imphal East, Imphal West, Thoubal and Bishnupur districts of Manipur. Prohibition was enforced statewide by the R. K. Ranbir Singh government with effect from 1 April 1991, Local brews called *ashaba and atingba* are available in most areas, and authorities usually ignore their sale and consumption. In 2002, the Okram Ibobi Singh Government lifted prohibition in the five hill districts of Manipur. The state Legislative Assembly passed the Manipur liquor prohibition (Amendment) Bill, 2002 on 31 July 2002 lifting prohibition in the districts of Chandel, Churachandpur, Senapati, Tamenglong and Ukhrul. In July 2014, Chief

Minister Okram Ibobi Singh stated in the Manipur state assembly that the state Government was looking at the option of lifting prohibition in the state.

**Nagaland:** The Nagaland liquor Total Prohibition Act (NLTP) banned the sale and consumption of alcohol in 1989. Enforcement of the ban is lax and Indian Made Foreign liquor is readily available. Authorities generally turn a blind eye towards illegal sales. Reports have stated that some police official themselves engage in bootlegging. The Congress party has termed prohibition a “total failure” and has pleaded for it to be revoked. The excise department had earned around Rs. 600 lakh (equivalent to Rs.27 crore or US \$4.1 million in 2013) prior to prohibition. It earned about Rs 10 lakh (US \$15,000) annually in NLTP Act related fines as of June 2014. The Morung Express estimated that there were about 500 illegal liquor bars in Dimapur, the largest city in the state, as of August 2014. Alcohol is also smuggled in from neighbouring Assam.

### **Concept of Dry Days**

Dry days are specific days when the sale of alcohol is prohibited. Dry Days are fixed by the respective state Government. Most Indian states observe dry days on major religious festivals/ occasions depending on the popularity of the festival in that region.

National holidays such as Republic Day (26 January), Independence Day (15 August) and Gandhi Jayanti (2 October) are usually dry days throughout India.

Dry days also depend on the establishment selling alcohol. For example, generally 5-star hotels do not have to observe all the dry days that liquor stores and small bars may have to. Dry days are also observed on the around voting days. National dry days also occur during Election Commission of India- ordained voting and result days.

## **Earlier Ban on Alcohol**

1. Andhra Pradesh, 2. Haryana, 3. Mizoram and 4. Tamil Nadu have previously enforced, but later repealed prohibition.

## **Andhra Pradesh**

Total prohibition was introduced in Madras State (which included Coastal Andhra and Rayalaseema) when C. Rajagopalachari became Chief Minister in 1952. Again ban was introduced by N.T. Rama Rao in 1994. N. Chandrababu Naidu repealed prohibition in 1997, claiming that it was “not successful or feasible because of the leakages within the state and from across the borders”.

## **Mizoram:**

The Mizoram Liquor total Prohibition (MLTP) Act banned sale and consumption of alcohol in 1995. In 2007, the MLTP Act was amended to allow wine to be made from guavas and grapes, but with restrictions on the alcohol content and the volume possessed. It is illegal to transport these products out of the state. Mizoram repealed prohibition on 10 July 2014, a period of 17 years after it had been imposed. On the date, the state Legislative Assembly passed the Mizoram liquor (prohibition and Control) bill 2014 (or MLPC), replacing the MLTP Act. The Presbyterian Church had organized mass prayers in all member churches across the state twice that year opposing the repeal of prohibition. Excise and narcotics minister R. Lalzirliana who introduced the MLPC bill explained, “As the prohibition only increased the sale of spurious liquor, we strongly felt the need to lift the prohibition so that those people who cannot do without drinks can find good quality liquor at cheaper prices”. Lalzirliana, who also belongs to Presbyterian Church, had also participated in a mass prayer at his local Church. The minister stated, “I asked God to prevent me from introducing the bill in the Assembly if that is what he really wanted.”

## **Bihar:**

On 26 November 2015, the Chief Minister of Bihar Nitish Kumar announced that alcohol will be banned in Bihar from April 1, 2016. Kumar officially declared the total ban on 5 April 2016, and said in a press conference, “All type of liquor will be banned in the state from today. Sale [and consumption] of any type of alcohol in hotel, bars, clubs and any other place will be illegal from today onwards.” Violating the law carries a penalty of 5 years to 10 years imprisonment.

It’s never an easy decision for a state government to declare a ban on alcohol in India. That’s primarily because liquor revenues are not easy to ignore and have consistently formed the bulwark of government funds.

In Kerala, the state government reportedly picked up \$1.2 billion from liquor sales and taxes in a calendar year, a massive one-fifth of the state’s revenue.

Therefore, when Bihar Chief Minister Nitish Kumar announced that he was going for complete prohibition of alcohol in the state. It surprised many. According to reports, The JDU-RJD government may face a loss of up to Rs 6,000 crores in the absence of sales of country liquor and IMFL. But Kumar strongly said there was overwhelming response’ from women and children to the ban and it’s tough to ignore that. The decision on the ban was also a fulfillment of Kumar’s election promises that he made in 2015.

At the same time, there are widespread concerns as to whether the ban would naturally result in the increased supply of illicit liquor in the state and a situation where people would cross borders to buy alcohol. Anyways, as Bihar enters the prohibition mode, we take a look at some of the states where a complete ban is in effect and other where liquor is being phased out.

Bihar turns dry as CM Nitish Kumar announces total prohibition on liquor.

Bihar became a completely 'dry state' on Tuesday, banning sale and consumption of all kinds of liquor in a move seen as fulfillment of a poll promise to women by Chief Minister Nitish Kumar. The ban includes Indian-made foreign liquor (IMFL), left out of the partial prohibition clamped on April 1. Kumar's passionate pitch for prohibition citing the adverse effects of domestic violence and broken families besides economic and health costs had earned overwhelming support from women of the ruling Janata Dal (United) in last year's assembly polls.

He reiterated his commitment while announcing the ban.

"The decision on total prohibition has been driven by opposition of women to liquor and this measure is dedicated to them and their concern," the chief minister said

Bihar joined only three other Indian states—Nagaland, Mizoram and Gujarat- to enforce a total ban on sale of liquor.

### **Poor women celebrate Bihar liquor ban**

Nitish kumar, who described the decision as historic, said the government will lose more than Rs. 4,000 crore revenue annually but added "it is not a revenue-driven decision". A C Pigou Criteriaon of Welfare adopted by our respected Chief Minister-"People will now use the money invested in liquor to add nutrition to their plates, avoid disease and economic ruination. That offsets all revenue concern," the chief minister added. He said no hotel, bar or club would be allowed to serve drinks though army personnel have been exempt for the time being. Sources said even a ban on toddy—the poor man's drink—looked possible but for the opposition of Lalu Prasad, who is believed to have said that the Pasis, the toddy-tappers' community, was aligned to his party RJD and the move could hurt the ruling alliance politically.

### **Now, police, Govt. officials to take ‘no booze’ pledge**

Nitish Kumar said the state will implement guidelines that allow consumption of ‘neera’, the drink derived from palm trees before sunrise. The same juice from palm trees acquires alcoholic properties after sunrise and is sold as toddy. Though consumption of toddy was not banned, it will no longer be sold openly in places like rural market places.

The state had earlier tried prohibition in 1977-78 during Karpoori Thakur’s time but failed to implement in effectively. Anti-liquor activists said the state will face a challenge in checking flow of liquor from illegal units and neighbouring states and nations like Nepal, Bangladesh and Bhutan. Chief secretary Anjani Kumar Singh said consumption of liquor is now a punitive offence with a minimum punishment of a five-year jail term. The amended act stipulates up to seven year imprisonments for trade in liquor. Observers feel that

1. The decision could have been taken both for growing unrest among women against the partial ban and
2. Also due to its wide political ramifications as the rural populace were not happy with the concessions given on sale of IMFL in urban limits.
3. There was also stiff opposition in urban areas with residents resenting the opening of government liquor shops in their localities.

### **REASONS FOR TOTAL PROHIBITION:**

1. **Addiction of Bihari youth-** Prohibition of alcohol limits prevents alcohol addiction among youth. This particular addiction can easily ruin people’s lives, including their jobs, their friends, their families, and obviously themselves too.
2. **Health-** Alcohol, especially in large quantities, can damages people’s kidneys and livers, and can eventually lead to death.

3. **Crime** – There is direct correlation between alcohol consumption and an increase in crime. Violent crimes, assault, and disorderly conduct are most common with persons who are intoxicated.
4. **Drunk Driving** – Prohibition reduces the casualties and damages through drunk driving.
5. **Cost** – Alcohol can be very expensive habits.
6. **Religion** – Some religions such as Islam, Mormonism, and some Pentecostal Christians expressly forbids the consumption of alcohol.

## **REASONS AGAINST PROHIBITION**

1. **Economy**-Prohibiting alcohol leads to loss of taxes and legitimate jobs.
2. **Underground or black-markets**- People who want alcohol will still be able to purchase it or make it, albeit at a higher cost and purchased from more seedy locations.
3. **Freedom of choice**-People should have the freedom of choice to decide to drink alcohol or not, as long as that freedom does not infringe on the freedom of other people. Therefore a law prohibition alcohol would remove the freedom of choice. Similarly to the previous reason, people should be free to harm themselves. Alcohol addiction is considered a victimless crime, since it primarily affects the alcoholics. While it does affect the people around alcoholic, it does not directly affect them. People can always keep their distance from or leave alcoholics, if they choose.
4. **Safety**-Alcohol made without government regulations and inspections pose a possibly serious health and safety risk to consumers.

5. **Organized crimes** that in return, will promote other illegal activities. And they can mostly profit from prohibition a – Criminal organizations even more.
6. **Society**-In most cultures and religions, social drinking is an acceptable practice.

Now that you now both the pros and cons of prohibition, it is up to you decide your stance on the subject.

**National Prohibition was a beneficial influence on American society during the 1920's.**

1. Wife beating and lack of family support decreased 82%
2. Drunkenness decreased 55.1%
3. Assault decreased 53.1%
4. Vagrancy decreased 52.8%
5. Disorderly conduct decreased 51.5%
6. Delinquency decreased 50%
7. Death due to cirrhosis decreased 50%
8. The number of inmates in jail and prison decreased 75%
9. Saving account tripled.
10. Families become better clothed.
11. Attendance at churches and schools become more regular.
12. Factory job attendance and job performance greatly increased.
13. General domestic complaints decreased by two – third.
14. Alcohol become almost unavailable, prostitution decreased.
15. Nation crime rate declined 38%

Quoting E Deets Pickett, who was Associated Editor of the American Prohibition Year book

## **LEGAL DRINKING AGE IN INDIA**

State	Age
Andhra Pradesh	21
Arunachal Pradesh	21
Kerala	21 Arrack is banned in Kerala since 1996
Karnataka	21
Orissa	21
Tamil Nadu	21
Uttarakhand	21
West Bengal	21
Bihar	illegal (legal age 21 till March 2016)
Mizoram	Illegal now legal
Nagaland	illegal since 1989
Maharastra	No limit for wine 21 for beer 25 for others 30 for Wardha District
Punjab	25
Meghalaya	25
Delhi	25
Chandigarh	25
Gujarat	Illegal (but Non-resident of Gujarat can apply of limited Liquor Permits)
Lakshadweep	Illegal (Consumption is legal only on the island of Bangaram)
Manipur	Illegal
Andaman and Nicobar Islands	Illegal
Hayana	18
Himachal Pradesh	18
Uttar Pradesh	18
Goa	18
Rajasthan	18
Sikkim	18

Thus, India's Bihar state imposes complete ban on alcohol. State announces prohibition that will include bars, pubs and restaurants in a move seen as fulfillment of poll promise.

## **CONCLUSION:**

Bihar has entered into social and cultural revolution. Nitish Kumar has promised to ban liquor before re-election in November last year. India's Bihar state has declared a total ban on the sale of all forms of alcohol with immediate effect in a move seen as fulfillment of an election promise made by state Chief Minister Nitish Kumar.

"Liquor will not be sold in nay bar, pub or hotel from now onwards," Nitish Kumar said at a press conference in the state capital, Patna, days after a partial ban was implemented in the state of 100 million.

"We have decided to place a complete ban on liquor in the state," Kumar, who had promised to ban liquor before re-election in November last year.

Abdul Bari Siddiqui, the state's finance minister, told Al Jazeera that positive public response and demand from women led the government to go for total prohibition five days after a partial ban was put in place.

On Thursday, the state assembly passed a bill to ban country-made liquor, which has been blamed for deaths in the past. The bill has provision for capital punishment for those engaged in manufacturing or trading illicit liquor in case people die after consuming it. Bihar has become the fourth state after Gujarat, Nagaland and Mizoram states to impose a blanket ban on liquor.

One of the biggest rationales behind the alcohol ban was that it played a role in violence against women. During the state elections last November an alcohol ban was one of the issues, and Kumar's coalition partners also mentioned it in their manifesto. Whatever the cost might be, the party has to implement the law as it is a respect of the mandate we got in the last election. Critics have said that a total ban will lead to revenue losses in a poor state such as Bihar and will give rise to black market and underground production activities. In the

name of revenue collection the government cannot allow poison to be served to people. Families have been destroyed, as a large number of rural youth took to drinking due to the proliferation of cheap local liquor stores. To make up the lost revenue the government will bring more sectors into the tax net. Hence, Bihar has entered into social and cultural revolution.

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