

Regulation of alcohol consumption and sale in Indian states

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In news- More than seventy people died in Bihar due to the consumption of spurious liquor. In this context let's take a look at regulation of Alcohol in the Indian states.

How does the Indian constitution view alcohol?

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

Some of the states that placed prohibition/regulation on alcohol-

All states have some regulations with regards to alcohol consumption and sale (like age requirements or dry days). **Currently, there are five states with total prohibition and some more with partial prohibition.**

Bihar-

- **Both the sale and prohibition of liquor was completely banned** by the Nitish Kumar government back in 2016, in keeping with a promise made to the women of Bihar by the chief minister ahead of the Assembly polls held the previous year.
- Severe punishments were imposed on those found to be flouting the ban, including heavy fines and prison sentences.
- Earlier in 2022, the **Bihar government passed an amendment to its prohibition laws, which dials down on punishment to first-time “drinkers”** and lets them get away with a fine rather than face arrest.
- This was done to unclog Bihar’s already overcrowded jails and focus the government’s attention on sellers and distributors rather than consumers of liquor.

Gujarat-

- Gujarat has had prohibition since it came into existence as a state in 1960.
- In the 62 years since prohibition has been around in Gujarat, the Act has seen several amendments.
- Notably, in 2009, then chief minister Narendra Modi introduced the **death penalty for sellers/producers if their spurious alcohol caused deaths.**
- However, Gujarat has provisions for **special alcohol licences for hospitality establishments** as well as individuals.

Lakshadweep-

- The Union Territory **banned both the consumption and sale of alcohol** keeping in mind the culture and sentiments of its predominantly Muslim population.
- However, the island of Bangram has a resort with a bar which is allowed to legally serve liquor.

Mizoram-

- In 2019, Mizoram **became a “dry state”** once again after the new government reintroduced prohibition that was repealed in 2015. Previously, Mizoram had seen prohibition for 18 years.
- Only military personnel and those with “medical needs” are allowed to consume alcohol.

Nagaland-

- Nagaland introduced total **prohibition in 1989 due to “moral and social” reasons**, for the greater good of its citizens.
- However, in recent times, the Naga government has **mulled partially lifting prohibition** due to various reasons.

Note:

- **Some states with partial prohibition are Karnataka**, which specifically banned country-made arrack in 2007, **Maharashtra** where the districts of Wardha and Gadchiroli have banned on production and sale of liquor, and **Manipur**, where districts of Bishnupur, Imphal East, Imphal West and Thoubal have prohibition.