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LIQUOR PROHIBITION IN INDIA: SOCIO-ECONOMIC AND ADMINISTRATIVE IMPLICATIONS OF STATE-LEVEL BANS.

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Abstract

In India, state governments regularly use alcohol prohibition as a tool for social change to address problems like public health, moral welfare, and domestic abuse. Prohibition policies, which have their roots in the Directive Principles of State Policy, specifically Article 47¹ of the Constitution, seek to lower the use of intoxicating drugs that are harmful to one's health. However, the imposition of alcohol prohibitions has created serious administrative and socioeconomic difficulties. By analyzing the constitutional framework, identifying states that have implemented total or partial bans, and evaluating the administrative and socioeconomic ramifications of such laws, this article critically investigates alcohol prohibition in India. According to the study, prohibition frequently leads to long-term governance problems, revenue losses, and the growth of illegal liquor markets, even though it may have short-term societal benefits. The article's conclusion advocates for a change in alcohol policy from outright prohibition to one that is regulated and focused on public health.

Keywords

Liquor Prohibition, Alcohol Policy, Directive Principles, State List, Socio-Economic Impact, Administrative Challenges.

¹ INDIA CONST. art. 47.

Introduction

In India, alcohol use has long been linked to complicated social, economic, and health issues. Domestic violence, poverty, health issues, and inefficiency at work have all been connected to excessive alcohol consumption. As a result, a number of Indian states have turned to regulating alcohol as a means of reducing these negative consequences. India has a federal system where alcohol regulation is solely the responsibility of the states, in contrast to many other nations where it is handled centrally.

In India, outlawing alcohol is both a constitutional goal and a policy decision. The State is required by Article 47 of the Constitution to work toward outlawing alcoholic beverages other than those used for medical purposes. Prohibition is still controversial despite this direction because of its inconsistent results. With an emphasis on states that have implemented prohibitions and the ensuing administrative and socioeconomic ramifications, this article aims to analyze alcohol prohibition in India.

Public health considerations have replaced merely moral and legal justifications in the discussion of alcohol control in recent years. Concerns about over criminalization, jail congestion, and the limited long-term efficacy of criminal sanctions in reducing harmful consumption have been raised by an overreliance on them. This has caused academics and decision-makers to reevaluate whether alcoholism should be viewed primarily as a criminal matter or as a social and health issue that calls for preventative and remedial measures.

The research methodology used in this work is doctrinal and analytical. Regarding alcohol prohibition in India, the doctrinal component looks at statutory frameworks, court rulings, and constitutional requirements. Using secondary data from official papers, policy documents, and public health studies, the analytical component assesses the socioeconomic, administrative, and public health effects of prohibition. By contrasting criminalization-based prohibition with harm-reduction-oriented regulatory approaches, the study also uses a comparative viewpoint. The study's focus is restricted to state-level prohibition laws and the governance consequences they produce within the Indian federal system.

Constitutional and Legal Architecture of Liquor Prohibition

Article 47², which is part of the Directive Principles of State Policy and requires the State to improve public health and endeavor to prohibit intoxicating drinks, is the constitutional basis for liquor prohibition. Although it is not subject to judicial review, state legislatures have used it as a guide when drafting excise laws.

Additionally, states have the authority to enact laws pertaining to the production, manufacturing, possession, transportation, purchase, and sale of intoxicating liquors under the Seventh Schedule, List II (State List), Entry 8.³ The lack of a single national alcohol policy and the variety of state-level strategies are explained by this constitutional framework.

Alcohol is categorized as *res extra commercium* by the Supreme Court, which has repeatedly ruled that there is no basic right to trade in alcoholic beverages.⁴ Additionally, the Court has maintained the legitimacy of prohibition laws as justifiable limitations put in place for the sake of morality and public health.⁵

States and Union Territories with Liquor Prohibition

States with Complete or Near-Complete Prohibition

- Since 1960, **Gujarat** has upheld prohibition under the Gujarat Prohibition Act, 1949, carrying on Mahatma Gandhi's mission of promoting abstinence.⁶
- In order to prevent drunkenness and safeguard women and children, **Bihar** enacted total prohibition in 2016 under the Bihar Prohibition and Excise Act.⁷
- The Nagaland Liquor Total Prohibition Act, 1989, established total prohibition in **Nagaland**, mostly due to social campaigns spearheaded by churches.⁸
- With a few exceptions for local liquors, **Mizoram** enforces prohibition under the Mizoram Liquor Prohibition Act, 2019.⁹
- With a few exceptions for tourist areas, Lakshadweep, a Union Territory, is virtually completely prohibited under the Lakshadweep Excise Regulation, 1965.¹⁰

² Ibid.

³ CONSTITUTION OF INDIA, Seventh Schedule, List II, Entry 8.

⁴ Khoday Distilleries Ltd. v. State of Karnataka, (1995) 1 SCC 574.

⁵ State of Andhra Pradesh v. McDowell & Co., (1996) 3 SCC 709.

⁶ Gujarat Prohibition Act, 1949.

⁷ Bihar Prohibition and Excise Act, 2016.

⁸ Nagaland Liquor Total Prohibition Act, 1989.

⁹ Mizoram Liquor Prohibition Act, 2019.

¹⁰ Lakshadweep Excise Regulation, 1965.

Partial and Localised Prohibitions

In addition to outright prohibitions, a number of jurisdictions restrict alcohol consumption in places of worship, during elections, and on national and religious holidays, also known as "dry days." These specific limitations show a different strategy from outright prohibition.

Socio-Economic Implications of Liquor Prohibition

Social Impact

Liquor restrictions, according to proponents, improve household economics, lessen domestic violence, and promote social peace. Women's organizations first reported favorable societal outcomes, such as decreased domestic violence and increased savings, in states like Bihar.¹¹ Empirical research, however, shows that alcohol intake frequently persists through illicit means, limiting long-term social advantages.

Furthermore, prohibition has led to the criminalization of common users, which primarily affects those with lower incomes. Concerns regarding disproportionate punishment and violations of personal liberty have been raised by arrests for small possession offenses.

Economic Impact

Through excise taxes, alcohol is a significant source of income for Indian states. Prohibition results in large financial losses that affect spending on health, education, and social programs.¹² Since the ban, states like Bihar have been under financial strain, making them more reliant on government grants.

Prohibition also has a negative impact on jobs in industries like travel, hospitality, and transportation. At the same time, it promotes the expansion of a parallel illegal economy, which helps criminal networks and bootleggers.

Administrative and Governance Challenges

The administrative apparatus is under tremendous strain when prohibition laws are enforced. Prohibition policing necessitates ongoing monitoring, border checks, and raids, frequently taking resources away from more severe crimes. The legitimacy of the system is further damaged by corruption and cooperation between law enforcement and bootleggers.

¹¹ National Family Health Survey-5, Ministry of Health and Family Welfare, Government of India.

¹² Economic Survey of India, Ministry of Finance, Government of India.

The overload of courts and prisons with cases pertaining to prohibition has been a major administrative consequence. Concerns about mass arrests and extended detention of inmates awaiting trial for minor offenses have been voiced by high courts on several occasions.¹³ The serious threats to public health posed by illegal alcohol markets are further highlighted by instances of bogus liquor deaths.¹⁴

Judicial Approach to Liquor Prohibition

Prohibition laws have largely been supported by Indian courts, but they have also warned against harsh punishments. In *State of Bombay v. F.N. Balsara*¹⁵, the Supreme Court overturned irrational limitations while acknowledging the validity of prohibition." Subsequent rulings reaffirmed the need for state liquor laws to strike a balance between individual rights and the public interest.¹⁶"

Criminalization v/s Public health approach.

India's alcohol ban illustrates the conflict between a harm-reduction strategy focused on public health and criminal justice enforcement. Although the goal of prohibition laws is to reduce alcohol consumption through criminal penalties, research indicates that overcriminalization frequently has unforeseen social, economic, and health repercussions.

The extent of criminalization suggests that instead of eradicating alcohol usage, the implementation of prohibition laws has led to the widespread criminalization of regular people. Since the implementation of prohibition in Bihar alone in 2016, more than 9.36 lakh cases have been filed and more than 14 lakh people have been taken into custody for breaking the law.¹⁷ These numbers show that the main purpose of prohibition was to maintain law and order, which put a significant strain on the police, courts, and prisons.

Alcohol consumption does not go away in spite of tough criminal enforcement; rather, it moves to unregulated and clandestine marketplaces. Evidence from states under prohibition

¹³Patna High Court, Bail Orders in Prohibition-Related Cases (2017–2023).

¹⁴ National Crime Records Bureau, Crime in India Report.

¹⁵ *State of Bombay v. F.N. Balsara*, AIR 1951 SC 318.

¹⁶ *Khoday Distilleries Ltd.*, supra note 3.

¹⁷ Nine years into liquor ban, state logs 190 hooch deaths, Times of India, 2025 (reporting 9.36 lakh cases and over 14 lakh arrests under Bihar Prohibition Law).

demonstrates the persistence of illicit booze manufacturing and smuggling.¹⁸ The continued existence of illegal alcohol markets erodes the efficacy of the criminal justice system and fosters a parallel economy where organized criminals and bootleggers rule.

Instead of lowering hazards to public health, a strictly punitive prohibition regime frequently makes them worse. Tragedies have often occurred as a result of the spread of illegal and fake alcohol. Since Bihar's prohibition, there have been about 190 confirmed deaths linked to the use of illegal alcohol.¹⁹ Across India, frequent hooch deaths persist, proving that bans do not remove demand but instead drive consumers to riskier alternatives.²⁰

According to public health research, criminalization exacerbates the negative effects of addiction by discouraging people from seeking medical or rehabilitation assistance out of fear of being arrested.

Criminalization shifts administrative resources from major crimes to the enforcement of minor drinking offenses. The high governance cost of prohibition is shown in border enforcement, mass arrests, and surveillance tactics. Courts have frequently voiced their concerns about the overcrowding of jails with criminals connected to prohibition, casting doubt on the effectiveness and proportionality of the system.

Instead of treating alcoholism as a crime, a public health approach views it as a social and health concern. Evidence from comparative policy indicates that tactics like

- Programs for addiction treatment and rehabilitation
- Interventions in behavior and awareness
- Taxation and regulation under control
- Treatment based on community health

are more successful than complete prohibition in lowering dangerous alcohol use. This strategy is more in line with long-term public health objectives since it concentrates on minimizing harm rather than penalizing usage.

¹⁸ Bihar reports 190 confirmed hooch deaths in nine years, Bodhi Wire, 2025 (noting continued smuggling and illegal liquor trade despite prohibition).

¹⁹ 190 Killed in Hooch Cases Since Bihar's Liquor Ban in 2016, ABP Live, 2025.

²⁰ At least 18 die in Bihar after drinking tainted liquor, Reuters, 2024 (showing continued deaths from illicit alcohol under prohibition).

Critical Evaluation

Although the prohibition of alcohol is advocated by the constitution, there are inherent conflicts in its execution. Absolute prohibitions drive consumption into illicit marketplaces rather than removing demand. Rather than bringing about significant change, the approach frequently results in moral symbolism. Comparative experiences indicate that de-addiction programs, increased taxes, awareness campaigns, and controlled control may be more successful than outright prohibitions.

According to the data, criminalization brought on by prohibition results in:

- Large-scale arrests without eradicating alcohol consumption.
- Illicit liquor markets' expansion.
- Recurring catastrophes in public health.
- Impact on vulnerable populations is disproportionate.

A move away from a strictly punitive prohibition regime and toward a regulated public health framework that combines prevention, treatment, and controlled availability may improve social and health outcomes.

Conclusion and Suggestions

India's alcohol ban is the result of a complicated confluence of administrative reality, social reform, and constitutional objectives. State-level prohibitions have had a variety of effects, including financial losses, difficulties with governance, and the criminalization of disadvantaged groups, despite being driven by moral and public health concerns.

According to the article's conclusion, India needs a fair alcohol policy that puts public health ahead of harsh enforcement. States should implement evidence-based regulations, bolster rehabilitation programs, and address the socioeconomic causes of alcohol dependence in place of outright prohibition. A strategy like this would better match the goals of the constitution with realistic government.

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