

## **Bihar Liquor Prohibition Policy: Assessing and Measuring the Outcomes for Social Transitional Justice**

Ms. Shivani Kumari, LL.M. - *Access to Justice, TISS, Mumbai*  
&

Dr. Devakumar Jacob, *Faculty, School of Law Rights and Constitutional Governance, TISS, Mumbai.*

---

**Abstract:** It was the dream of Mahatma Gandhi, the father of the nation, that every Indian should restrain from consuming alcohol or other intoxicants. Alcoholism is the reason for many woes in the life of a person. It deprives him of wisdom, wealth, health, and peace. Article 47 was incorporated in Part IV of the Constitution of India following his tenets, Article 47 of the Constitution of India obliges the state to endeavour to prohibit intoxicating drinks and drugs. To fulfill its electoral promises, the Government of Bihar imposed total prohibition in the state of Bihar in 2016. It made the consumption, manufacturing, or trading of liquor within the state territory an offence punishable by huge fines and strict imprisonment.

This research was conducted to measure the efficacy of the prohibition policy over six years. The significance of this research is that it is based on the personal experience of the people of Bihar with the prohibition law. It has come up with the findings that the prohibition was a success in its initial years. It encouraged many persons to give up the habit of drinking, the incidences of domestic violence also reduced considerably, and the people of Bihar warm-heartedly welcomed it. But subsequently, the state has witnessed a rise in the illegal trade of liquor. It has adversely affected the life of the person traditionally engaged in manufacturing country liquor and criminalised their livelihood. Many persons have started consuming liquor again, and other substance abuse also increased. The paper further proposes alternatives to the ban that will help to overcome the adverse impacts.

**Keywords:** Bihar, Liquor, Prohibition, Adverse Impacts.

---

Date of Submission: 03-02-2023

Date of Acceptance: 15-02-2023

---

*"If I were appointed dictator for one hour for all of India, the first thing I would do would be to close without compensation all liquor shops..." -Mahatma Gandhi*

### **I. Introduction.**

India has a history of consuming alcoholic beverages for ages. With its vast diversity, people in different regions have been consuming these beverages based on their choices and the availability of local plants or their products (like mahua and toddy in Bihar or fermented rice in some regions of Jharkhand). Also, studies show that consuming alcoholic beverages affects the physical and mental health of the person; therefore, their consumption has been discouraged. It is evident that alcohol adds up to the person's violent behaviour, thereby making the wives and family members of the person consuming liquor more prone to domestic violence. In India, states like Gujarat, Nagaland, Bihar, Mizoram, and the Union Territory of Lakshadweep have prohibited the consumption of liquor in any form to tackle these menaces. But whether this straight jacket ban is successful. Have the people in these states wholly done away with their drinking habits? Past experiences, national or international, have shown that imposing a ban on things does not serve the purpose; instead, it sweeps the whole business under the carpet, creating mafias. This research will examine the blanket prohibition policy on liquor in Bihar. It tries to understand and critically analyze the prohibition policy's ground-level implementation, whether the ban serves its purpose, what are its flaws, and suggest alternatives to overcome them.

Though drinking alcohol comes within the purview of the right to choose and personal liberty, in Indian society, the one who drinks is not considered a good person. This notion is based on the ill effect of alcohol on the physical and mental health of the person. Article 47 of the constitution of India also imposes a duty on the state to prohibit the consumption of alcohol and similar substance except for medical purposes. The provision was based on the vision of our national father, Mahatma Gandhi, who vehemently opposed consuming liquor. To fulfil the promise made to women in the election, the Bihar government in 2016 declared the state a "complete dry state," thereby prohibiting the manufacturing, trading, transportation, and consumption of liquor in any form. It is not the first time the Government of Bihar has come up with the prohibition. The state did the

same prohibition in 1979 also but repealed it later. To implement the ban, the state government amended the Excise and Prohibition Act of 1915 and later brought new legislation, Bihar Prohibition and Excise Act, 2016, on the 2nd of October 2016. The act provides stringent punishments for violation of its provisions. Through this research, the author aims to bring to light the problems in implementing the ban.

The *Bihar Prohibition and Excise Act, 2016*, declare any activities such as manufacturing, trading, transportation, or consumption of liquor as illegal. But this blanket ban has made more losses than the benefits it sought to reap. The main objective of the ban was to curb the menace of domestic violence, but even after the ban, the rate of domestic violence has not reduced considerably. Per the *National Family Health Survey (NFHS) - 5*, in Bihar, 40% of married women between the ages of 18-49 face spousal violence, and 84% face violence when their husbands are drunk. The survey also revealed that approximately 15.5% of men (above the age of 15) consume alcohol in the dry state of Bihar, which is more than 13.9% of that of Maharashtra (not a dry state). Thus it is reflected that not only has the ban failed to meet its objectives, but it has also given rise to other problems, such as the illegal trading of liquor. The ban has adversely impacted the livelihood of the families traditionally engaged in manufacturing country liquor. Further, hooch tragedies have risen compared to the pre-ban period.

The prime objective of the research is to understand the need for Prohibition in Bihar and to examine whether the ban meets its objectives. The research further focuses on analyzing the implementation of the Bihar Prohibition and Excise Act in the context of domestic violence, black marketing, and hooch tragedies. It also aims to assess the adverse impacts of the ban on the marginalized communities traditionally engaged in manufacturing country liquor and to measure the implications of amendments on the functioning of police and the conditions of the accused. Through this research, the researcher has tried to find and suggest alternatives to the ban that is more beneficial to society to overcome the failures of a blanket ban.

### **Research Hypothesis.**

Banning intoxicants is the first and foremost step to persuading people to leave the habit of intoxication. But the prohibition on the consumption of liquor in India and around the world has yet to see success in making the person non-drinkers. The initial phases of consumption do see some positive change, but people resort to drinking and other types of substance abuse after a while. This creates a nexus of illegal trade of the prohibited material benefitting the black marketeers and immense loss of revenue to the government. Further, some classes have engaged in manufacturing country-made liquors such as drinks from toddy and mahua. Still, their livelihoods are criminalised by such prohibition. Most of these persons belong to the poor sections of society, and it is not easy for them to change their profession, and the result is that they face the wrath of the prohibition.

### **Research Methodology.**

Qualitative Research studies things in their natural setting to understand and interpret social realities. The researcher has employed the qualitative study of the topic to understand people's experience with the prohibition within six years of the ban. The data obtained is analysed on the parameters of domestic violence, prohibition-induced corruption, and changes brought about by the prohibition in the lives of the families involved in the manufacturing of country liquors through generations, prohibition and youths, among other impacts, to measure how the ban has affected their lives. The descriptive research design is primarily adopted to describe the various adverse impact of the prohibition policy. The data is analyzed to suggest appropriate alternatives to the ban. Since the majority of the research's immediate target group sample belongs to the rural area. Therefore, the researcher conducted a one-on-one interview with the samples. It was helpful in conveying the objectives of the research to them in a better way by establishing human contact with the respondents. The total sample size of the research was 40 (25 persons from the immediate target group and 15 from enforcement agencies and other stakeholders). The samples for the research were chosen from the Gaya District of Bihar. The district is the second-largest district in the state. The district shares its borders with Jharkhand and therefore is a gateway to illicit liquor in the dry state of Bihar. Among the available sampling techniques, the researcher has used random sampling for selecting samples from immediate target groups, i.e. the community. residing in the district, and purposive sampling for key informants and other stakeholders, including the authorities responsible for the enforcement. The researcher has also relied upon reports released by the National Crime Records Bureau, Bihar State Crime Records Bureau, the National Family Health Survey-5 Report, and various other reports and surveys to understand the situation.

### **State's Perspectives - The Purpose of the Ban and Contemporary Situation.**

The Government of Bihar claims that it has been trying to raise awareness about the ill effects of liquor

and intoxication since 2011. 26 November was decided to be marked as prohibition day every year. The major role in awareness campaigns was Jeevika workers and the women's self-help group across the state. These groups were awarded in 2013, 2014, and 2015 for their efforts to make the villages intoxication free. In 2015, on 9<sup>th</sup> July, a state-level "Gramvarta" was organised with Bihar Women Development Corporation and different women self-help groups where these groups demanded prohibition on liquor. It was promised to them that with the formation of the new government, liquor would be prohibited. Earlier it was decided that the ban would be implemented in a phased manner wherein from the 1<sup>st</sup> of April, 2016, there will be no availability of either country liquor, or Indian Made Foreign Liquor in the village. Only foreign liquor will be available in the urban areas from government-licensed shops. Various Oath ceremonies were organised in different parts of the state, including government authorities and common people pledging not to drink.

Post 1<sup>st</sup> April 2016, the women's groups started demanding a total prohibition which was met soon. Thus, the government announced the State of Bihar as a "Complete Dry State" on 2nd October 2016. A separate wing of the excise department was created to deal with the cases of the prohibition law. Special Police stations and Special Courts have also been established to investigate and trial cases related to prohibition. The Government through Temperance Movement- The Impact of Liquor Prohibition, a study in 2022, contends that 80% of the people of Bihar are satisfied with the ban and want it to be continued. It also asserts that the health of 65% of habitual drinkers has improved. The prohibition has resulted in decreased incidences of drunk driving. Road safety has increased, affirmed by 50% of the people. The government has provided toll-free numbers on which anyone can call and give information about the violation of the prohibition law.

**Table 1: Total Number of Cases Registered Under- The Prohibition and Excise Act, 2016.**

2016	2017	2018	2019	2020	2021
632	279	45742	49182	45235	69124

Data Source: Crime in Bihar, State Crime Records Bureau, Bihar

Since the passing of the Prohibition Act of 2016, several amendments have been made to the act. The remarkable amendment was done in the year 2022 wherein the first-time offender who is charged with the offence of drinking is not sent to jail, instead, should be released on payment of the fine of Rs. 2000 to Rs. 5000. This amendment was brought after noticing the fact that the District Courts of Bihar and High Court of Patna are pile up with the huge number of cases relating to the prohibition law and in most cases, the accused is charged with the offence of consuming alcohol. It was further noticed that the already overburdened prisons are being clogged by the undertrial prisoners who were charged with the offence of consuming liquor. The piling of cases and prisoners was the main reason for the criticism of the Act, even N. V. Ramana, J. (the then Chief Justice of India) severely condemned the Act and called that the policy lacked foresight.

**Table 2: Total Number of Cases Registered Under the Prohibition and Excise Act, 2016**

		2018	2019	2020	2021
Persons Arrested	Male	39775	47982	40911	58459
	Female	753	1625	2191	2874
	<b>Total</b>	<b>40528</b>	<b>49607</b>	<b>43102</b>	<b>61333</b>
Persons Convicted	Male	399	470	94	270
	Female	0	16	0	1
	<b>Total</b>	<b>399</b>	<b>486</b>	<b>94</b>	<b>271</b>
Persons Acquitted	Male	651	92	255	349
	Female	0	0	5	32
	<b>Total</b>	<b>651</b>	<b>92</b>	<b>260</b>	<b>331</b>

Data Source: Crime in Bihar, State Crime Records Bureau, Bihar

In this research also, 60% of the respondents agreed that the ban has brought positive changes in society. But it was also revealed that everyone is not satisfied with the ban and they want some regulations instead of the ban. People are concerned about the rise in the number of cases due to the complete prohibition. These numbers are indicative of the fact that there are people who have not left the habit of drinking and also the manufacturing liquor. Regarding the awareness campaign, the respondent said that the toll-free numbers were

pasted everywhere in the city which people can inform the police if they witness any activity related to liquor.

**Table3: States Excise Revenue (Rs. in Crores)**

Year	Bihar	Jharkhand	Uttar Pradesh	West Bengal
2013-14	3168	628	11644	2419
2014-15	3217	244	13483	3587
2015-16	3142	912	14069	4015
2016-17	30	962	14273	5226
2017-18	-3	841	17320	9340
2018-19	-10	1083	23800	10622
2019-20	-4	2009	27325	11232
2020-21	-4	1821	30061	10666
2012-22	-1	1807	36320	13542

Data Source: EWP Research Foundation

**Data Analysis**

**Observation and Inferences from the field.**

**Table 4: Responses given by the members of the Immediate Target Group, i.e. the Community Members.**

Inference themes	Yes	No	No Idea	Inference themes	Yes	No	No Idea
Still consume liquor	20%	80%	NA	Consuming liquor increases Domestic Violence	28%	60%	12%
Consumed alcohol pre-ban	40%	60%	NA	law-and-order improved	68%	32%	NA
Not consume liquor but know others consuming	84%	16%	NA	An increase in other drug abuse post-prohibition	56%	NA	44%
Liquor still manufacturing	84%	12%	4%	Illegal liquor-induced corruption	60%	NA	40%
Liquor easily available in your region	88%	8%	4%	Prohibition implemented fully	36%	60%	4%
Knowledge about the De-addiction Center	4%	96%	NA	Regulation instead of complete prohibition	56%	32%	12%
Ban reduced domestic violence	60%	40%	NA				

Data Source: The researcher collected primary data from empirical research based on a one-on-one interview schedule with the participants.

**Field Narratives: Enforcement Agencies and Other Stakeholders.**

To know the side of the government arthritis and the perspectives of all stakeholders related to the prohibition of liquor, the researcher conducted interviews with 14 persons responsible for the implementation of the

prohibition and other officials related to it. (the name and post are not disclosed here to maintain the confidentiality of the respondents/interviewees.)After interviewing the different stakeholders and key informants that includes authorities responsible for the implementation of the policy and other civil society organisations, the opinions collected are categorised under the following heads:

**Pro Prohibition.**

14 % of the respondents were in favour of the ban. They gave the following reasons for their answer. The ban has brought major positive change, especially in women's lives. The state has witnessed a considerable decrease in the incidence of domestic violence. The status of women in the family and their participation indecision-making matters has increased. The prohibition has also brought positive changes in the health of the people. They are now spending money on more productive commodities and services like better food and education. The ban has helped the enforcement authorities maintain a better law and order situation. New employment avenues have also been opened for women they are being provided with training for making glass bangles from the bottles that are seized from the bootleggers.

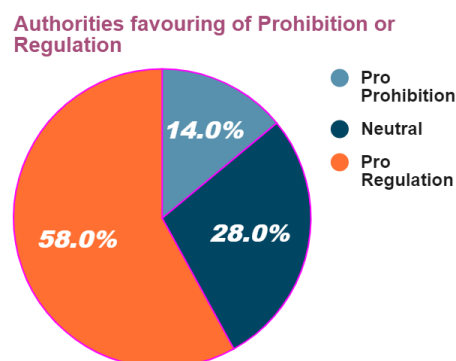
**Neutral.**

Some authorities (28% of the respondents) denied saying anything in favour or in against the prohibition. They said that it is a social movement that aims to bring a change in society by making people aware of the ill consequences of liquor consumption and encouraging them to renounce the habit of intoxication. The policy has indeed succeeded in bringing the change it desired, though the change is slow still, it will succeed in attaining its objectives, The government has brought the policy after making duedeliberations with the citizens and other stakeholders. Hence, it is our duty to enforce the law without questioning it.

**Pro Regulation.**

The major percentage (58%) of respondents were in favour of some regulation on the consumption and sale of liquor instead of total prohibition as the ban has brought changes in society but the easy availability of liquor and the increase in black marketing have undone the goods. People have not left the habit of drinking yet. The demand for liquor has not been reduced, but the supply has been cut off through formal lines thus, there have emerged a new group of mafias called liquor mafias. They are minting money, and the government is at a loss of revenue.Further, there is a rise in the incidence of hooch tragedies due to the ban. The prohibition has led to the rise of the black market of liquor, though it is available, the price of the liquor has risen immensely. Hence the poor who were in habit of drinking is now consuming methanol-blended liquor which is relatively cheaper in price. These methanol liquors are called hooch and are not fit for human consumption, which inevitably culminates into hooch tragedies.Substance abuse like cocaine and ganja (marijuana) has increased post-prohibition, especially among the youths. It was shared one of the respondents that three special raids are conducted per week on alternate days and on average, 100 persons are charged as offenders under the act. Another respondent said that despite the law being in enforcement for the past six years, people have not accepted it. On a daily average, 10 -12 cases of illegal supply of liquor from the bordering state of Jharkhand are registered just through one check post. This means that the ban has not been able to bring the change that it aspired for.

It has also brought adverse impacts on the livelihood of the families manufacturing it.It is pertinent to note that the majority of persons involved in the manufacturing of the country liquorbelong to the scheduled caste known as Pasi and Majhi communities.The alternative source of livelihood that the government suggested providing to these families was not turned into reality, and the law has further criminalised their profession. The researcher was informed by one of the researchers that there are some areas or pockets of the villages where people still continue to manufacture country liquor, it is their means of livelihood for generations. They are so angry with the prohibition law that they try to attack the police officials also. The police avoid entering those areas. The government has set up special courts for the trial and disposal of prohibition cases, but still, the number of cases is so high that even these special courts are not able to dispose of the cases rapidly. One of the underpinning issues is that the linchpins of the illegal liquor industry who are in the actual control of the black-marketing business are seldom charged and convicted for the offences of prohibition, it is the poor who are facing the wrath of the law. Further, the women and children are used to supply the liquor because they are less susceptible to committing crimes.The youths are lured toward the bootlegging industry of liquor in greed of instant money.



The amendments brought in the year 2022 have helped in the disposal of the cases of first-time offenders who consume liquor, however, it does not help the persons who were earlier charged under the act for consumption of liquor. The first-time convict for the consumption of liquor is now being freed at the payment of a fine of Rs. 2000 - Rs. 5000, this amendment is targeted to meet the revenue losses of the state. The illegal supply of liquor has facilitated the increase in other crimes such as the theft of vehicles that are used to transport it. The major discrepancy in the amendment is that if a person is caught drunk, he may be convicted on payment of a fine only, but if he carries with him even a little amount of liquor, then it is at the discretion of the police either to charge him for the sale of liquor which is an offence of serious nature and confiscate his vehicle or just charge him as a first-time consumer under minor offence.

Unawareness about the de-addiction center and a minuscule number of people turning up for de-addiction from alcohol. During the pandemic, the space allocated for the deaddiction center was converted into a treatment center for covid and the deaddiction center was shut down. It was observed during the research that there is no such impact of the ban in the innermost pockets of the rural areas. People residing there said that there was an order made by the government a few years back that no liquor will be available and no one is allowed to consume any type of liquor. But now liquor can be procured easily, and people continue to consume it. Respondents also shared some recommendations like the ban would have yielded better results if it had been phased. The provision of summary trials and plea bargaining should be applied to the cases of prohibition so there is speedy disposal of the cases. Rather than sending the consumers of alcohol into jails, they should be admitted to the De-addiction centers and should be provided with treatment, so it will be helpful for them to discontinue the habit of intoxication. Incarceration will not help them, rather the youths who are charged under the offence of excise will meet hardened criminals in jail, and they will then become criminals too. More awareness campaigns should be run, and people should be encouraged to leave intoxication of any type whether liquor or other substances.

#### **Domestic violence.**

The main objective sought to achieve by the prohibition was to curb the menace of domestic violence. Women groups from the whole of the state demanded the prohibition of liquor as an election promise from the current government. So when the government came into power, it kept the promise and imposed the prohibition. During the research, 60% of the respondents said that they have felt a considerable decrease in the incidents of domestic violence. It has helped women to have a say in the decisional matter of the family. Their status has been raised as when the man is not in an inebriated condition, he listens and understands the other part also. However, 60% of the respondents also said that the commission of domestic violence is not directly related to the habit of drinking or consuming alcohol. Some of the respondents also said that though their husbands do not drink still they are victims of domestic violence. It is also pertinent to note that the findings of NFHS-5 are in contradiction with the National Crime Records Bureau (NCRB) data on Domestic Violence. Where the statistics of NCRB show that the cases relating to domestic violence have been reduced to zero, the NFHS-5 revealed that almost 42.5% (which is above the national average of 31.9%) of women between the age of 18-49 have faced spousal violence. The state stood second in domestic violence when the country saw a surge in domestic violence cases during the covid - 19 pandemic.

**Table 5: Number of Cases registered under the Domestic Violence Act, 2005 in Bihar**

2015	2016	2017	2018	2019	2020	2021
161	171	81	0	0	23	0

Source: NCRB, Crime in India Report-2021.

#### **Youths: Change in Lifestyle Post Prohibition.**

The good part about the alcohol ban is that youths or the new generation are not attracted toward alcohol consumption, as one respondent said, out of sight, out of mind. Still, the other side of the story is that 56% of the respondent said that the alcohol ban has also resulted in an increase in other drug abuse like ganja, smack, etc., especially among the youth. It was also revealed during the research that the youths are attracted to the bootlegging industry of illegal liquor supply in the greed of instant money (which is famously known among the locals as home delivery of liquor). As one of the key informants stated, the suppliers earn 500-1000 rupees daily by delivering liquors to homes. He also stated that most of the youths are those who come to cities for studies. They accept these jobs to meet their pocket expenses and lead a lavish life they could otherwise afford. The researcher interviewed two youths accused of supplying liquors aged 24-26. They were residing out of

Bihar to earn their livelihood. When they returned home during the Covid-19 pandemic, they engaged themselves in these activities because of less effort and more money.

#### **Adverse Impacts on the livelihood of the community engaged in manufacturing country liquor.**

To help the traditional toddy makers, the government first relaxed the fresh palm juice from the list of intoxicants and promised the community traditionally engaged in the extraction of palm juice to set up *Nira* plants to process the fresh unfermented juice and but the proposed plan was never implemented. People are still extracting the juice and making toddy out of it to sustain their livelihood. Most of the person involved in the extraction of palm juice belongs to the Pasi Community living in the state of Bihar. In recent times, the community has protested against the prohibition in front of the State Legislative Assembly. Their demand is to either set up the promised plants and purchase the juice from them or to remove the ban. The same is the situation of the *Manjhi* Community of the state which also belongs to the *mahadalit* category in the list of scheduled castes. This community has traditionally been traditionally engaged in manufacturing country liquor from the Mahua flowers. It was observed during the research that they continue to manufacture the country liquor even after prohibition for two main reasons, first, it is their traditional business and they don't know any other skills so that they can change their profession, and other, the prohibition has resulted in the increased price of the liquor so they are making more money. But it should also be noted that their profession has been criminalized and no active steps have been taken by the government to encourage them to switch their profession. These are the same poor people who are facing the law the most.

#### **Toddy Tappers.**

The prohibition policy has also enlisted toddy in the list of intoxicants. But owing to the protest of the Pasi Community (which is majorly dependent for their livelihood on the procurement of toddy from the tree sap and selling after the process of fermentation,) the government made it clear that selling the fresh sap of palm tree which is known as *Nira* is not prohibited and punishable as the fresh juice is not intoxicating and have a lot of health benefits. However, the selling or consumption of toddy, which is intoxicating, is prohibited and punishable. The researcher during research observed that the general public understands that the consumption of toddy is not prohibited and is exempted from the list of intoxicants. Three respondents said that toddy is being consumed in their area and is excluded from the list. One respondent who was accused of consuming alcohol said that he consumed toddy and not liquor, but still was convicted for consumption of alcohol as during a breath test, he was found intoxicated. When the government was announcing the prohibition, it also promised the person involved in toddy tapping that it will establish the *Nira* Processing plants and it will collect the fresh saps from the tappers and would process them into different products. But the promise never met its realities. Recently, the Pasi community staged a protest in the capital city against the prohibitions the government has stopped collecting the *Nira* from the tappers. Their demand was either the government resumes procurement or remove the ban. It is becoming very hard for them to earn their livelihoods.

#### **No efforts seem to have been taken to make the people aware of the ill consequences of liquor**

No awareness camps or schemes will motivate people to give away the habit of intoxication. The tendency of the state is to punish the people who consume liquor by imposing fines or incarcerating them, with no provision to reform them to give away the habit of drinking. It is recommended that instead of punishing them with imprisonment, the habitual drinker should be treated in rehab or de-addiction centers, which will help him/her give away the habit of drinking. Also, some efforts were made by the government to connect the people to the *Jeevika* groups, so that they can learn the other sources of livelihood like poultry farming, or goat rearing, but people showed reluctance because these sources do not render them sufficient income.

**De-addiction Centers:** It was observed during the research that 96% of the respondent did not know about de-addiction centers. Though the de-addiction centers were opened in the district, awareness about it was not created among the general masses. It has been left to the voluntariness (discretion) of the persons to be admitted there. The result is that the de-addiction center was closed in the district owing to a low number of patients being admitted there. The infrastructure for the de-addiction center was shifted to treat Covid patients during the pandemic. The reason cited for this minimum number of patients is that they feel ashamed if they are admitted to these centers in front of their acquaintances.

#### **The prohibition is a wrath on the poor and a big money for the mafias and the erring (corrupt) officials.**

It has been observed since the introduction of the policy that most of the offenders charged under the act belong to the poor section of society whether be it for consumption or for the manufacture or trade of liquor. There have also been cases where it was found that the big linchpins were hiring the poor and small manufacturers of the

country liquor to produce it and they hire others to supply the same liquor but when they are caught, they don't come to help them. During the research, 60% of the respondents agreed that corrupt practices on the part of the authorities are also responsible for the poor implementation of the policy. In some places, the authorities are in cahoots with the mafias and they are facilitating the supply or manufacture of illegal liquor in the region.

**Hooch Tragedies-** The State since the prohibition has witnessed around 200 deaths because of the consumption of spurious liquor. The plight is grave when the state claims only 23 deaths and outrightly denies compensating those who are victims of these incidences. It remained confined to punishing the consumers without any efforts to help them in doing away with the habit. There is a significant number of the person who belongs to the lower income group of society and their major source of income depends upon the daily wages they get from doing physical labour. They have a belief that at the end of the day, they need some drink to give them a sigh of relief, to ease the tire. The adjacent picture depicts districts of Bihar which has been the hotspot for the hooch tragedies. It is the duty of the state to ensure the proper implementation of the policy and ensure that no such mis happenings occur. The investigation by the police revealed that the spurious liquor entered the state from Uttar Pradesh.

*Some lines from the field-“Ban hai, sirf garib, majdoor k liye, amiron aur badka afsars ke liye nahi.” (The ban is only for the poor, not for rich and big officials). One of the female respondents from the rural and low-income group said that she often witnesses people openly drinking at marriage functions and other occasions but never got arrested for the same. people belonging to a rural and low-income groups explicitly told that there is no prohibition or ban in their area, that people continue to consume liquor, and that it is easily available. Persons who were in the business of manufacturing the country liquor from mahua and toddy continue to manufacture the same. Similarly, the IMFL is also available and supplied. The price of liquor has shot up double to quadruple since it is banned. They also alleged that the linchpins involved in the illegal trade always manage to escape the police and legal process, and the poor who worked for them is trapped in the system.*

*“It is a part of the culture”* It is prevalent in the communities, especially among the scheduled caste and scheduled tribe, that if a guest comes home, the best way to honour him is chicken and alcohol. Serve them with the most delicious and costly dishes, but if it is not accompanied by chicken and bear shots, it is considered a good welcome that if a person comes after working so hard, his body is paining, a sip of alcohol will relax his body and soul.

## **II. Conclusion and Way forward.**

The Government of Bihar brought the ban with good objectives. The ban has also proven good in bringing positive change in society. This has brought a considerable positive change in the lives of the women of Bihar. The law-and-order situation has improved to a very good extent. People have the fear of being punished if they are found drunk, therefore they are refraining from drinking alcohol. People are of opinion that even if someone intoxicates himself/herself voluntarily, in the fear of being jailed or punished, they behave decently in public spaces. They don't create a nuisance and annoy or disturb others. But here, the loopholes of the policy surfaced. If liquor is prohibited, how one is consuming it? In reality, a big network of liquor mafia has emerged in the state of Bihar. They are paving the way for the entry of illegal liquor into the state from the neighboring states. This is evident from the increase in the excise revenue of the states of Jharkhand, West Bengal, and Uttar Pradesh. The ban has proven a boon for them, they are making money and the government coffers are suffering losses. The ban has criminalised the profession of the people manufacturing the liquor traditionally which was not harmful as the hooch, the consumption of which is on the rise and claiming the lives of people. The Prohibition Act was brought to control drinking habits and check that no liquor is traded or manufactured in the state. In the contrast, the courts are being piled up with the cases of prohibition and the jails are clogged with the trials under the Prohibition Act. The policy is being criticized for its lack of foresight. One of the major findings of this research is that 60% of the respondents said that complete prohibition should not be there and 56% of the respondents agreed to the idea that there should be regulation on the consumption and



production of liquor instead of a straight ban. This will help in tackling the major adverse impacts caused due to the ban. First and foremost, the illegal supply of liquor and the mafias making money out of it will be curbed. The revenue loss that the state is facing will also be recovered and people will get at least a quality product to consume which will not culminate in a deadly hooch tragedy. All the people who were engaged in the manufacturing country liquor can continue with their business and will not be punished. Instead of punishing the consumers, the focus should be on making the people aware and educating them about the ill effects of consuming liquor in an uncontrolled manner. The people should be educated about gender equality so that the menace of domestic violence is actually curbed. In place of complete prohibition, the government could come up with a policy where the legal age for consuming liquor should be increased. There should be one section in the general penal law providing severe punishments to those who create public nuisance in an inebriated state or commit domestic violence in a drunken state.

### **References.**

- [1]. "Alcohol Ban and Crime: The ABC of the Bihar Prohibition", Natasha Jha, Mrithyunjayan Nilayamgode, Revathy Suryanarayana, 2018.
- [2]. "Alcohol, Violence, and Injury-Induced Mortality: Evidence from a Modern Day Prohibition", Kai Barron, Charles D. H. Parry, et al., 2022.
- [3]. "Assessment of Implications of Alcohol Prohibition in Bihar: A Pilot Study", Neeraj Agarwal, Chandra Mani Singh, et al., Indian Journal of Family and Community Medicine.
- [4]. "Crime in Bihar", State Crime Records Bureau, Bihar, 2018-2021.
- [5]. "Crime in India", National Crime Records Bureau, 2015-2021.
- [6]. "Did Prohibition Really Works? Alcohol Prohibition as a Public Health Innovation", Jack S. Blocker, Jr, PhD, 2006.
- [7]. "Kerala Government Weighing Revamp of Liquor Policy", The Hindu, 15th Mar. 2022.
- [8]. "NFHS-5 India Report", National Family Health Report, 2021.
- [9]. "Pasis being harassed even for producing and selling Neera:BJP", Madan Kumar, The Times of India, 2nd Dec. 2022.
- [10]. "Prohibition, Illicit Alcohol and Lessons Learned from Lockdown", Translational Alliance to Combat Lockdown, 2021.
- [11]. "Temperance Movement: the Impact of Liquor Prohibition on Socio-Economy and Livelihood in Bihar", A joint Study by CNLU and A. N. Sinha Institute of Social Studies, Patna, 2022.
- [12]. "The (short-term) Individual Welfare Consequences of Alcohol Ban", Rene Petilliot, Econstor, 2018.
- [13]. "The Impact of Alcohol Consumption on Cardiovascular Health: Myths and Measures: A Policy Brief", World Heart Federation, 2022.
- [14]. The Bihar Prohibition and Excise Act, 2016 (Act 20 of 2016).
- [15]. The Constitution of India.