

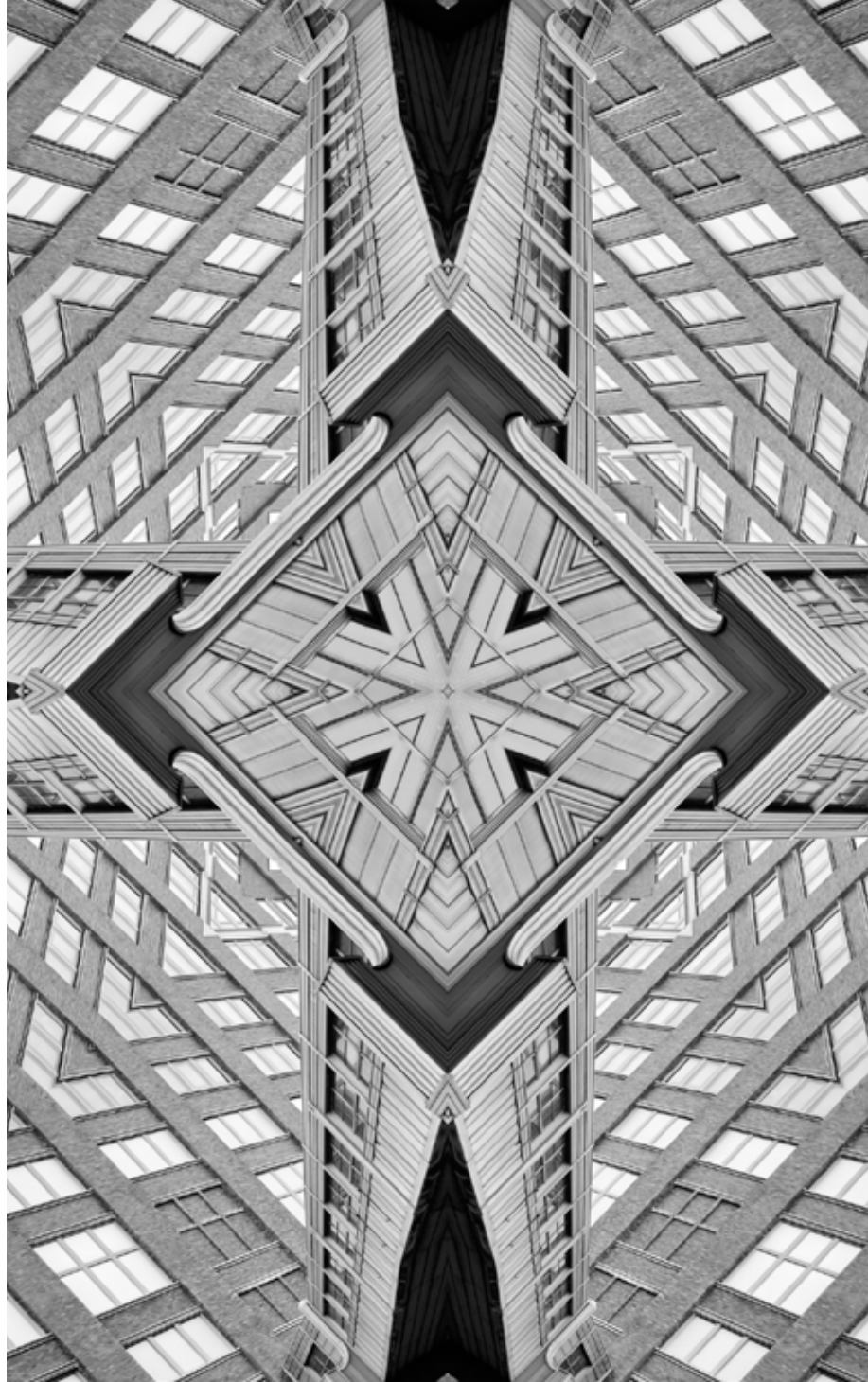
# Issue

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# Brief

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# Experiments in Alcohol Prohibition: A Review of Maharashtra's Chandrapur Experience

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### Abstract

Maharashtra imposed alcohol prohibition in the Chandrapur district in April 2015. However, in 2021, the state government annulled the liquor ban as evidence indicated that the district administration had failed to comprehensively implement it, with several social and economic consequences that compromised the wellbeing of Chandrapur. Experiments in prohibition in India and the US show that it is nearly impossible for such widespread social reform to be successful on mere intent alone; administrative resolve is often found wanting, and tough laws prove counterproductive. Alternative approaches, such as public awareness and promoting healthy drinking habits, may prove more effective.

In January 2015, the Maharashtra government declared Chandrapur district as 'dry' and enforced alcohol prohibition from April that year.<sup>1</sup> Alcohol prohibition entails a legal ban on the manufacture, transportation, possession and sale of alcoholic liquor except for medicinal or scientific purposes.<sup>2</sup> Among the several arguments advanced by the state government to extend the prohibition to Chandrapur was that the ban on liquor in the neighbouring Wardha and Gadchiroli districts were being flouted due to the inflow of alcohol from Chandrapur (Wardha has had a liquor ban since 1950 and Gadchiroli has been alcohol-free since October 1992<sup>3</sup>). It was, therefore, considered vital to impose prohibition in Chandrapur so the policy could be successful in the two neighbouring districts as well.<sup>4</sup>

As per the Maharashtra Prohibition Act, 1949,<sup>5</sup> prohibition exists across the entire state, and restricted trade is allowed through licences.<sup>6</sup> In April 2015, Wardha, Gadchiroli and Chandrapur were declared completely alcohol-free, with no liquor-trade licences to be issued in these districts. With this, only three of Maharashtra's 36 districts had a complete ban on the consumption and sale of liquor.<sup>7</sup> However, in June 2021, the state government annulled prohibition in Chandrapur as evidence showed that the district administration had failed to implement the ban comprehensively, with several social and economic consequences.

This paper assesses the Chandrapur prohibition experience and other experiments with the liquor ban, such as in the US and other Indian states, to determine the factors that can hinder the success of such expansive social policies. It also offers alternative approaches to developing safe and healthy drinking habits.

# Prohibition in Chandrapur: A ‘Failed’ Experiment

The Bombay Prohibition Act 1949 empowers *gram sabhas* (village-level bodies consisting of all persons registered in the electoral rolls)<sup>8</sup> to recommend liquor bans in their jurisdictions.<sup>9</sup> Similarly, individuals in a ward (territorial constituency in a municipal area)<sup>10</sup> of a municipal corporation, municipal council or *nagar panchayat* (the three types of urban areas stipulated by the Indian Constitution)<sup>11</sup> can vote to recommend the imposition of an alcohol ban within their jurisdiction.<sup>12</sup> For this purpose, the district collector can order a secret ballot at least seven days before the voting date.<sup>13</sup> The state government can take further action and act on the recommendation.<sup>14</sup>

The Maharashtra government’s attention was drawn to the issue of prohibition in 2010 during the winter session of the Legislative Assembly in Nagpur. Around 5,000 women from Shramik Elgar, a Chandrapur-based grassroots organisation that spearheaded the prohibition campaign,<sup>15</sup> walked about 100 km from Chimur to Nagpur to demand that prohibition be imposed in the district.<sup>16</sup> In response, the state government appointed a committee under the chairmanship of Sanjay Deotale, the district guardian minister of Chandrapur. Other committee members included de-addiction experts, academics, local leaders, and district officials from the state excise department, police and civil surgeon office.<sup>17</sup> The committee was mandated to undertake a survey of the situation in the district regarding alcohol consumption, assess popular opinion and other related factors that have a bearing on alcohol consumption, and make recommendations to the state government.<sup>18</sup>

The Deotale committee reviewed national and state policies on prohibition, constitutional provisions, the views of international experts and the World Health Organization (WHO), and global studies on the ill effects of alcohol consumption.<sup>19</sup> It also considered other materials, such as facts about coal mines, cement factories, paper mills, thermal power stations and the other industries in Chandrapur, the district’s large labour force, and the impact of intoxicants on work.<sup>20</sup>

The committee also considered popular opinion in the district, and received 3,678 representations (individual, organisational, village and council opinions). Of these, about 80 percent (2,931) favoured imposing prohibition. Additionally, 588 gram panchayats and gram sabhas also favoured the imposition of an alcohol ban.<sup>21</sup>

# Prohibition in Chandrapur: A ‘Failed’ Experiment

The Deotale Committee Report was presented to the state government in February 2012,<sup>22</sup> and was based on the evaluation of evidence, popular opinion, and deliberations over 12 meetings. It recommended that prohibition be imposed in Chandrapur gradually over three years,<sup>23</sup> with the previously-issued alcohol licences being annulled in stages. To ensure the Chandrapur-Wardha-Gadchiroli belt would be a composite prohibition zone, the committee recommended that inspection posts and CCTV cameras be installed at the borders and on all important roads, and the local police be equipped with breath analysers.<sup>24</sup>

Other proposals included boosting the district’s capability to implement prohibition through personnel and vehicular additions; mobilising social opinion through public awareness campaigns; introducing provisions like externment from Chandrapur for violations; an INR 50-crore annual fund for the implementation of all measures; and setting up a monitoring committee (comprising the women who had sought prohibition) to assess the progress of such efforts and recommend additional measures as necessary.<sup>25</sup>

The state cabinet deliberated over the Deotale Committee Report and noted that the consumption of alcohol prejudices safety, health and output in the industries, and that women, the youth, children, and the poor—who formed a sizeable part of the district population—were the worst affected in Chandrapur. It also considered the vast number of representations submitted by people’s representatives, social organisations, citizens, social workers, and liquor traders, most of whom favoured the imposition of prohibition. It acknowledged the impact on the liquor bans in the adjacent Gadchiroli and Wardha districts—data showed that illicit liquor worth INR 2 crore was seized, and over 500 people were arrested and 2,000 cases registered during the 2011-14 period.<sup>26</sup> The cabinet also sought the views of the state finance and revenue departments on ways to make up the financial shortfall that would result from the ban on liquor. Other state government agencies were also consulted, such as the departments of rural development, law, social welfare, women and child welfare, police, excise and home affairs. Based on these deliberations, the government accepted the committee’s recommendations and Chandrapur was placed under prohibition starting 1 April 2015.<sup>27</sup> As a result, 360 bars, 108 country liquor retail shops, 23 foreign liquor shops, and 50 beer shops in the district were shuttered.<sup>28</sup>

# Prohibition in Chandrapur: A ‘Failed’ Experiment

The ban was soon challenged in court by the liquor lobby and other concerned groups—six writ petitions were filed in the Bombay High Court (Nagpur Bench), which were clubbed into one petition to be heard together.<sup>29</sup> However, the court ruled in favour of the ban, stating: “As the policy of the state about prohibition is in consonance with the dictum of Directive Principles of Constitution of India, we see no reason to interfere with the same and we uphold the action of State in declaring Chandrapur district as Dry District. Petitions dismissed.”<sup>30</sup>

The Chandrapur District Liquor Association and others challenged the High Court order through two special leave petitions in the Supreme Court. The state government filed a counter-affidavit mentioning Article 47 of the Indian Constitution,<sup>a</sup> the Deotale Committee Report and its recommendations, the prevailing situation in Chandrapur, and the cabinet’s detailed discussions on imposing prohibition in the district.<sup>31</sup> Both petitions were dismissed on 27 January 2017, and currently only one special leave petition (no. 4108/2017) is pending in the Supreme Court.

## The Pullback

However, the ban on liquor in Chandrapur did not prove entirely successful and as a result, the state government tasked the district collector with appointing and leading a committee—comprising Chandrapur’s superintendent of police, chief executive officer of the *zilla parishad* (district council) and other district level officers—to assess the impact of the policy.<sup>32</sup> The review committee submitted its report in March 2020.<sup>33</sup>

In its report, the committee observed a steep increase in the transport and sale of illicit liquor in Chandrapur after prohibition went into effect. There was also a marked increase in the registration of criminal cases related to prohibition (see Table 1). In the five years before prohibition, 12,474 cases were registered; this increased threefold to 37,214 cases in the five years after.<sup>34</sup> The number of arrests also increased, from 14,351 in the 2010-14 period to 41,995 in 2015-20 (see Table 1). The report also noted that public support for prohibition had markedly declined; of the 2,69,824 representations received from citizens

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a A Directive Principle, under which the state must raise nutrition levels, and improve public health and the standard of living and, in particular, endeavour to bring about prohibition of intoxicating drinks and drugs.

# Prohibition in Chandrapur: A 'Failed' Experiment

and organisations, 90.3 percent (2,43,627) supported ending the liquor ban in Chandrapur.<sup>35</sup> Additionally, between 2015 and 2019, there were 17 reported attacks on prohibition-monitoring squads.<sup>36</sup>

**Table 1:  
Criminal Cases in Chandrapur**

Year	Number of cases	Number of arrests
<b>Before prohibition</b>		
2010	3042	3504
2011	2525	2923
2012	2890	3277
2013	1923	2250
2014	2094	2397
Total	12,474	15,351
<b>After prohibition</b>		
2015	5487	6878
2016	6940	7731
2017	9050	9860
2018	8479	9440
2019	7258	8086
Total	37,214	41,995

Source: Chandrapur District Collector's Report 2020<sup>37</sup>

In January 2021, the Maharashtra government appointed a high-level committee to conduct an additional review of the social and economic situation in Chandrapur before and after the imposition of prohibition,<sup>38</sup> and consider the views of local elected representatives and social and other organisations.<sup>39</sup> The committee's findings concurred with those of the district collector-led group.

# Prohibition in Chandrapur: A 'Failed' Experiment

Based on data provided by the government, the committee established that the district had suffered severe financial losses and its economy had experienced a downturn in the years since the ban was enacted (but before the advent of the COVID-19 pandemic). Data also established that no social parameters had shown any improvement after the ban on liquor. Additionally, the district administration was unable to prevent the sale of liquor in entirety despite routine seizures of illicit stock. Notably, instances of domestic violence increased after prohibition was imposed (see Table 2). Furthermore, the committee reported that many people, including children, were involved in the sale and distribution of spurious alcohol. It also found that public opinion in the district had shifted since 2015, and the majority wanted the ban to be lifted.<sup>40</sup>

**Table 2:  
Crimes Against Women in Chandrapur**

Year	Number of criminal cases
<b>Before prohibition</b>	
2010	483
2011	406
2012	2438
2013	635
2014	669
Total	2631
<b>After prohibition</b>	
2015	784
2016	594
2017	635
2018	652
2019	647
Total	3312

Source: Chandrapur District Collector's Report 2020<sup>41</sup>



# Prohibition in Chandrapur: A ‘Failed’ Experiment

The committee outlined four reasons to end prohibition in Chandrapur. First, the policy was a failure as the sale of liquor (particularly illicit and spurious liquor, which is highly harmful to the human body) had increased through the black market. Second, the increase in the volume of liquor trade did not result in revenue for the state government as this was in the black market. Third, the ban adversely impacted the district’s social, health and economic parameters; particularly concerning the widespread involvement of women and children in the illicit liquor trade. Fourth, the failure to implement prohibition entirely led to a shift in popular opinion, with most people supporting the end of the ban.<sup>42</sup>

At the same time, the committee believed that lifting prohibition without considering the reasons for failure would be unjust. In this regard, the committee noted the High Court’s observation that “when the decision to make Chandrapur district alcohol free is found legal on all counts, the difficulties posed by wrong elements in its execution cannot be put forth to set it aside.”<sup>43</sup> Furthermore, the Deotale Committee Report had forewarned that merely imposing a ban on liquor without adopting additional measures—such as strengthening laws and punishment, having dedicated staff, and running public awareness campaigns—would not yield positive results.<sup>44</sup>

The high-level committee noted that the imposition of prohibition leads to a loss of revenue for the state and substantial investments to implement the ban. The gains from such restrictions are greater social wellbeing, a healthier society, and greater economic productivity, but this was not the case in Chandrapur.<sup>45</sup>

While the committee appreciated that the majority opinion had turned against prohibition, it found the situation complicated in the light of Article 47 of the Constitution: “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”.<sup>46</sup> It also noted the High Court’s observation that “in such matters, the view of majority of persons present and voting cannot always be the guiding or relevant factor at all. Inherent duty of State under Article 47 cannot be compromised by such majority view.”<sup>47</sup>

# Prohibition in Chandrapur: A ‘Failed’ Experiment

As a result, the committee urged the state government to consider the reasons for the liquor ban’s failure in Chandrapur and the adverse impacts that could occur, particularly in Wardha and Gadchiroli, if it were lifted. It also said that an attempt could be made to adopt the various measures recommended by the Deotale Committee, and if the ban were to still fail, the state could annul the prohibition.<sup>48</sup>

Given the fall in revenue, the adverse social and health impacts, the effects on business, tourism and industry, and the overwhelmingly altered public opinion, the state government decided to lift the ban starting June 2021 “because it was a complete failure”.<sup>49</sup> However, several key advocates of the ban have since filed public interest litigations in the Bombay High Court challenging the decision.<sup>50</sup>

“Prohibition in Chandrapur resulted in many adverse impacts—an economy downturn, no improvement in social parameters, growth in black-market liquor trade and an increase in domestic violence, all leading to a shift in public opinion in favour of ending the ban.”

# Other Experiences in Prohibition: Lessons and Learnings

Over the centuries, several experiments in prohibition have been undertaken in different parts of the world—in Aztec society, and ancient China, Japan, the Polynesian islands, Iceland, Finland, Norway, Sweden, Russia, and Canada<sup>51</sup>—but none of these were successful. Nevertheless, certain global and Indian experiments with prohibition could provide further clarity on the Chandrapur experience.

In 1920, the US imposed a nationwide constitutional ban on the production, import and sale of alcoholic beverages through the Eighteenth Amendment, in a move hailed by President Herbert Hoover as “a great, social and economic experiment”.<sup>52</sup> The policy was also dubbed the ‘noble experiment’,<sup>53</sup> given its objectives of reducing crime, resolving social problems, and improving health and hygiene. However, in 1933, the ban was lifted in its entirety due to several reasons.

Prohibition in the US did not improve productivity, reduce absenteeism, or solve any social problems as had been expected. Although the consumption of spirits across the country dropped by about 50 percent in the initial stages and there was a considerable reduction in the number of deaths due to liver cirrhosis, these gains were partly offset by the increased consumption of adulterated alcohol.<sup>54</sup> At the same time, crime increased and became organised, and the court and prison systems were stretched to the breaking point. Despite preventive action (such as increased spending on prisons), in 1929, the Assistant Attorney General conceded that alcohol was available “at almost any hour of the day or night, either in rural districts, the smaller towns or the cities”.<sup>55</sup> The alcohol ban destroyed the brewing industry, caused widespread job losses, resulted in a loss of US\$11 billion in tax revenues, and led to an additional US\$300 million to be spent on enforcement.<sup>56</sup> The onset of the Great Depression in 1929 also weakened the case for prohibition to continue, and in 1931, the report of the Commission on Law Observance and Enforcement indicated widespread police and political corruption and a lack of public will.<sup>57</sup> In 1932, President Franklin Roosevelt summed up the argument against prohibition as “What America needs now is a drink”.<sup>58</sup> Soon after, in December 1933, prohibition was abandoned as a federal fiat by the ratification of the Twenty-First Amendment.<sup>59</sup>

# Other Experiences in Prohibition: Lessons and Learnings

This experience in alcohol prohibition and the US's 'war on drugs', led to the emergence in 1986 of the 'iron law of prohibition', a term coined by activist Richard Cowan,<sup>60</sup> according to which, the more restrictions are enforced, the more potent a banned substance will become. As a result of harsh law enforcement, the banned substance may see a greater variability in potency, may be adulterated with unknown or dangerous substances, and may not be produced and consumed under normal market constraints.<sup>61</sup>

In India, attempts at prohibition have been influenced by the thinking of Mahatma Gandhi, who viewed alcohol consumption more as a disease than a vice.<sup>62</sup> Gandhi considered liquor as an invention of the devil, saying, "If I was appointed dictator for one hour for all of India, the first thing I would do would be to close without compensation all the liquor shops, destroy all the toddy palms..."<sup>63</sup> He was aware of the US experiment and the factors that led to its failure, but believed that it would be easier to have prohibition in India because only a small number of people were habituated to drinking.

Following India's independence, Gandhians continued to push for a liquor ban. These efforts led to the inclusion of Article 47 in the Constitution, which states that "the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and drugs which are injurious to health".<sup>64</sup>

Several Indian states have enacted bans on alcoholic beverages. For example, Haryana made several attempts at prohibition but was forced to abandon the policy due to the inability to control illicit distillation and bootlegging, which also resulted in many deaths.<sup>65</sup> Similar experiences were seen in Tamil Nadu, Kerala, Meghalaya, Mizoram, Nagaland, and Manipur.<sup>66</sup>

Prohibition has been in effect in Gujarat since 1 May 1960, but the liquor trade persists through the black market. The neighbouring Daman has a per capita consumption of 56 litres per annum (against the national average of 4.3 litres per annum), which could also be a factor in the illicit trade in Gujarat.<sup>67</sup> At the same time, Gujarat is estimated to have lost annual revenue to the tune of INR 8000 crore. In recent years, the state has diluted prohibition to limit the impact on the tourism sector and the hotel industry, and encourage organisations to hold meetings, conferences, and exhibitions in Gujarat.<sup>68</sup>

# Other Experiences in Prohibition: Lessons and Learnings

Bihar's prohibition, imposed in April 2016,<sup>69</sup> initially appeared to succeed and yield certain social gains. However, following several deaths from consuming illicit liquor, the policy is increasingly coming under attack.<sup>70</sup> The state's judicial administration has also been burdened by the numerous cases related to violations of the alcoholic ban—about 2,55,000 people have been booked under the legal provisions governing prohibition; 1,67,000 arrests have been made; and nearly 40,000 bail applications are pending before the Patna High Court.<sup>71</sup> Despite the draconian punishment clauses—holding the entire family liable to imprisonment if any member violates the liquor ban, and the imposition of a collective fine on an entire village for any violation of prohibition—there is strong evidence that liquor continues to flow into the state across its borders with Jharkhand, Uttar Pradesh, West Bengal and Nepal, with these regions also witnessing a sharp rise in liquor sales.<sup>72</sup> Additionally, the financially-fragile state is losing substantial revenue,<sup>73</sup> estimated at around INR 4,000 crore in 2015-16.<sup>74</sup> In December 2021, the Chief Justice of India termed Bihar's prohibition law as an example of the “lack of foresight” in drafting legislation, since it resulted in the state judiciary being burdened with liquor-related cases.<sup>75</sup>

These experiences show that when alcohol prohibition is enacted, it leads to a thriving illegal market for such beverages. While liquor bans eliminate a strong revenue source for the states, the illicit liquor trade generates huge finances for criminal elements. At the same time, the state has to invest more to enforce prohibition, thereby increasing governmental spending. Tough laws do not deter consumers, but often lead to many court cases and greater corruption among enforcement personnel. In Chandrapur, Wardha and Gadchiroli, the situation was more tenuous since the sale and consumption of liquor was permitted in the rest of Maharashtra through licences and, as a result, liquor could flow into the three districts from elsewhere in the state.

The Indian and US experiments show that while the consumption of alcohol has many associated ill-effects, attempts to ban the sale and consumption of liquor through harsh laws and heavy punishment have serious repercussions, with the policy failing to achieve its desired outcome. States have little to show besides the moral satisfaction of legally cleansing society of alcohol because the ill-effects of irresponsible consumption remain.

# Alternatives to Prohibition

WHO considers the harmful use of alcohol as a leading risk factor for the health of the global population, and to be a direct determinant on the health-related targets of the Sustainable Development Goals.<sup>76</sup> In 2016, the harmful use of alcohol resulted in some three million deaths.<sup>77</sup> In India, the per capita consumption of alcohol has increased substantially, from 2.4 litres in 2005 to 7.2 litres in 2016,<sup>78</sup> considerably higher than the global average of 6.4 litres in 2016.<sup>79</sup> According to WHO, 25.5 percent of all alcohol consumed worldwide is not recorded in official national statistics.<sup>80</sup> This figure is likely even higher in India as home-brewed ‘country liquor’<sup>b</sup> accounts for over 70 percent of total alcohol consumed in rural states.<sup>81</sup>

While outright liquor bans are inadvisable, it is also important to ensure that individuals do not become addicted to alcohol drinking, which will have several adverse consequences—a decline in health levels and susceptibility to diseases;<sup>82</sup> risks of accident or injury; increased instances of domestic violence; poor work performance; and offensive behaviour and acts of vandalism.<sup>83</sup>

There is, therefore, a need for a nuanced approach that integrates the regulation of alcohol production and sale without compromising the requirements of public health. The goal of an effective and sustainable alcohol policy can only be achieved through coordinated action between multiple stakeholders, such as women’s groups and vendors.<sup>84</sup> In many states in India, women’s groups have been demanding a devolution of power to the local bodies to control liquor access, issue licences to vendors, and provide treatment services to alcoholics.<sup>85</sup> If this demand is met, communities will be able to decide on whether to have liquor shops and other related issues through referenda, as was seen in Maharashtra in the Chandrapur case. Governments can also consider adopting community participatory approaches, especially through women’s self-help groups, to supplement regulation to deal with alcohol misuse.<sup>86</sup>

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b Country liquor is a low-cost intoxicant but is extremely harmful to health, and its consumption has resulted in deaths or serious injuries in many instances.

# Alternatives to Prohibition


The nature of alcohol is such that the potential for misuse is constant, with increased scope for chronic public health problems. Governments must evolve rational policies for interventions based on public health approaches that can significantly impact alcohol-related morbidity and mortality. In developed countries, governmental organisations actively advise citizens on good drinking habits. For instance, Healthdirect Australia, a government-owned, not-for-profit organisation, provides information and advisory services on alcohol consumption.<sup>87</sup> Similarly, the US government has released the 2020-2025 Dietary Guidelines for Americans,<sup>88</sup> which contains dietary guidelines for alcohol that advise that “adults of legal drinking age can choose not to drink, or to drink in moderation by limiting intake to 2 drinks or less in a day for men or 1 drink or less in a day for women, on days when alcohol is consumed”.<sup>89</sup> The gender difference is because the male body is made up of 66 percent fluid, compared to 55 percent for women, meaning alcohol is more diluted in a man’s body than a woman’s and, as a result, women tend to get intoxicated faster than men on the same amount of alcohol.<sup>90</sup> The US guidelines also advise that pregnant women, those on certain kinds of medication, and those recovering from alcohol-use disorder should not consume any alcohol.<sup>91</sup>

India may find it challenging to arrive at a national policy on drinking since alcohol is a state subject.<sup>c</sup> State governments must evolve rational policies for intervention that are premised on public health approaches to influence general behaviour related to alcohol. On the regulation side, the rules on drunken driving and liquor advertisements can be tightened, and compulsory labelling on the dangers of excessive drinking can be mandated. On the advisory side, developed nations have adopted behavioural counselling, educating their people on the consequences of excessive liquor intake.<sup>92</sup> Such campaigns help people make educated choices about their lifestyles.<sup>93</sup> Western countries have done considerable research on the estimated social cost of alcohol consumption on the nation and how this cost should be treated to taxes and duties by the government. India must consider a similar research exercise, which will provide inputs for rational public policymaking.

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c As per Entry 51 in the State List in the Seventh Schedule of the Indian Constitution.

# Conclusion

**A**s the Indian and US experiences with liquor bans show, the imposition of prohibition as a tool for social reform has a negligible chance of succeeding. However, the State is obligated to help people develop safe and healthy drinking habits. WHO has advocated for the adoption of ‘whole of government’ and ‘whole of society’ approaches, with the participation of public health-oriented NGOs, professional associations, and civil society groups.<sup>94</sup> In several Indian states, women’s organisations have been at the forefront of the demand for stricter regulation of liquor sale and consumption. As such, women-led community-based measures will likely take a more realistic view of how to deal with excessive drinking<sup>95</sup> and should thus be a key part of states’ approach to tackling issues related to alcohol consumption. 

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