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"GOVERNMENTS WASHING HANDS: A PLAY ON ALCOHOL POLICIES"

AUTHORED BY - SREERANG NARAYANAN P U

In this article we are going to discuss about the Indian government's role in shaping the alcohol law in the country and the responsibility of the government towards its citizens. Through this discussion I analyse the issues related to the uniformity of law concerning sale and consumption of alcohol, and whether controlling these aspects effect personal liberty of the individuals. I also critically evaluate the government's mindset, which appears to exploit alcohol sales for revenue at the expense of public health. A detailed study of each topic reveals a common factor: money. Governments seem to prioritize financial gain over the well-being of their citizens.

The topics covered under this article include:

- *JURISPRUDENCE OF GOVERNANCE
- *GST
- *AGE OF CONSUMPTION
- *INTER-STATE ISSUES
- *ARTICLE 47 OF CONSTITUTION
- *ALCOHOL CONSUMPTION UNDER FUNDAMENTAL RIGHT

INTRODUCTION

"The care of human life and happiness and not their destruction is the only legitimate object of good governance." ¹

Thomas Jefferson

Thomas Jefferson's principle of governance highlights the core duty of any government: the well-being and happiness of its citizens. However, the government's approach to alcohol-related issues often contradicts this principle. In contemporary society, alcohol consumption is seen as both a form of enjoyment and a temporary escape from pain. The government should educate citizens that alcohol is not a genuine source of happiness and that its relief is fleeting. Instead, it appears that the government exploits individuals for financial gain by promoting alcohol sales. This

¹ To the Republican Citizens of Washington County, Maryland" (March 31, 1809)

exploitation is evident in the lack of uniform laws regarding the sale, state regulations, age of consumption, and control measures of alcohol

JURISPRUDENCE OF GOVERNANCE

“Greatest happiness to the greatest member.”²

JEREMY BENTHAM

Here both Jefferson and Bentham advocates that the core principle of good governance and for quality and smooth administration one should consider the well-being and happiness of the citizens. In this context we can prove that government is wrong in their administrative ideologies by connecting the happiness and well-being of citizens to alcohol.

The health of citizens is the wealth of the nation, and it is the fundamental duty of the government to protect it. Various policies like insurance and vaccine subsidies are implemented, yet prevention is better than cure. However, governments undermine public health by selling alcohol, prioritizing revenue over the well-being of the populace. The jurisprudence of governance requires a delicate balance between individual freedoms and public health. Alcohol laws should reflect this balance, ensuring that the government's primary duty to protect its citizens' health is not compromised for financial gain.

GST

The GST law is implemented for uniformity in the tax structure across India, eliminating the cascading effects of taxes. However, alcohol remains outside the purview of GST³, resulting in local licensing fees and varied state intervention that inflate prices ending up paying six times more than that of actual price. The government hesitates to intervene in the state matters due to fear of losing vote share, despite the significant revenue from alcohol sales. This lack of inclusion of alcohol in the GST framework leads to disparities in pricing and regulation across states, creating a fragmented market that benefits neither the consumer nor economy effectively.

ECONOMIC IMPLICATIONS OF EXCLUDING ALCOHOL FROM GST

Excluding alcohol from GST creates an uneven playing field in the market, affecting both consumers and businesses. Consumers face higher prices due to state taxes and licensing fees, while businesses struggle with inconsistent regulations and tax burdens. This exclusion also limits

² 'A Fragment on Government' (1776)

³ <https://www.indiafilings.com/learn/gst-on-beer-liquor/>

the potential revenue that could be generated through a more streamlined tax system, which could be used to fund public health initiatives and education programs about the dangers of alcohol consumption.

Government supporters advocates that it will help to reduce the buying of liquor when its price is high. The graph goes upwards till now. There is no collapse in liquor market because of the price hike. In both economically and morally government is exploiting its citizens and gaining financial benefits.

AGE OF CONSUMPTION

Unity in diversity is a unique feature of Indian constitution. While cultural or security reasons may justify such differences. Different states have varying laws on the legal drinking age should be uniform. For instance, Kerala's drinking age is 23,⁴ while in Goa and Rajasthan, it is 18. In contrast, most countries except Cambodia, have a uniform drinking age. The inconsistency in age laws within India not only confuses citizens but also undermines efforts to control alcohol consumption effectively. Uniform age laws could simplify enforcement and provide a clearer framework for education and prevention programs aimed at young people.

PSYCHOLOGICAL AND SOCIAL IMPACT OF VARYING AGE LAWS

Varying legal drinking ages can have significant psychological and social impacts.⁵ Young people may perceive lower drinking ages in neighbouring states as a tacit approval of underage drinking, leading to cross-border consumption and legal complications. This can result in increased rates of underage drinking and its associated risks, including accidents, health issues, and addiction. A uniform legal drinking age could help mitigate these risks by providing a consistent message about the appropriate age for alcohol consumption.

Here we can see that government is not actually trying to control the liquor consumption or sale by making age differences, its actually confusing their own citizens by not making any uniform statutory law for consumption of alcohol. And the only aim is to find a reason to impose fines and not for reducing its consumption.

⁴ Kerala excise manual volume3

⁵<https://pubmed.ncbi.nlm.nih.gov/3981386/#:~:text=Drinking%20alcohol%20clearly%20has%20important,we%20hold%20about%20alcohol%20effects>

INTER-STATE ISSUES

The legal principle "ignorance of the law is no excuse" applies here. States with differing liquor laws confuse citizens and use this confusion to extract fines. For instance, individuals consuming liquor in Jharkhand but arrested in dry Bihar face legal consequences. Such inconsistencies highlight a lack of ethical governance and a deliberate strategy to exploit citizens. Harmonizing alcohol laws across states could reduce confusion, improve compliance, and foster a more equitable legal framework.

Case Study: Inter-State Alcohol Regulation

A case study of inter-state alcohol regulation highlights the complexities and challenges faced by consumers and law enforcement. For example, a traveller from a state with liberal alcohol laws may unknowingly violate stricter laws in another state, leading to legal repercussions and fines. ⁶This case study underscores the need for a more consistent and transparent regulatory framework that protects citizens' rights while ensuring public safety.

Notable Case Law

In *Khoday Distilleries Ltd v. State of Karnataka* 1994 the Supreme Court upheld the state's right to prohibit the sale and consumption of alcohol under its police powers. This case highlights the complexities and jurisdictional conflicts that can arise from varying state laws on alcohol. The ruling emphasized the need for a balance between state autonomy in regulating alcohol and the broader goal of public health and safety.⁷

The governments are making the citizens confused through non-uniformity in these laws only resulting the citizens as convicts and insist them to pay fines but not taking any moral approach to make them clear and to reduce or control the usage. The lack of ethics of governance is still clearly visible.

ARTICLE 47 OF CONSTITUTION

The article 47 of the Indian constitution says about the "Duty of the state to raise the level of nutrition and the standard of living and to improve the public health". In this article its clearly states that;

⁶ *Satvinder Singh Saluja v State of Bihar* 2019

⁷ *Khoday Distilleries Ltd vs State Of Karnataka* on 19 October, 1994
1995 SCC (1) 574, JT 1994 (6) 588

“The state shall endeavour to bring about the prohibition of the consumption of alcohol except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”.⁸

And clause six of this article which is the result of constitution assembly debates that DPSP is fundamental for administration in these states give the absolute power for regulation and restriction⁹.

Some states, like Bihar, Lakshadweep, and Nagaland, have banned alcohol in alignment with this principle. However, many governments prioritize revenue over public health, failing to act in the true spirit of Article 47. Implementing Article 47 in its true spirit would require a shift in focus from revenue generation to public health, with comprehensive policies that address the root causes of alcohol abuse and its social consequences.

IMPLEMENTATION CHALLENGES OF ARTICLE 47

The implementation of Article 47 faces numerous challenges, including political resistance, economic dependencies, and social norms. Banning alcohol outright can lead to unintended consequences, such as the rise of illegal alcohol production and distribution, which pose additional health risks. A balanced approach that includes education, rehabilitation programs, and strict enforcement of existing laws could more effectively address the issues related to alcohol consumption.

ALCOHOL CONSUMPTION UNDER FUNDAMENTAL RIGHT

Everyone is eager to know about their rights and not about their duties. The same is happening in the case of liquor. There are numerous cases in India seeking to include liquor under fundamental rights. However, the Supreme Court has ruled that alcohol consumption is not a fundamental right and states have discretionary power to regulate it. Despite this, political and economic fears prevent governments from acting in the public interest. The government's reluctance to regulate alcohol consumption stems from a fear of losing revenue and political support. Ensuring that alcohol laws respect fundamental rights while protecting public health requires careful legal and policy considerations.

Same is in the case of government if the individual didn't possess and the state carrying the

⁸ <https://indiankanoon.org/doc/1551554/>

⁹⁹ Constitution of India part IV

monopoly in the trade of alcohol it is a violative of article 47 of constitution. And it is the primary duty of the state to raise the public health of the citizen.

Legal Precedents and Fundamental Rights

Legal precedents in India and other countries provide valuable insights into the balance between individual rights and public health. Examining these cases can help policymakers craft laws that uphold fundamental rights without compromising the well-being of the population. The Khoday Distilleries case ¹⁰ and other landmark judgments illustrate the complexities of regulating alcohol within the framework of constitutional rights.

Revenue Generation vs. Public Health Costs

The economic implications of alcohol consumption extend beyond immediate revenue generation. While governments benefit from taxes on alcohol sales, they also incur significant costs related to healthcare, law enforcement, and social services. Alcohol-related health issues, including liver disease, addiction, and accidents, place a considerable burden on the healthcare system. Additionally, alcohol consumption can lead to lost productivity, increased absenteeism, and other economic drawbacks.

The Impact of Alcohol Consumption on the Economy

A comprehensive analysis of the economic impact of alcohol consumption should consider both the revenue generated and the costs incurred. Governments must weigh the short-term financial benefits against the long-term health and economic consequences. By prioritizing public health, governments can reduce healthcare costs, improve productivity, and create a healthier workforce.

Political Accountability

Enforcing strict laws to prevent alcohol-related promises in election campaigns and ensuring transparency in political agendas is crucial. Politicians often use alcohol distribution as a means to garner votes, undermining efforts to regulate consumption and enforce laws effectively. By holding politicians accountable for their actions and ensuring that alcohol regulation is not compromised for political gain, governments can demonstrate a genuine commitment to public health.

¹⁰ Khoday Distilleries Ltd vs State Of Karnataka on 19 October, 1994, 1995 SCC (1) 574, JT 1994 (6) 588

ISSUES AND SUGGESTIONS

Eradicating deeply rooted social practices like alcohol consumption requires significant social and political efforts, potentially leading to global movements. Based on my analysis, some suggested measures include:

UNIFORMITY OF AGE: Establishing a uniform drinking age across the country to eliminate confusion and demonstrate the government's concern for citizen well-being.

STATUTORY PROVISIONS: It's a usual scenario that people are less concerned about their rights which only exist as moral values. Enacting statutory laws to emphasize the importance of regulations, enabling strict enforcement and reducing judicial burden. A clear legal framework will help in reducing the ambiguities that currently plague the alcohol regulation system.

EMPOWERING THE EXCISE DEPARTMENT: Granting more authority to excise departments to enforce alcohol laws effectively. This can ensure better compliance and more stringent control over the sale and distribution of alcohol.

AGE AWARENESS: Uniform age laws can help prevent youth from consuming alcohol and change the perception that alcohol is essential for enjoyment. Awareness campaigns in schools and colleges can play a pivotal role in this regard.

LICENSING REGULATIONS: Implementing stringent laws for licensing alcohol sales, including limiting the number of outlets. This will help in controlling the accessibility of alcohol and thereby reduce its consumption

POLITICAL ACCOUNTABILITY: Enforcing strict laws to prevent alcohol-related promises in election campaigns and ensuring transparency in political agendas. Politicians should be held accountable for using alcohol as a tool for vote bank politics.

IMPLEMENTATION STRATEGIES

Implementing these measures requires a multi-faceted approach. Here are some concise strategies:

HEALTH GOVERNANCE: How society and the government work together to accomplish shared goals and concentrate on health-related issues and determinants; how it views and approaches the governance of the health system, fortifying it and emphasizing the need for health cooperation; and how other sectors (private, public, and private) are evolving to attain good governance in the health system. As a result, the focus of health system changes and its governance mechanisms is

on accurately serving applicants' needs through hospitals and health service providers. Health governance is a term used by society to describe the assessment of the contribution that laws, rules, and policies make to preserving and enhancing community health.

PUBLIC EDUCATION CAMPAIGNS: Campaigns focusing on the health risks associated with alcohol, the legal implications of underage drinking, and the benefits of abstaining or drinking responsibly. For example, New Zealand's "Alcohol – Think Again" ¹¹campaign effectively used media to communicate the dangers of binge drinking and its impact on mental health.

COMMUNITY INVOLVEMENT: Involving local leaders, healthcare providers, and educators to develop community-specific strategies to reduce alcohol consumption. Programs in rural Australia have successfully reduced alcohol-related harm by involving local residents in the creation and enforcement of alcohol policies.¹²

INTERNATIONAL COLLABORATION: Learning from other countries' successes and failures in alcohol policy implementation. For instance, the Nordic countries have implemented strict alcohol policies, including high taxes and limited availability, which have successfully reduced alcohol consumption and related harms.¹³

GLOBAL VIEW AND EFFORTS

Many countries have uniform alcohol laws. For example, Scandinavian countries limit liquor shop hours (till 3pm) the UK permits alcohol consumption by minors in private but enforces a uniform purchase age of 18.

Finland differentiates between lower and higher concentration drinks based on age. (less concentrated drinks for 18 years of age youth and high concentrated for above 21 years of age.)

The US saw significant control through the VOLSTEAD ACT¹⁴, despite its eventual repeal due to political and economic pressures. The global perspective on alcohol regulation shows that consistent laws and effective control measures can significantly impact consumption patterns. While some countries adopt stringent measures to curb alcohol consumption, others maintain relaxed laws, reflecting varied approaches to governance and public health.

¹¹ <https://alcoholthinkagain.com.au/about-us/previous-campaigns/spread>

¹² <https://www.ruralhealth.org.au/sites/default/files/publications/nrha-factsheet-alcohol.pdf>

¹³ <https://www.who.int/azerbaijan/news/item/30-06-2023-reducing-alcohol-consumption--the-nordic-way--alcohol-monopolies--marketing-bans-and-higher-taxation>

¹⁴ <https://www.archives.gov/education/lessons/volstead-act>

COMPARATIVE ANALYSIS OF GLOBAL ALCOHOL POLICIES

A comparative analysis of global alcohol policies can provide valuable insights into the effectiveness of different regulatory approaches. For instance, Scandinavian countries have successfully reduced alcohol consumption through strict regulations and limited availability, while countries with more liberal policies face higher rates of alcohol-related issues. This analysis can inform the development of more effective and context-specific policies in India.

In Sweden, for instance, the government operates a monopoly on the sale of alcohol through Systembolaget, which strictly regulates the availability and pricing of alcohol¹⁵. This approach has been effective in reducing alcohol-related harm. In contrast, countries with more liberal alcohol policies, such as the United Kingdom, face higher rates of alcohol-related health issues and social problems. ¹⁶By studying these examples, India can develop a balanced approach that reduces alcohol consumption while respecting individual freedoms.

ANALYSIS

Jefferson's and Bentham's theories of good governance and the greatest happiness emphasize the well-being of citizens. However, the government's focus on economic gain through alcohol sales undermines public health and happiness. A nation of unhealthy citizens cannot sustain economic growth, making it imperative to prioritize public health over revenue. The conflicting priorities between economic benefits from alcohol sales and the public health risks they pose highlight a critical governance issue. Governments must balance revenue generation with the moral responsibility of ensuring citizens' well-being.

The long-term implications of current alcohol policies include potential increases in healthcare costs, social instability, and decreased productivity. By prioritizing public health over short-term revenue gains, governments can create a more sustainable and prosperous future. This requires a comprehensive approach that includes prevention, treatment, and rehabilitation programs, as well as strict enforcement of existing laws.

It's time to educate the citizens that government is the actual trouble maker and making money by selling us. The morality lies in the government is no more and the one who has a job that is

¹⁵ <https://www.visitstockholm.com/eat-drink/nightlife/alcohol-in-sweden/>

¹⁶ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/alcoholrelateddeathsintheunitedkingdom/registeredin2022#:~:text=Scotland%20and%20Northern%20Ireland%20had,England%2C%20Wales%2C%20and%20Scotland>

taking care of citizens is no more fit for that role.

PREVENTION PROGRAMS

Prevention programs should focus on reducing the initiation of alcohol use, particularly among young people. These programs can include school-based education, parental involvement, and community outreach. For example, the "Too Smart to Start" initiative in the United States targets middle school students and their families with information about the risks of underage drinking and strategies to avoid peer pressure.¹⁷

TREATMENT AND REHABILITATION

Treatment and rehabilitation programs are essential for individuals struggling with alcohol addiction. These programs should provide medical, psychological, and social support to help individuals recover from addiction and reintegrate into society. Norway's integrated approach to alcohol addiction treatment, which includes medical care, counselling and social services, has been effective in reducing relapse rates and improving long-term recovery outcomes.¹⁸

STRICT ENFORCEMENT OF EXISTING LAWS

Strict enforcement of existing alcohol laws is crucial for reducing alcohol-related harm. This includes ensuring that underage drinking laws are enforced, penalizing establishments that sell alcohol to minors, and conducting regular inspections of licensed premises. Singapore's strict enforcement of alcohol laws, including heavy fines and suspension of licenses for violations, has been effective in maintaining low levels of alcohol-related problems.

CONCLUSION

India has codified laws for marriage and voting age but lacks uniform alcohol laws and effective control measures. It is time to educate citizens about the government's misplaced priorities and advocate for uniform laws and statutory regulations to curb alcohol consumption. A collective effort can lead to a dry nation, supported by responsible governance. Governments must recognize the long-term benefits of a healthier population over short-term financial gains. By implementing consistent and effective alcohol laws, the government can demonstrate its commitment to the well-being of its citizens, ultimately leading to a more prosperous and healthy nation.

¹⁷ <https://centerforprevention.org/too-smart-to-start/>

¹⁸ <http://norden.diva-portal.org/smash/get/diva2:1723786/FULLTEXT01.pdf>