

## THE BIHAR EXCISE (AMENDMENT) ACT, 2016: A REVIEW OF ITS PROVISIONS, IMPLEMENTATION, AND OUTCOMES

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In 2016, The Bihar legislative assembly passed the Bihar excise (Amendment) Bill, 2016 to enforce an ostracisation on country made liquor enforcing from 1st April, 2016. It was not a first step of amending this Law, later in 1919, it was amended to incorporate more rigorous penal provision including a death sentences for manufacturer & distributors of illicit liquor. The policy of liquor proscribe was done in the phase sagacious like in the Phase 1 all shops selling country liquor in rural areas were shut down, in Phase 2 were alcohol is consummately ostracised in the state was to be introduced in 6 months. After this the state become plenary dry but in the first phase of restriction many gregarious activists & women inductively authorised the Chief minister of Bihar Nitish Kumar to proscribe alcohol thoroughly because of alcohol addiction among men's, which the regime led by the Nitish Kumar caved in to their injunctive authorization. At that time it was a celebrated policy emphasising the societal imbalances, such as domestic violence among couples, abducting, rape etc. It was among the major policy implemented but the Nitish Kumar led regime with the coalition of Mahagatbandan, Nitish Kumar quoted in the Bihar Vidhansabha "women are suffering more than anyone else due to incrementing liquor consumption, Alcohol Addiction led to family quandaries incrementing domestic violence and additionally effected The children Edification.

Section 37 of the Bihar Prohibition and Excise Act, 2016 enjoins the manufacturing, bottling, distributing, Conveying, accumulating, storing, possessing, purchasing, selling or consuming, any type of liquor or intoxicating materials. Section 13 of this act, outlines that all the forms of liquor, including Country liquor and peregrine liquor to be vetoed.

### ❖ History of liquor Ban In Bihar :-

Nitish Kumar was not s first CM to inciate the proscription, In March 1979 then CM Mr Karpoori Thakur, the state two time CM and Veteran Socialist bellwether, preclusion was promulgated, but later hoisted by his successor Ram Sundar Das in the wake of incremented corruption and bootlegging, but in 2016, Nitish Kumar Who Is ideologically fit by the Karpoori Thakur decided to consummate his poll promises and brought the liquor law. Bihar is not a first state to be dry, Gujarat, Nagaland & Mizoram was to become a dry state for 6

decennium.

### ❖ India Failed Tryst With Preclusion:-

Bihar enjoiment law is well intended but finds itself challenging in the ground implementation. The article 47 of the Indian constitution obliges the regime to enjoins the consumption of alcohol and licit challenges to it have not been prosperous reported by scroll.in

India's example of consummate proscribe on alcohol:- Indian regime had many endeavours to proscribe liquor but failed in

1959, Morarji Desai decided to enforce prohibition but not the Bombay Prohibition Act, 1949 was challenged in court by KN Balesara. In 1951, the Supreme Court held that several provisions of the act were unconstitutional and sanctioned alcohol to be utilised for medical purposes and in cleaning agents.

#### ❖ Bihar Saga:-

However, it's been a 9 years since the 2016 law came in force. However, illicit liquor and hooch deaths raise concern question to the ground implementation on efficacy of the policy on ground. Alcohol perpetuates to be available in the state people terming "Daaru Toh Home deliver hota hai" when herald ask one person in 2020 Bihar election's Campaign. Till now, approximately 14.32 lakh individuals got apprehended over 8.43 lakh cases cognate to liquor proscribes have been registered during this period. The Courts of special Excise Duty have been established by the state regime upon consultation of High Court have been weighted with cumbersomely hefty files of "Liquor smuggling Cases".

Over 60 tainted SHO ostracised from posting and 97 lakh litres of IMFL and 53 lakh litres of country made liquor seized in Bihar from April 2016 to February 2021 reported by the Hindu.

Ordinate dictation of scarping this policy has been frequently optically canvassed the chief of Rashtriya Janta Dal (RJD) and Veteran CM of state Lalu Prasad Yadav authoritatively mandated to scrap this policy hoisting reason that state had been suffering a loss of above ₹6000 crore that excise tax on liquor could have brought, the progenitor of Jan Swaraj Party "Prashant Kishore" additionally demanding to scrap this policy citing same reason and logic but mordantly both were in coalition when this policy or bill was passed.

#### ❖ For women It was a Boon :-

The main objective of this prohibition was achieving gender parity. The report optically canvassed that this gender inequality is how alter a protracted an authoritative ordinance

regime consummated the promise through how women and girls were victimised afore the proscription withal these sections visually perceived a drastic heap of quandaries especially alcohol fuelled. There are several anecdotal evidence illustrating women's group amalgamated and protesting or alcohol has led to an eminent decline in intimate partner violence (IPV) in their lifetime. Approximately 35% or women in India faces IPV and approximately 27% ecumenically according to world health organisation. Studies find a vigorous relationship between lower liquor consumption and ameliorated marital cognations as well as fewer discord. But it is paramount to note that rigorous enforcement of alcohol ostracises could have additionally negative consequences for women. After the ostracisation desperate alcoholic spouses may ineluctably lash out to their partners out of frustration, not only these because of prohibition illicit ebony marketing of liquor elevates & price of the liquor increases 4 times then pristine price, addictive people turned out to sell their abode adjuncts or increase in the malefactor offence in state in order to meet the price authoritatively mandated by the smugglers. NFHS finds that women residing in Bihar reported a drop in their husbands alcohol consumption after the proscription was implemented, women living in Bihar less liable to face domestic violence after implementing the proscription.

#### ❖ Complementing of the alcohol ostracises with Self Help Group:-

In 2006, the Nitish Kumar led regime launched the Bihar rural livelihood project (BRLP) it was a flagship project popularly kenneled as Jeevika, to compose self help groups (SHGs) amongst marginalised women to enhearten micro credit lending & mobilise preserving. As per the reports approximately 1.4 million SHGs or popularly kenneled as Jeevika Didi's were composed between 2006 to 2022 under this project. The main goal of this SHG to enhearten financial independence amongst women, and regime expects that women with gender

access to resources will be less susceptible to abuse, not only these 10.12 lakh jeevika didis actively contributing to healthcare accommodations across the state under Pradhan Mantri Jan Aushadhi Yojana. Jeevika didis have been trained as “Swasth Mitra”, a role that evolved running vigilance campaigns targeting gravid women, children & the elderly. The establishment of the jeevika projects in 2006 was a turning point, leading to the formation of 10.63 lakh SHG’s, benefiting over 1.35 crore families

#### ❖ Policy Implementation :-

Though the alcohol prohibition aimed at minimizing alcohol cognate violence & ameliorating public health, but it is frequently criticised for incremented smuggling and bootlegging in the state, incrementing of “Daaru Mafia’s”, a loss of revenue in the state & incrementing reports of “Sukha nasha” in the state is the most concerning part of this policy. The diversion of police resources towards enforcement of this proscription leading to an increase in overall malefaction in the state. The increase in deaths due to consumption of spurious alcohol in the state is additionally a concern in which CM Quoted “Piyoge toh Maroge”. Despite these policy inhibitions, studies endeavour to highlight the impact of the proscription categorically on truncating gender violence towards women, formation of SHG’s played a pivotal role in organising women & offering access to livelihood and gregarious aegis but this policy is sand in the paper on the ground, desperate alcoholic people perpetuate to intake alcohol ascending Daaru Mafia profit despite the more stringent penalties and penalization of 5 years to 10 years with fine or 1 lakh to 5 lakh.

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