



# What is the Impact of Alcohol ban on Prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation in Bihar - A twelve year (2010-2021) comparative cross-sectional study

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## Abstract

There is a global prerequisite for making and implementing a diminution strategy in the want of drugs of addiction, both legal and banned, which may otherwise lead to plentiful negative health, family, socio-economic and mental consequences. During the 63rd session of the WHA (World Health Assembly), held at Geneva in May 2010, including India the 193 global member states reached on mutual consensus for global strategies to trim down the detrimental use of alcohol by adopting resolution WHA 63.13. The (GoI) Government of India enforced THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985, ACT NO. 61 OF 1985 with guidelines, protocols and essential framework to reduce drug abuse and sale in India. Alcohol causes 3 million deaths per annum globally; responsible for 5.1% of the global burden of disease, gender wise harmful consumption of alcohol is about 7.1% in males compared to 2.2% in females. The Bihar Excise Act, 1915 was amended and new amendment Act, 2016 was enforced from 01.04.2016, vide Gazette Notification No. 1485 dated 05.04.2016. Absolute Prohibition of sale and consumption of liquor in any form was declared in the State of Bihar. Bihar Prohibition and Excise Act, 2016 was notified on 2nd of October 2016 to put

into effect complete ban of alcohol consumption/sale in the territory of Bihar. The key objective of this study is to find out impact of alcohol ban on the prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation before the intervention (i.e. alcohol ban) and after alcohol ban. This novel cross sectional research study revealed that there is 1190.39 percent increase in the Undertrial prisoners violating Bihar Liquor & Narcotics Drugs Excise Act after absolute prohibition of sale and consumption of liquor in Bihar, India. Added to this the research study also revealed that there is 355.12 percent and 169.30 percent increase in violation of Liquor & Narcotics Drugs Prohibition Act as well as Liquor & Narcotics Drugs NDPS Act respectively during the period when alcohol is banned in the state of Bihar as compared to same period before alcohol ban.

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## Introduction

### Background/rationale

There is a global prerequisite for making and implementing a diminution strategy in the want of drugs of addiction, both legal and banned, which may otherwise lead to plentiful negative health, family, socio-economic and mental consequences [1]. During the **63rd session of the WHA (World Health Assembly), held at Geneva in May 2010** including India the 193 global member states reached on consensus for global strategies **to trim down the detrimental use of alcohol** by adopting resolution **WHA63.13** [2]. The **key objective** behind the strategy is to **improve health and socio-economic outcomes for individuals, families as well as communities**, by reducing morbidity and mortality caused by injudicious use of alcohol leading to negative social-economic consequences [3].

The **(GoI) Government of India enforced THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985** ACT NO. 61 OF 1985 with guidelines, protocols and essential framework to reduce drug abuse and sale in India [4].

**Newer psychoactive substances (NPS)** [defined as the substances of abuse, in any pure form or any preparation, that are not inhibited by the **1961 Convention on Narcotic Drugs** or **1971 Convention on Psychotropic Substances**, but can pose a public health threat] discovered as terms such as “legal highs”, “bath salts”, “research chemicals” etc., in the market are being added regularly to the list of psychotropic substances [5]. This issue of addiction, both legal and banned, is quite complex as well as complicated requiring essential interventions in public health measures, Social awareness

added with positive criminal, medical, and libertarian approaches with efforts to control the trafficking / smuggling / manufacture of these narcotic drugs / alcohol [6]. **The alcohol was not included in the NDPS act, health is a subject matter of state as per constitution of India hence the states are endowed with powers to make-exercise laws as per requirements of the state [7].**

**Alcohol is totally banned (with other drugs / substance listed in NDPS act) in the state of Bihar, India, since 01-04-2016** notified in the official Gazette Notification No. 3893 dated 21.12.2015[8]. The Government of Bihar, in order to shrink the hazard of liquor, introduced **new Excise Policy within (local law) the State for prohibition of alcohol from 01.04.2016. The Bihar Excise Act, 1915 was amended and new amendment Act, 2016 from 01.04.2016 was enforced Vide Gazette Notification No. 1485 dated 05.04.2016 [9].** Absolute Prohibition of sale and consumption of liquor in any form was declared in the State of Bihar. **Bihar Prohibition and Excise Act, 2016** was notified on 2nd of October 2016 to put into effect complete ban of alcohol consumption/sale in the territory of Bihar [10].

The NFHS (**National Family Health Survey -5**) carried out at households in all the districts of Bihar from **9 July, 2019 to 2 February, 2020** revealed the fact that **there is failure of absolute alcohol ban in Bihar which is quite evident from report of violence against women under the intoxication / influence of alcoholism in Bihar in India [11].** Due to severe criticism of liquor ban policy, the Bihar Liquor Prohibition Bill 2022 with new amendment is introduced, as a huge number of people were in various jails for liquor crimes, majority of which belonging to economically-socially weaker sections [12]. The Honourable Chief Justice, Supreme Court of India (CJI) stated that people are eagerly waiting in India for getting justice and the cases of liquor violations crime in Bihar increased the burden on courts [13].

Several people die regularly due to consumption of fake toxic local liquor as well as unemployment emerged in people previously working in alcohol industry added to increased smuggling - trafficking in Bihar as a major side effects of liquor ban mainly due to lack of proper framework, unplanned enforcement of ban without taking lessons from ban enforcement in other states [14][15]. One research study show a positive and noteworthy effect of unemployment on drinking behaviours and the findings are strong to numerous sensitivity tests [14]. The policemen, doctors and other government officials have been arrested for violation of the alcohol ban [16]. **The framework and plan for implementation of alcohol ban must have been discussed with the health department for better results [17].**

Alcohol causes **3 million deaths per annum globally**; responsible for **5.1% of the global burden of disease**, gender wise harmful consumption of alcohol is about 7.1% in males compared to 2.2% in females [18]. Alcohol is **leading risk factor of premature mortality and disability in between 15 to 49 years age**, accounting for 10 percent of mortality in this age group [19]. Underprivileged population and especially economically susceptible populations have higher alcohol-associated mortality and morbidity [20]. Regular intake of alcohol by the husband has been effectively associated with deprived mental health of women [21]. Alcohol consumption increases partner violence for all types of violence, escalating the violence by plummeting reflex inhibitions, clouding thinking- judgment and deteriorating ability of interpretation [22]. Psychiatric health issues erupting from alcohol consumption like delusional and antisocial personality disorder, paranoid schizophrenia, bipolar disorder, formulate the man more likely to commit sexual crimes [23]. In the cases of Bobbit, Manu

Sharma, Nirbhaya etc., liquor consumption by criminals/culprits were the significant factor in such heinous crime against women [21].

This study with data from NCRB (National Crime Records Bureau) will help policy and decision maker to understand the impact of alcohol ban on the title mentioned question, for potential policy/decision making to control alcohol consumption. There is urgent need to think over the ongoing act against alcohol consumption in Bihar aggravated by socio-economic and other factors. Here it is important to mention that alcohol was not banned under NDPS act [24]. **Does sending people to jails under various sections of CrPC (Code of Criminal Procedure) is enough to control/decrease the addiction / trafficking / smuggling / manufacture of these narcotic drugs / alcohol** is an important query coming out from title mentioned research question. The regular death of citizens of Bihar due to consumption of toxic alcohol is a big menace to the Government alcohol ban policy which can be rectified by proper flexible as well as robust framework for such measures with social and public health interventions like IEC etc [25].

## Objectives

In the light of the previously discussed background this study based on NCRB data is aimed **to analyse the Prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation in Bihar**. The key objective of this study is **to find out impact of alcohol ban on the prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation** before the intervention (i.e. alcohol ban) and after alcohol ban.

## Methods

### Study design

This was a quantitative, cross-sectional, deductive, comparative, large-scale study done in all 38 districts of the state of Bihar, India from **1<sup>st</sup> January 2010, to 31<sup>st</sup> December, 2021**. The **period before 2016 was considered as pre-alcohol ban era and from 2016 is considered as alcohol-ban era**. Six pre and post era data mean were compared to assess the situation.

### Setting

The study was carried out by continuously recording **data found in NCRB** of MINISTRY OF HOME AFFAIRS [26]. The population covered in this study includes all 38 districts of Bihar, India. As per data obtained from NCRB, **the total Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation during study period were 72008** (age-sex etc. next version). The **financial burden** of prisoners in the public jail of Bihar is entirely covered by Government.

### Participants

Participants were **prisoners from various jails of 38 districts of the state of Bihar** The selection of participants is as per research question.

## Eligibility Criteria

**Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation from various jails of 38 districts of the state of Bihar** was eligible.

## Study Variables and Operational Definition

The outcome variable of this study was Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation. Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation was defined as:-

Any accused person of Liquor & Narcotics Drugs related Acts violation in Bihar kept in judicial custody during the study period for:-

1. **Liquor & Narcotics Drugs Prohibition Act violation**
2. **Liquor & Narcotics Drugs Excise Act violation**
3. **Liquor & Narcotics Drugs NDPS Act violation**

## Descriptive data and Variables

The descriptive data, statistical analysis and variables are listed in tables- 1 and 2

**Table 1.** Undertrial prisoners in different year before alcohol ban

Bihar-Year	Liquor & Narcotics Drugs Prohibition Act	Liquor & Narcotics Drugs Excise Act	Liquor & Narcotics Drugs NDPS Act	Total Liquor & Narcotics Drugs – related Acts			
2010	180	313	83	576			
2011	21	512	710	1243			
2012	21	848	731	1600			
2013	19	901	1048	1968			
2014	4	882	823	1709			
2015	9	1187	667	1863			
<b>Statistical Analysis</b>							
Variable	Obs	Mean	Std. Dev.	Std. Err.	[95% Conf. Interval-Mean]	Min	Max
Liquor & Narcotics Drugs Prohibition Act	6	42.33333	67.80462	27.68112	-28.82325-113.4899	4	180
Liquor & Narcotics Drugs Excise Act	6	773.8333	311.4491	127.1486	446.9875-1100.679	313	1187
Liquor & Narcotics Drugs NDPS Act	6	677	321.2158	131.1358	339.9047 - 1014.095	83	1048
Total	6	1493.167	514.5909	210.0808	953.1367-2033.197	576	1968

**Table-2- Undertrial prisoners in different year after alcohol ban**

Bihar-Year	Liquor & Narcotics Drugs Prohibition Act	Liquor & Narcotics Drugs Excise Act	Liquor & Narcotics Drugs NDPS Act	Total Liquor & Narcotics Drugs – related Acts			
2016	158	4470	809	5437			
2017	467	8629	995	10091			
2018	53	6694	786	7533			
2019	109	6869	724	7702			
2020	36	11045	1406	12487			
2021	79	17563	2157	19799			
Statistical Analysis							
Variable	Obs	Mean	Std. Dev.	Std. Err.	[95% Conf. Interval-Mean]	Min	Max
Liquor & Narcotics Drugs Prohibition Act	6	150.3333	161.0462	65.74682	-18.67425-319.3409	36	467
Liquor & Narcotics Drugs Excise Act	6	9211.667	4642.317	1895.218	4339.854 - 14083.48	4470	17563
Liquor & Narcotics Drugs NDPS Act	6	1146.167	553.8546	226.1102	564.9319 - 1727.401	724	2157
Total	6	10508.17	5154.654	2104.379	5098.689 - 15917.64	5437	19799

## Data sources/measurement

### Data Collection and Quality Assurance

Data were collected, observed analysed with Microsoft office from electronic records of NCRB. To ensure data quality, it was checked for accuracy, reliability, completeness, and consistency. It was checked for inconsistencies, missing values, and for incompleteness, analysed with **Microsoft office software and STATA 15.1** for further analysis.

### Data Availability

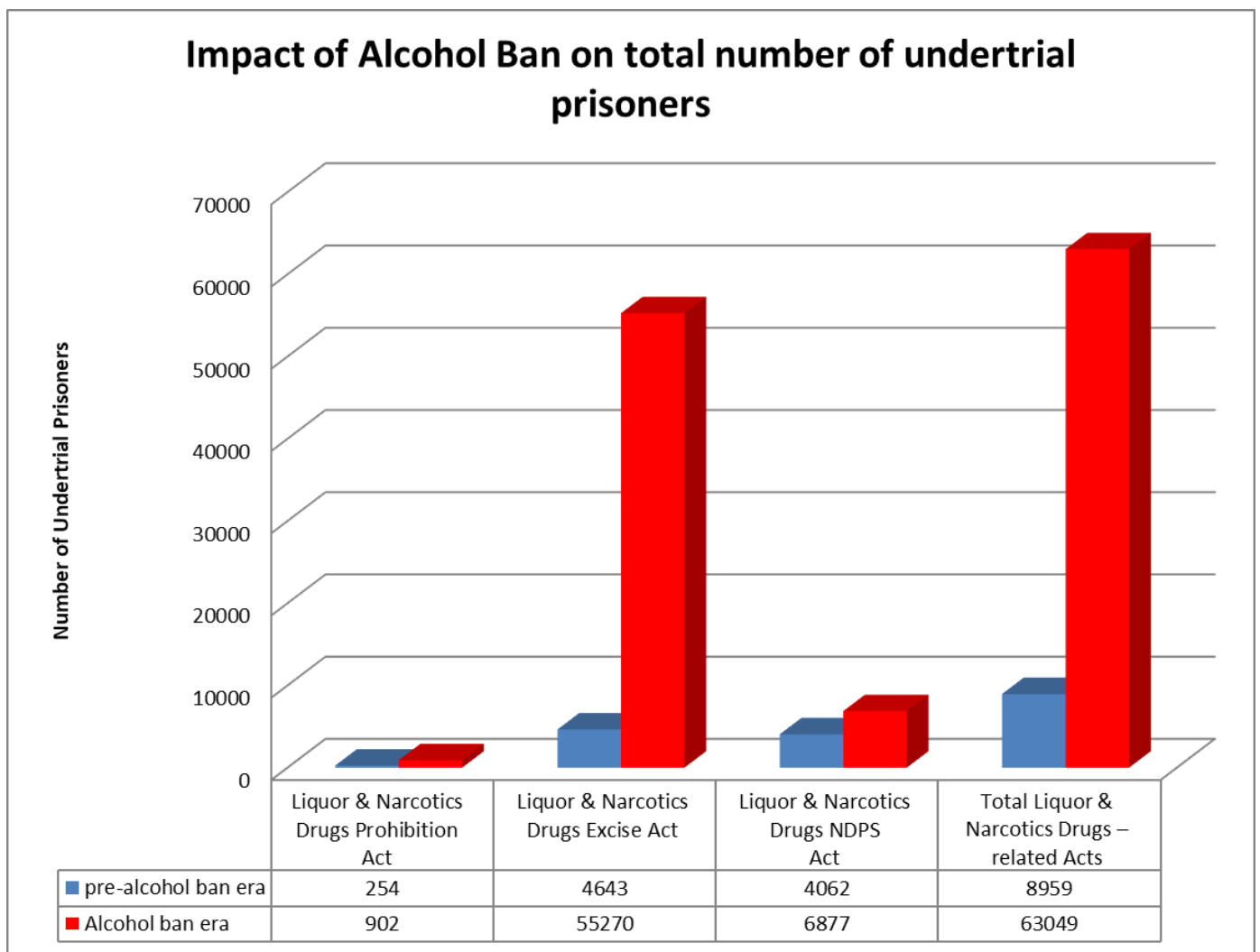
National Crime Records Bureau (NCRB), India – available at -<https://ncrb.gov.in/en>

### Bias

To reduce the bias the **next version will compare the state of Bihar with other states** of alcohol ban and final version will discuss the scenario across the 36 states and union territories of India.

## Results

This novel cross sectional research study revealed that as compared to the period when alcohol was not banned in Bihar there is 1190.39 percent increase in the Undertrial prisoners violating Bihar Liquor & Narcotics Drugs Excise Act under which the alcohol comes mainly. Added to this the research study also revealed that there is 355.12 percent and 169.30 percent increase in the Undertrial prisoners for violation of Liquor & Narcotics Drugs Prohibition Act as well as Liquor & Narcotics Drugs NDPS Act respectively during the period when alcohol is banned in the state of Bihar as compared to same period before alcohol ban see table-1-2 and figure-1.



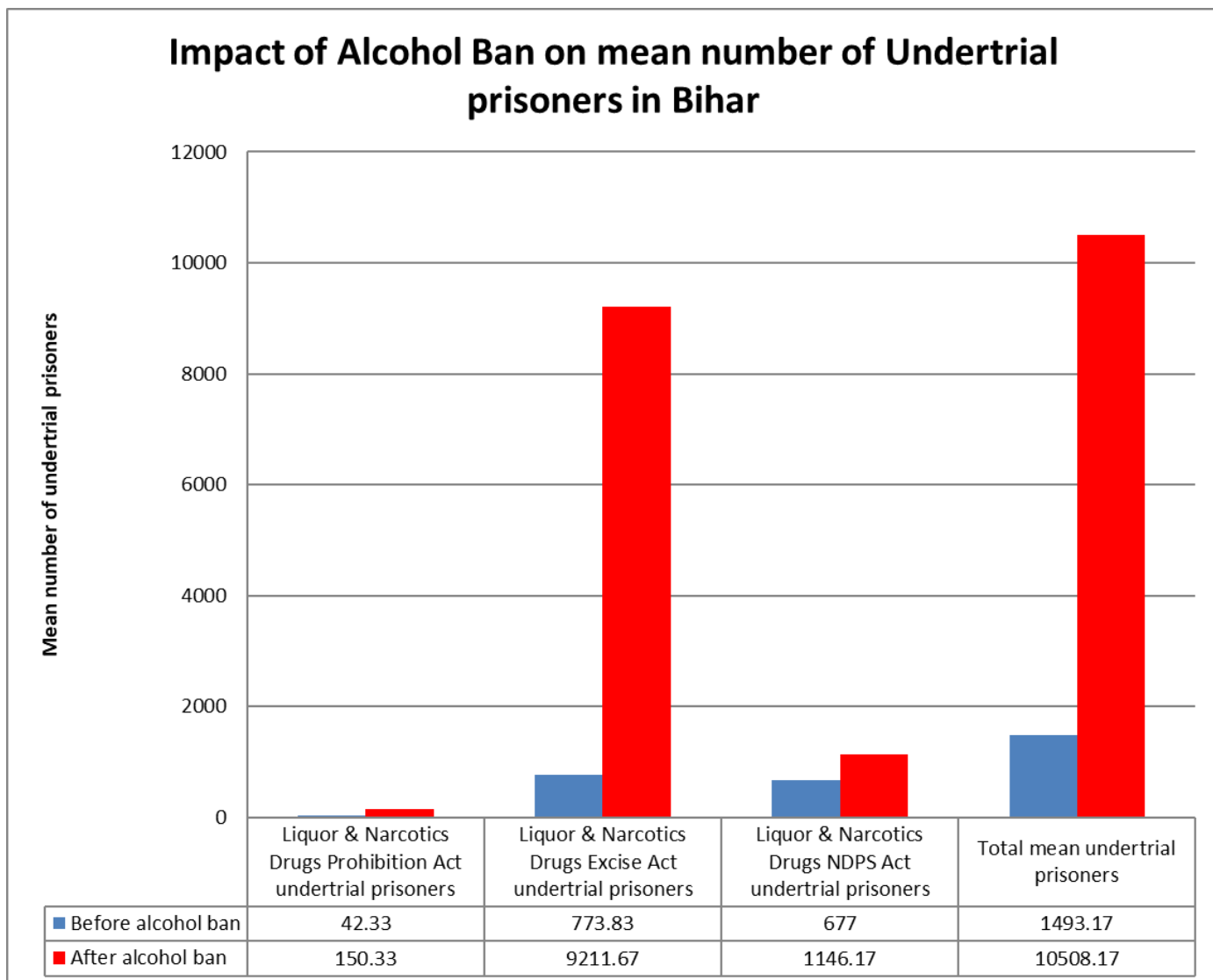
**Figure 1.** Impact of Alcohol Ban on total number of Undertrial prisoners in Bihar

- The total Undertrial prisoners violating Liquor & Narcotics Drugs Prohibition Act in pre-alcohol ban era (2010-2015) were 254 while in the alcohol ban era (2016-2021) it was increased to 902 see table-1-2 and figure-1.
- The total Undertrial prisoners violating Liquor & Narcotics Drugs Excise Act in pre-alcohol ban era (2010-2015) were 4643 while in the alcohol ban era (2016-2021) it was increased to 55270 see table-1-2 and figure-1.
- The total Undertrial prisoners violating Liquor & Narcotics Drugs NDPS Act in pre-alcohol ban era (2010-2015) were



4062 while in the alcohol ban era (2016-2021) it was increased to 6877 **see table-1-2 and figure-1.**

- The mean total Undertrial prisoners violating Bihar Liquor & Narcotics Drugs related Act in pre-alcohol ban era (2010-2015) were 1493.17 ([95% Conf. Interval-Mean- 953.1367- 2033.197]) while in the alcohol ban era (2016-2021) it was 10508.17([95% Conf. Interval-Mean-5098.689 -15917.64]) **see table-1-2 and figure-2.**
- The mean total Undertrial prisoners violating Liquor & Narcotics Drugs Prohibition Act in pre-alcohol ban era (2010-2021) were 42.33 ([95% Conf. Interval-Mean- 28.82325- 113.4899]) while in the alcohol ban era (2016-2021) it was 150.33([95% Conf. Interval-Mean-18.67425- 319.3409]) **see table-1-2 and figure-2.**



**Figure 2.** Impact of Alcohol Ban on mean number of Undertrial prisoners in Bihar

- The mean total Undertrial prisoners violating Liquor & Narcotics Drugs Excise Act in pre-alcohol ban era (2010-2015) were 773.83 ([95% Conf. Interval-Mean- 446.9875- 1100.679]) while in the alcohol ban era (2016-2021) it was 9211.66([95% Conf. Interval-Mean-4339.854 -14083.48]) see table-1-2 and figure-2.
- The mean total Undertrial prisoners violating Liquor & Narcotics Drugs NDPS Act in pre-alcohol ban era (2010-2015) were 677 ([95% Conf. Interval-Mean- 339.9047 -1014.095]) while in the alcohol ban era (2016-2021) it was

1146.17([95% Conf. Interval-Mean-564.9319 -1727.401]) see table-1-2 and figure-2.

## Other analyses

### Next Version

## Discussion and Conclusion

Despite the liquor ban in Bihar, as stated above the National Family Health Survey (NFHS)-5 (2019-21) revealed that mostly women in Bihar face domestic violence (emotional, physical or sexual) when their husband was drunk which have a dual indication. First and significant one is that alcohol consumption is going on indicating failure of complete ban implementation and another is that the alcohol consumption increases violence against women. Hence alcohol consumption must be controlled on a global basis as its consumption is directly related to increased violence against women, children and others as stated above. After the complete alcohol ban in Bihar in 2016, it is found that mostly Dalit and Adivasi were arrested under the new prohibition law. Majority of the Undertrial prisoners are not able to get released on bail due to lack of suitable sureties or pay the adequate bail amount. There is a vital need for policy review with socio-legal intervention to ensure their legal rights <sup>[27]</sup>. The Bihar Government **latest Prohibition and Excise (Amendment) Bill, 2022** is formulated with view to reduce the above burden <sup>[28]</sup>.

In brief the key features of this bill are to specify the punishment for consumption of liquor. This Bill empowers the state government to order/enforce certain penalties for liquor related offences.

- Offences under this Act are tried by a Sessions or Special Court.

This Bill provides for trial of: (i) consumption of liquor by Executive Magistrates, and (ii) all other cases by Special Courts.

- Offences under this Act are non-compoundable. This Bill makes all offences compoundable.

### Key concerns

- **conducting trials is a judicial function** Under this Bill, liquor consumption, summary trials will be conducted by Executive Magistrates which may violate the doctrine of separation of powers.

- The Bill permits the state government to prescribe fines, and imprisonment (in case of repeat offenders) for the consumption of liquor which may amounts to excessive delegation.

The Bill seeks to expedite trials under the Act, and shift focus from persons consuming alcohol to illegal suppliers and traders of liquor.

The Directive Principles of State Policy under the Constitution provide that the state shall endeavour to prohibit the

consumption (except for medicinal purposes) of intoxicating drinks and drugs which are injurious to health <sup>[29]</sup>. Further, the production, possession, transport, and sale or purchase of liquor falls under the State List of the Constitution <sup>[30]</sup>. Presently, four states (Gujarat, Bihar, Nagaland, and Mizoram) have laws which completely prohibit the sale of alcohol <sup>[31][32][33][34]</sup>.

In February 2022, the Supreme Court of India observed that trial courts in Bihar and the Patna High Court are being crowded by maximum bail applications in the matters under the Bihar Prohibition and Excise Act, 2016 <sup>[35]</sup>. The Court highlighted that at one stage, 16 judges of Patna High Court were listening to bail matters, of which a maximum cases consisted of prosecutions under Bihar Prohibition and Excise Act, 2016. The apex court of India asked the Bihar government if any previous assessment was done regarding the court infrastructure and manpower required to deal with the volume of cases that may arise under the implementation of above Act. In March 2022, the Bihar government informed the apex Court of India that it is proposing certain amendments to the Act to make it more efficacious and address the concerns rose relating to its implementation <sup>[36]</sup>.

As fond above the adverse consequences of the government's liquor ban policy resulted in **aspurt in hooch tragedies, drug addiction, and environmental hazards** posed by improper destruction of seized bottles as well as the lives of the citizens of the state are risked by consumption of illicit toxic liquors due to the failure of the state machinery in effectively implementing the provisions of Bihar Prohibition and Excise Act, 2016, as amended from time to time. A significantly large numbers of hooch tragedies is taking place after prohibition act came into force as the most worrying adverse effect the state government seems to failed in developing a robust flexible framework to implement standard operating protocol for treatment/prevention of illness upon consumption of toxic liquor. Besides hooch, the data shows increased Undertrial prisoners related to illicit drug trafficking of narcotics across the state.

## Strength and Limitations

This is a novel study to find out impact of alcohol ban on Prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation in Bihar in a new way. **This is the first study to compare the impact of alcohol ban on Prevalence of Undertrial Prisoners of Liquor & Narcotics Drugs related Acts violation in Bihar during the pre-ban and ban era of liquor.**

## Other information

This is the first version of this work and next versions will evolve in future with more information and analysis.

## Abbreviations

Newer psychoactive substances (NPS); WHA (World Health Assembly); (GoI) Government of India; CrPC (Code of

Criminal Procedure); WHO (World Health Organization); NCRB (National Crime Records Bureau).

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## Declarations

- This version of paper has not been previously published in any peer reviewed journal and is not currently under consideration by any journal.
- **Ethics approval and consent to participate:** Not applicable. This study has not involved any human or animals in real or for experiments. The submitted work does not contain any identifiable patient/participant information.
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