

Caste, Conservative, Colonial, and State Paternalism in India's Alcohol Policies

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Abstract

Alcohol consumption in India is governed by social and moral codes and religious norms, stratified by caste and gender, and controlled by state policies. Indian alcohol policy today consists of measures ranging from high taxation to strict prohibition across different states. Our article examines whether the Western state paternalistic framework is adequate to explain the alcohol policies of India. We conduct a critical reading of texts on socio-cultural and political history of alcohol consumption, taxation, and regulation in India, and study their influence on contemporary alcohol policies of Indian states. A central theme presented in this paper is that India's complex history, with social institutions of caste, religious conservatism, regional politics and colonialism, has created a unique complex of experiences related to alcohol, and argues for a greater alignment of Western paternalistic frameworks with Indian socio-political context. Broadly, we argue that state paternalism should be understood beyond the national and state politics of the present, and factor in the path-dependency of socio-cultural and political history of the state being examined.

Keywords: Alcohol Policy, Alcohol taxation, Paternalism, Caste Paternalism, Colonial Paternalism.

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1. Introduction

India is the world's third largest liquor market, valued at \$35 billion in 2017 (Kashyap 2017), and is expected to grow to \$39.7 billion by 2024 at a Combined Average Growth Rate (CAGR) of 7.4% (Goldstein Research 2020). Per capita consumption, however, is low: 5.7 litres as of 2016, compared to the global average of 6.2 litres (WHO, 2018).

Major states continue to derive as much as 15% of their revenues from alcohol excise duties (Sharma 2020), a continuation of the “lock-in” effect of colonial-era state policies that commodified alcohol. High excise duties interact with a peculiar, price-inelastic drinking culture (Kumar 2017) characterised by a preference for hard liquors (30% spirits and 30% country liquor), even as India is already the world's second largest consumer of spirits (Ambekar *et al.* 2019).

Alcohol consumption patterns in India vary widely across caste, religion, and gender. According to National Family Health Survey (NFHS)-4 (2015-16) data, 41% Scheduled Tribe and 31% of Scheduled Caste men drink, while only 21% of other/higher caste men drink. NFHS-4 data also shows, only 1 % of women drink alcohol, compared with 29% of men, but with wide variations across religion, caste, and states. Muslim men (11.3%) are four times less likely than Christian men (43%) and three times less likely than Hindu men (31.6%) to drink (IIPS and ICF 2017).

The diversity in drinking habits across social strata attests to Colvard (2013)'s contention that the act of drinking in India is governed by a complex milieu of “*social and moral codes, religious rituals, and individual desires that differ widely across the population.*” From the ancient Vedic times to the present, the pattern of social stratification of drinking seems to have been preserved, with Brahmins being forbidden from drinking alcohol, while Kshatriyas were permitted to drink different wines and beer made from wheat or barley (Sharma *et al.* 2010). The lower castes and tribal groups have their own customs of drinking, which varies across regions but does not find adequate reflection in current Indian alcohol policies. Upper caste norms, preserved over two millennia, have combined powerfully with the issue-based, conservative bonhomie between upper caste Hindus and Muslims regarding alcohol.

India's continental size, population, civilisational history and cultural diversity has resulted in complex experiences in the production, consumption, and regulation of alcohol. Patterns of caste stratification, religious conservatism, colonial experiences, anti-colonial nationalism, and regional populism have acted powerfully through state power to shape India's current alcohol policies (Sharma *et al.*, 2010; Hurst, 1889; Bhattacharya, 2017; Pande, 2017).

Alcohol policies of Indian states tend to navigate between raising alcohol revenues and curbing deleterious effects of alcohol through a suite of policies including excessive taxation, over-regulation (protectionism) and outright, but sometimes oscillating prohibition (Chari, 2016; Janyala 2019; Kamei, 2014). Many Indian states have oscillated between prohibition, relaxation, and repeal of alcohol, depending on the local movements, conservative anti-liquor lobby groups, and regional electoral politics (Nidheesh, 2015; Gururaj *et al.*, 2020). Further, India's non-prohibition states have

adopted an ambivalent 'permit but don't promote' approach, in which they benefit from alcohol sales through high taxes, even as they are careful to not actively and openly promote alcohol.

Many western scholars have used 'state paternalism' as a framework to understand policies to regulate people's behaviour, including consumption of alcohol (New 1999; Poikolainen, 2020; Grill and Nihlen Fahlquist, 2012). Western understandings of paternalism classify it along six axes: hard/soft, broad/narrow, pure/impure, old/new, strong/weak, and moral/welfare (Dworkin, 2020).

Such variants of paternalism are only partially useful in understanding the history and current status of alcohol policies in India, as they are unable to factor in the complex and combined influence of colonial, conservative, caste, state-nationalist, and regional factors, unique to the Indian context. We contend that the Indian experience with alcohol necessitates a realignment of a Western paternalistic framework based on Indian socio-political history and context, which is capable of accounting for the use of state power by caste, conservative, nationalist, and regional factions.

In this article, we dissect the broad pattern of alcohol policies pursued by the states of the Indian Union from 1950-2019, highlighting the variations in prohibition, tight regulation, repeal, and reimposition, depending on the local movements, lobby groups, and regional politics. At present, alcohol continues to be a dominant revenue source in the non-prohibition states, and they face a constant dilemma in catering to electoral politics and revenue generation.

We trace the historical roots of alcohol consumption norms and regulation to derive India's unique paternalism framework for alcohol policies, from the origin of caste and religious stratification of drinking in the Vedic era, to the versions of paternalism that emerged during the Maurya, Gupta and Mughal periods. We then examine the commodification of alcohol and emergence of new paternalism under colonial rule. Colonial commodification of alcohol altered the alcohol production, taxation, distribution, and consumption in India, a pattern continued to present.

We dissect the upper-caste, conservative attitudes developed during the temperance movement with its anticolonial, nationalistic current, which completely disregarded the complex role of alcohol in marginalized and tribal cultures. We also cover the issue-based coalition between otherwise antagonistic conservative elements in the Congress and the Muslim League for Prohibition. We critically examine the arguments by different social groups during the constitutionalisation of prohibition in India. We tabulate and analyse the alcohol policies of Indian states during the post-colonial period, and examine the influence of history, social norms, social movements, and political compulsions at the regional level. We blend the observations and arguments on the complex socio-political history of alcohol in India and contend that it necessitates a new approach to understanding paternalism in India.

2. Alcohol in India

2.1 High on spirits; divided by Gender, Caste, and Regional inequalities

Data on the gender, caste, and regional consumption patterns of alcohol illustrates the complex nature of drinking inequalities embedded in Indian society, the root causes of which have not been systematically examined. India's social stratifications result in unequal drinking patterns, and the National Family Health Survey (NFHS)-4 (2015-16) records some interesting disparities in this regard (See Figure 1).

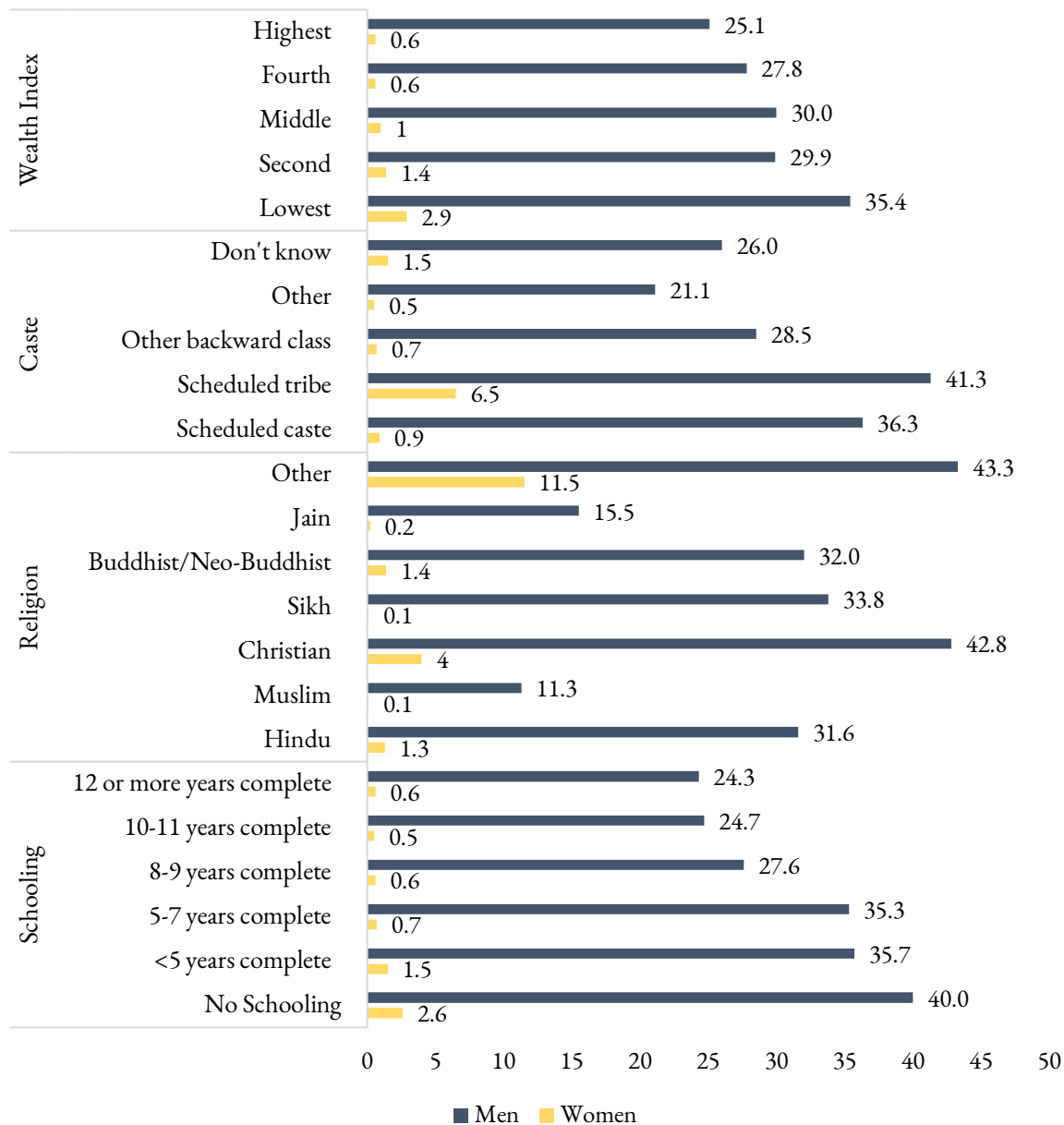
There is stark gender, caste, and regional disparity in drinking. In the 15-49 year age group, Scheduled Tribe men (41%) and women (6.5 %) drink more than other groups. Among major religions, Christian men (43%) and women (4%) drink more than all others, while Muslim (0.1%) and Jain women (0.2%) drink the least. There is also considerable regional variation in alcohol consumption. North-eastern states, especially Arunachal Pradesh (59% men, 26% women) and tribal states like Chhattisgarh (53%, 5%) and Jharkhand (39%, 4%) have the highest alcohol consumption (IIPS and ICF, 2017).

There is a cultural taboo against women drinking in India, although it is fast changing. Within Hindus, lower castes tribal women drink more (see Figure 1); so do Parsi (Zoroastrian) and Christian women. The diversity in consumption practices across caste and religious groups does not find adequate accommodation in India's current alcohol policies, which also goes against the principle of decentralized decision-making, the stated overarching goal of successive Indian governments.

Indians are predominantly spirit drinkers, with country liquor (30%) and spirits (30%) being the most consumed hard liquors. The strong preference among Indian drinkers for high alcohol-concentration drinks is further aggravated by their heavy drinking habits. The Substance Use Study-2019 points out that around 43% of consumers have more than four drinks in a single sitting, a dangerous habit categorized as 'Heavy Episodic Drinking' which places drinkers at an elevated risk for chronic health ailments (Ambekar *et al.* 2019).

Figure 1: Social Stratification of Drinking in India

Percentage of People who drink Alcohol in india by schooling, religion, CASTE and WEALTH (NFHS-4: 2015-16)



Data Source: National Family Health Survey-4: 2015-16

2.2 State Policies

2.2.1 Taxation

The non-prohibition states have a ‘permit, but not promote’ policy for alcohol. The government levies excessive very high “sin tax” to prevent people from drinking, while simultaneously maximizing revenue from its sale. The Reserve Bank of India (RBI) report on state budgets shows that during 2018-19, Indian States and Union Territories collected Rs. 1.51 trillion (\$19.89 billion) from excise

duty on liquor (Reserve Bank of India, 2019). The excise revenue from liquor accounts for 10-20% of the revenue of states like Uttar Pradesh (UP), Karnataka, and Madhya Pradesh (Kant 2020).

Further, the rate of taxation is high across all three major categories of alcoholic drinks (beers, wines, and spirits) with widely varying levels of alcohol percentage. Thus, even as the claimed policy goal of states is to use high taxation as a policy instrument to create a strong price signal to curb excessive drinking, state governments have acquired a perverse incentive in the continuation of high taxes (regardless of their efficacy or lack thereof in curbing drinking) for the stability of their state budgets.

In Maharashtra for example, the excise duty is 300% on Indian-Made Foreign Liquor (IMFL-spirits) including brandy, whisky, rum, and vodka (among others) with a high alcohol content of 42% by volume. Drinks such as beer with low alcohol content (5-8%) are also taxed at a relatively high 175-235%, while wines (12-15%) are taxed from between 100-200% depending on the place of origin and blending (Government of Maharashtra Excise Department 2019). The only exception made in case of wines is for grapes grown within the state without the addition of alcohol. Even country liquor (apart from cashew and Mahua flower-based liquors) is taxed at 213% of manufacturing cost.

2.2.2 Prohibition

Many states in post-independence India imposed prohibition laws. Almost one fourth of India was under prohibition law in 1954. By the mid-1960s, most states repealed or relaxed prohibition law due to shortfall in revenue, as well as illicit brewing and hooch tragedies. Only Gujarat (which was split from Bombay state) has a continuous history of prohibition -- from 1949, continuing through its inception as a state in 1960, to the present -- due to the strong influence of Gandhian abhorrence towards alcohol.

Bihar is the latest state to have introduced prohibition, with the Bihar Prohibition and Excise Act 2016. Additionally, Nagaland and Manipur (partially) have prohibition in effect now (Eashwar *et al.* 2020). States have a varied history of prohibition imposition, tight regulation, and repeal. Table 1 summarizes the state policies, current status and reasons for prohibition.

Alcohol policies at the state level have been subject to the opposing pressures of revenue generation through lucrative excise duties on the one hand, and a desire to accommodate the concerns of interest groups calling for prohibition on the other (see Table 1).

- Maharashtra went in for state-wide prohibition from 1949 to 1960, and again from 1960 to 1964, before prohibition's repeal and the onset of a comparatively more liberal regime (with high taxation).
- Tamil Nadu has also followed a similar trajectory, with strict prohibition from 1948 to 1971 and again from 1974 to 1981, followed by repeal but strict state monopoly control over alcohol sales.
- The women's movement in Andhra Pradesh became a key pressure group during elections, leading to imposition of prohibition in 1995, before its rapid withdrawal in 1997.

- Church and community organizations campaigned successfully for Prohibition in Mizoram (1995 to 2014) and its reimposition again in 2019, followed by current relaxations.
- Kerala, with its leftist politics, still opted for partial curbs on alcohol from 2014 to 2017.

Table 1: State and history of prohibition and alcohol curbs in India

ALCOHOL PROHIBITION AND CURBS IN INDIAN STATES - AS OF 2021		
STATES	Prohibition years and Current status	Notes
MAHARASHTRA (PREVIOUSLY BOMBAY)	1949-60 (Bombay) 1960-64 (Maharashtra) Now Repealed	Bombay Prohibition Act 1949 (see text). Liberalized in 1964.
GUJARAT	1960-Present	Continuation of Bombay Prohibition Act 1949
TAMIL NADU (PREVIOUSLY MADRAS)	1948-71 1974-81 Now Repealed with strict state control	Madras (Tamil Nadu) Prohibition Act 1937 - extension till 1971 1971-74 Repeal under chief Minister Mr. Karunanidhi; 74-77 Arrack and Toddy ban 1974-81: Strict Prohibition 1981-Sporadic ban on arrack and Country liquor , tight state control (Chari 2016)
ANDHRA PRADESH (UNDIVIDED)	1995-97 Repealed 2019- new attempts for phase wise prohibition	Women's movement in 1994 became a major poll issue. Prohibition imposed by Chief Minister N T Rama Rao 1995, repealed in 1997 (Janyala 2019). The current CM Jagan Reddy is considering Prohibition
NAGALAND	1989-Present Largely ineffective	Campaign by Nagaland Baptist Church Council and Naga Mothers' Association in the 1980 against growing alcoholism and associated social evils (Nagaland Post 2019) led to Nagaland Liquor Total Prohibition Act (NLTP) 1989.
MANIPUR	1991-Present Requires its residents to have a permit to procure alcohol.	Long-civil society campaign against alcohol led by a group <i>Meira Paibis</i> – “the women torch bearers” of Manipur (70-80s). 1991- Manipur Liquor Prohibition Act. Home brewing allowed for Scheduled castes and Tribes(Kamei 2014).
MIZORAM	1995- 2014 Mizoram Liquor Total Prohibition (MNTP) Act, 1995, 2019- Present (relaxations)	Church and Community organizations prompted MNTP .Prohibition to different levels Reimposed in 2019 by Mizo National Front (MNF) (Press Trust of India 2019)
KERALA	2014-17	Repealed (Swamy2017)
BIHAR	April 2016- Present Bihar Prohibition and Excise Act, 2016	Chief Minister Nitish Kumar made a poll promise due to Women activist groups protesting against alcohol and domestic abuse. Harshes Prohibition law in India (Tewary 2016)

Source: Inputs from different sources listed in the third column. See also Nidheesh 2015.

3. Theoretical framework: Paternalism

Paternalism is the notion that allows the government to “restrict the choices of individual citizens for their own good” (Dworkin 2011). For an act to be paternalistic, it must involve interference in a person’s freedom (choice or opportunity to choose), with an expressed objective of enhancing the target person’s welfare, without his/her consent (New 1999: 63-83).

Variants of paternalism have been classified, including hard/soft, broad/narrow, weak/strong, pure/impure and moral/welfare. In the following paragraphs, we largely follow Stanford Encyclopaedia of Philosophy definitions to briefly describe different types of paternalisms (Dworkin 2011) and test their suitability for analysing alcohol taxation and prohibition in India.

Hard paternalism: Paternalism’s more stringent version, known as hard paternalism, is premised on the belief that the state reserves the legitimate right to interfere in a person’s actions, despite the actions being undertaken willingly by the individual and with full knowledge, including awareness of the deleterious consequences of such actions (Pope 2005; Thomas & Buckmaster 2010). Examples of hard paternalism include high cigarette taxes to dissuade smoking (Lucas 2011) and “sin taxes” on alcohol and gambling (Kapeliushnikov 2015). Prohibition is one of the strictest forms of paternalism (Thomas & Buckmaster 2010), making it hard paternalism. The state intervenes even when drinkers are acting voluntarily and knowledgeably, and a ‘moral corruption’ argument is used to justify such intervention.

Soft paternalism on the other hand allows intervention only if an action is committed involuntarily. It tries to correct information asymmetries and behavioural anomalies, while not restricting voluntary choices (Kirchgässner 2017). Soft paternalism advances a less intrusive approach towards shaping individual choices which will enhance their self-perceived welfare. Thus, a calibrated taxation based on alcohol content does not intrude into the individual choice of drinking but dissuades excess drinking by monetary costs.

Moral/Welfare: Moral paternalism is concerned with interference by the state to improve a person’s moral character, while welfare paternalism claims legitimate grounds for interference by the state if such interference will make the subject better off in material terms (Dworkin 2011). Forbidding drinking by messaging it as ‘immoral’ (as advocated by Gandhi) is moral paternalism; arguments that alcohol is injurious to health, and the economic progress of the nation, as argued by Nehru (De 2018) can be termed as welfare paternalism.

This paper attempts to derive and construct an Indian framework of paternalism, with roots in India’s colonial past, pan-religious conservatism, stratified caste structure, anti-colonial state nationalism, and eclectic regionalism.

4. Historical legacy of alcohol consumption, taxation, and regulation

4.1 Ancient and Medieval Era

Norms by caste and religion: Alcohol has a complex history in the subcontinent, and its study is essential to provide the moorings for a new policy framework. Documented socio-cultural history of fermented and distilled alcohol from fruits, grains and flowers in India can be traced even in Vedic literature. The social sanction for alcohol consumption was restricted by the Varnas (Sharma *et al.* 2010). While Brahmins were totally forbidden from drinking alcohol, Kshatriyas used to drink both Soma ('celestial nectar') and Sura (beer manufactured from rice meal, barley). Sura was more common among the general populace. Lower castes usually consumed 'cheap' distilled local spirits. On the other hand, Buddhism and Jainism strongly condemned the use of alcohol. Caste stratification influenced the feudal-state alcohol policies for much of Indian history.

State Paternalism under Mauryan Empire: Elements of state paternalism can be seen from the recorded history of large empires in India. In the Mauryan period (321 B.C.E-circa 185 BCE) when much of India came under central rule, Chanakya's *Arthashastra* describes the need for "regulation of alcohol production and sales, including directions for the establishment of drinking places". The Mauryan government exercised tight control on the production of alcoholic drinks, and even had government-owned alehouses for legal consumption of alcohol, as well as a 'Comptroller of Spirituous Liquors' (Kautilya/Shamsastry (translator) 2009).

Confluence of Caste, Religion, and State: During the reign of Buddhist empires in India, state sanction of Liquor seems to have plummeted, as Buddhism strongly condemned alcohol (Singh 2017). Al-Biruni, the great Iranian polymath and historian who studied India in great depth in the early 11th century, noted caste and liquor equations of Indians in his *Tarikh-Al Hind* (history of India). Brahmins abstained from intoxicants, while warriors and businessmen drank wine (Al-Biruni 1910 / *Alberuni's India*, Columbia Archive 2006; Singh 2017). The lower castes (Shudras) could drink spirits distilled from honey and flowers.

Periods of Islamic rule in India show ambivalent liquor regulation, depending on the Emperor's personal choice and preferences. While the Quran specifically forbids alcohol, wine remained part of court life, especially during the Mughal rule. The rulers usually did not interfere with consumption by Hindus and Christian Populace (Sharma *et al.* 2010). However, there were many exceptions.

- Alauddin Khalji (1296–1316) prohibited wine-drinking and wine-selling.
- In the Mughal era, Babur (reigned 1526–1530) mentions his regular drinking in *Baburnama* (Pande 2017).

- Emperor Akbar (1542-1605) was largely a teetotaler, and prohibited and enforced a non-drinking rule within the empire
- His son Jehangir (1605–1627) was a heavy drinker, and the use of alcohol became widespread in the Mughal empire.
- Aurangzeb (1618 – 1707) on the other hand was highly intolerant towards drinking. During his reign, according to Manucci's (2010) work *Aurangzeb and Prohibition*, Aurangzeb ordered his chief of police to search out all the Muslim and Hindu sellers of alcohol and ordered that “...every one of whom was to lose one hand and one foot.”.

Despite these vagaries in feudal policy in the last millennia, ‘country liquor’ and homebrewed beers (often rice beer), as well as toddy (in south India), continued to be common among the lower-income, lower caste people, especially in rural areas. (Sharma *et al*/2010).

4.2 Colonial-era

Commodification and Colonial Paternalism

Alcohol production, consumption, and state regulation acquired a new dimension during British colonial rule in India. The production and sale of alcohol in India had become a state project in colonial India (De 2018). Till then, liquor production was largely an affair of small communities.

- The Abkari Act of 1878 barred toddy extraction without permission and license and shifted the mahua spirit from traditional decentralised farm distillation to central distillation.
- Liquor produced at the distillery was taxed, changing the form of alcohol taxation from revenue to excise (Saldanha 1995; De 2018).
- The public auctioning of liquor licences led to the rapid increase in government distilleries, and the replacement of traditional (low alcohol content) alcoholic beverages with industrial-scale liquor with higher alcohol content.
- Tribal populations in Bombay state used Mhowra (Mahua) flowers for food, cattle grazing, and for brewing alcohol. The Mhowra Act of 1892, banned collection and sale of Mhowra flowers, leading to a high number of prosecutions dealing with cases of sale of illicit liquor (Saldana 1995).

This new commodification of liquor production and heavy taxation led to a surge in revenue collections (Hurst 1889). Towards the end of the colonial period, excise duty on liquor came second only to land revenue, and alcohol emerged as a commodity essential to Indian economic nationalism and industrialisation (Bhattacharya 2017).

Colonial commodification of alcohol altered the alcohol production, distribution, and consumption in India. It created a new class of drinkers including British Indian civil servants, Army

officers, rulers of princely states, and educated Indians who were emulating the British in tastes and manner.

The British liquor policy was guided “*by the twin objectives of generating revenue on the one hand and checking intemperance among people towards safeguarding their ‘morality’, on the other*” (Saldanha 1995). This came into conflict with the morality of peasants, and the *Adivasis* (tribals), “for whom drinking formed an integral part of their material as well as symbolic reality” (Saldanha 1995).

While hard paternalism's preference for coercive state policies that constrict individual autonomy helps to better understand the Indian state's high taxation policies, it does not sufficiently contextualize said state policies as influenced by India's colonial history. A more holistic approach would view India's versions of hard paternalism (ranging from high-taxation to outright prohibition) as the continuing path-dependence of British colonialism's policies such as the Abkari Act which centralized alcohol production and set the precedent for high excise duties.

The discourse of civilizing the errant natives by safeguarding their morality, served as a powerful legitimizing cover for such policies, the path-dependence of which can be seen to this day in current Indian alcohol policies. This colonial influence on Indian alcohol policy -- consisting of high taxation, centralization of production to distilleries, and the powerful legitimizing discourse of emancipation of the natives -- is categorized as colonial paternalism.

4.3 Temperance and nationalism: Confluence of Caste, Conservatism, and State Paternalism

In the late 19th and early 20th century, temperance movements started gaining prominence in India. National leader Bal Gangadhar Tilak called for boycott of British goods, including government liquor shops, which is considered the beginning of the Prohibition movement in India. Expanding liquor market in cities and countryside, due to mass production, led to an increase in alcohol consumption by locals, which some historians believe further led to an increase in drunkenness and crime (Saladhana, 1995).

Alcohol was treated as a licentious trait of tribals and socially backward groups (Hassan 1922; Tekchand1972). National leaders began to project that drinking itself was alien to Indian culture, and an import from the British (Colvard, 2013). Mahatma Gandhi staunchly opposed alcohol consumption and hoped that purging India of alcoholic beverages would revitalize its society (Fahey & Manian 2005).

The temperance movement in India led to a confluence of Caste and Conservative paternalism, with state paternalism. The upper caste Brahmins and Baniyas (Gandhi included) who dominated the National movement, selectively ignored the drinking practices among the *Adivasis*, which remained unchanged despite the coercive efforts by the state and co-optation by the nationalists (De 2018). For the Indian National Congress, Prohibition was integral to the process of nation building, and was included in Karachi Charter of Fundamental Rights and Economic Principles of 1931. An unusual

bonhomie existed between Hindu conservatives, the Gandhians, and the Muslim League in their support for Prohibition (De 2018).

Views of the three pillars of India's national movement and social reform on Prohibition are summarized below:

Gandhi: Gandhi viewed drinking as “a foreign custom that debilitated the body of the Indian worker and peasant and, by extension, the Indian body politic”. He saw alcohol as the most deplorable curse next only to untouchability. While advocating total prohibition, he wrote that no country was “better fitted for immediate prohibition than India.” Ironically, while he staunchly opposed ‘white man’s burden’ to lift the morals of the Natives, he advocated that “the poor had to be saved from themselves through an intervention of the enlightened classes... A drunkard was a diseased man, he wrote, “quite unable to help himself.” (Gandhi 1926). Gandhi’s adverse views on alcohol set the stage for the transition of the burden of civilising the natives from the colonizer to the upper castes (and classes). Thus, the paternalistic attitudes held by Gandhi combined upper-caste and class privilege with a moralistic impulse to rescue the poor from alcoholism, to be prosecuted by an anti-colonial state apparatus through hard paternalistic measures such as prohibition.

Jawahar Lal Nehru: Nehru was a rationalist, and liberal nationalist. He argued that if Prohibition were to triumph in India, it would do so not on religious grounds but, for the well-being and economic progress of the nation (De 2018).

Ambedkar: Being the tallest among the lower caste leaders and an architect of India’s Constitution, Ambedkar’s views mattered next only to Gandhi (whom he fiercely opposed). Ambedkar did not reject Prohibition outright but cited the failure of Prohibition in the United States. In a speech during the provincial administration in 1939, he cautioned that prohibition would significantly impact state revenues (Ambedkar 1932). During the debate on prohibition in the Constituent Assembly in 1948, Dr. Ambedkar opined that any “future law on prohibition would be applicable in tribal areas only according to the restrictions imposed by the Sixth Schedule of the Constitution.” He was dismissive of the obsession with imposing prohibition and again cautioned that losing revenue is “going to make a very heavy call upon the finances of this presidency” (CAD- Vol VII, 1948- Nov 24).

Gandhian views clearly resonated with the Congress party and the public at large. Any discussion on prohibition, invariably brought Gandhi into arguments, including the Constituent Assembly Debates. The drinking practices of the tribal population remained unchanged despite the “coercive efforts by the state and co-optation by the nationalists”, and “the failure of Prohibition and temperance is predicated on the gap between the masses and the state” (De 2018).

Old paternalism’s understanding of state intrusion into individual autonomy to enforce the religious/moral values of the policymakers partially explains the conservative factions (including Mahatma Gandhi), whose ideas of religious morality made its way into legislation. However, the unique Indian, pan-religious conservative alliance between Hindus and Muslims to come up with an

issue-based political alliance to impose prohibition (at the expense of others, such as Parsis) shows a prevalence of majority-minority morality (Hindu-Muslim) over a super-minority morality (Parsis), whose dynamics are more complicated than the blanket category of old paternalism. We use 'conservative paternalism' to summarize the influence of India's dominant majority religion (Hinduism) and its largest minority (Islam) on Indian alcohol policy, pushing it towards prohibition.

5. Constitutionalizing Prohibition

The Constituent Assembly of India met for three years from (Dec 1946- Nov 1949) to chart out the Constitution for free India, and to usher in political, social, and economic revolution (Austin 1999). The Constituent Assembly Debates (CAD) were crucial in shaping the Indian Constitution and in setting the stage for alcohol policies of Indian states.

Caste and Religious Conservatism: In the Assembly, Mahavir Tyagi (Hindu Brahmin from United Provinces) called for the complete abolition of alcohol consumption. Kazi Syed Karimuddin (Muslim League member from Central Province and Berar), advocated an amendment to include Prohibition, warning the assembly that rejecting this clause would be "the rejection of the wishes of the Mahatma" (CAD- Vol VII, 1948-Nov 24). Shibban Lal Saxena defended the loss of revenue through prohibition by arguing that this would lead to at least one hundred crore savings of income of the Harijans (lower castes) (Saxena 1948).

Arguments of liberty by Dalit (depressed lower caste) Leaders: B. H. Khardekar (member All India Depressed Classes, later Congress) strongly opposed the move for inclusion of Prohibition in the Constitution, citing the American experience in attempted prohibition and its failure. He also cited the Madras prohibition law, which could not stop alcohol indulgence, but filled the jails and left a deep hole in the state coffers. He quoted Harold Laski's 'Liberty in the Modern State', and argued that "*prohibition goes against the very grain of personal liberty... The real development of personality comes without suppression, taboos, and inhibitions*". Khandekar also questioned the claims of "unanimous consensus on Prohibition" by pointing out that several Christians and Parsis, for whom drink was part of social life, were not in favour of Prohibition (CAD- Vol VII Nov 24, 1948; De 2018).

Rights to Drink and Tribal Customs: Leaders of the scheduled Tribes opposed Prohibition on the ground that it will infringe on the rights and practices of the Tribal community in India. Jaipal Singh Munda (President of the *Adibasi* (Tribals) Mahasabha) argued that "as far as the *Adibasi* no religious function can be performed (among *Adibasis*) without the use of rice beer". The amendment (which included Prohibition) "is a vicious one. It seeks to interfere with my religious right..." (CAD- Vol VII, 1948- Nov 24). Thus, the Opposition to Prohibition came from Dalits and Tribal members. Rohit De observes that "*the claims to the Indian culture of temperance were reproduction of certain caste norms*".

Prohibition was finally included in the Directive Principles of State Policy in Article 47 of Indian Constitution, stating “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”. Alcohol taxation and prohibition was left as a state subject, listed in the seventh schedule.

Gandhi did not live to see the enactment of the Constitution. Many Gandhians both within and outside the Constituent Assembly felt the Constitution was un-Gandhian. Gandhi’s vision of building the society from the bottom-up with village Panchayats as the foundation of Governance did not materialize in Indian Constitution. However, his strong advocacy for Prohibition did linger on in Indian states’ policy for the next few decades (see **Table 1**).

Soon after the Constitution came into effect, prohibition came to be challenged by many citizens in courts, legislative assemblies, and committee reports. They questioned the constitutionality and exceptions provided to armed forces personnel and foreign residents, citing liberty and equality before law. In the famous *Nusserwanji Balsara v. State of Bombay* (1950), Balsara argued that the Bombay Prohibition Act violated his right to equal treatment and the constitutional right to equality mandated an equal right to alcohol consumption (De, 2020). Eventually many states either diluted or eventually repealed the Prohibition Acts.

6. Gaps in Western Paternalism framework in Indian Context

6.1 Western paternalism’s implicit universalism

Western variants of paternalism help to better understand certain key aspects of India’s alcohol policy experience, albeit to a limited extent due to fundamental epistemological constraints, stemming from the West’s unique historical experiences, which do not include influences by social institutions such as caste, or by a syncretic yet hierarchical religion such as Hinduism.

A focus on paternalism operating at the individual, institutional, and state levels helps explain the impacts of institutions such as religion and caste norms in constricting individual autonomy and freedom in India. Hard paternalism helps to understand hard-line coercive policies such as prohibition, which prevent even conscientious citizens who understand the risks from drinking and desire to drink responsibly, from drinking.

A crucial enabler of the tremendous power vested in the state to judge certain citizens’ end- goals (such as alcohol consumption) as dangerous in themselves is the influence of Gandhian morality on Indian alcohol policy, which can be understood well through moral paternalism. Gandhi’s views on the inherent immorality of alcoholism would go on to shape Indian alcohol policy and the paternalistic posture of the Indian state as explained in detail with examples in later sections. On the other hand, Nehru and Ambedkar’s support for restrictions on alcohol consumption were more aligned with notions of welfare paternalism.

However, a key oversight in the current understandings of paternalism, as it pertains to Indian alcohol policy, is the implicit assumption that the state (as the entity responsible for operationalizing paternalistic policies) is identical in the European and Indian cases. The institution of caste and its role in shaping Indian attitudes and policies towards alcohol has not been systematically examined in terms of the structural violence (destruction of tribal cultural practices) caused by the supposedly benevolent upper-caste insistence on prohibition on public health, morality and welfare grounds. These restrictions imposed by dominant castes were ultimately also about imposing a certain lifestyle on the entire nation, in disregard of the importance of alcohol in certain tribal cultural practices.

There is insufficient reckoning of the particular characteristics of British colonialism in India, native bedrock institutions such as caste, unique religious conservatism, and anti-colonial state nationalism (as also populist regionalism) in the composition of India's state structure with the attendant implications for alcohol policy. A second oversight is the influence of such factors in creating a unitary and pan-state approach, whose homogeneity (in terms of imposition of state-wide uniform policies) marginalizes the age-old alcohol practices of tribals, scheduled castes and other historically marginalized social groups.

7. Discussions and Debates on Pragmatic Alcohol Policy in India

Indian alcohol policy of today is the end-product of a fusion of colonial, caste, conservative, nationalist, and regional impulses that influence the very nature of the state and the shape of the policies it produces. The overall aim of this paper is to derive the rudiments of a paternalistic framework with Indian characteristics, which is capable of understanding and explaining the Indian experience with alcohol without resorting to the universalism of blanket categories such as 'hard/soft,' 'new/old' etc. Such a framework opens the conceptual space for exploration into the vast terrain of Indian paternalisms (such as British colonial and caste paternalism).

The benefit of such exploration is to both conceptualize more context-specific theories as well as to conduct granular, region-specific studies on specific caste-relations and their influence on the local political-economies of alcohol. How did 'colonial-caste-conservative-nationalist-regional' factors act in individual states to shape alcohol policy? How did the aforementioned nexus of factors manifest in states with predominantly tribal populations? India's variegated geography, large population, diverse culture, social institutions such as caste, and subjugation under colonialism has created a unique complex of experiences related to alcohol; we argue for it to be studied in its own right, using theoretical frameworks derived from its own milieu.

This paper reviewed the history of alcohol in India and found strong currents of colonialism, caste-preferences, conservatism, state-nationalism, and regional populism that have combined to influence Indian alcohol policy. Should current Indian policies continue to commodify and centralize alcohol production, impose blanket prohibitions, sustain high taxation, and severely prosecute poor and marginalized offenders? Or should they break away from the aforementioned path-dependencies

towards a more liberal alcohol policy, which treats alcohol both as a commodity and a socio-cultural product, and regulates its production and consumption with respect for local cultural customs, thereby mitigating the marginalization of tribal communities?

Should alcohol be viewed as a societal risk, to be regulated in the Gandhian manner of prohibition, or should it be viewed as an essential part of Indian rural and tribal culture, to be decentralized in terms of production and consumption? Current Indian alcohol policy is constrained by the straitjacket of commodification, centralization, caste-preferences, religious conservatism, anti-colonial nationalism and erratic regional populism. The ability to better understand the Indian experience with alcohol as a particular kind of paternalism, imposing a certain path-dependency via state power, helps to open the space for a truly secular, decentralized, decommodified, re-cultured, egalitarian, and predictable alcohol policy.

For example, an alcohol policy for Maharashtra state could avoid the Western approach of a single (colonialism-inspired) region-wide set of regulations. It could be highly localized and context-specific, with regulations of varying degrees of permissiveness or restrictiveness, based on the local history of a particular district/sub-region. Such an approach would enable governments to be more sensitive to the particularities of tribal practices towards alcohol (or practices of scheduled castes) in regions where their population is high. Such an approach could also enable alcohol regulation in areas such as South Mumbai to be more sensitive to the cultural practices of the Parsi community.

Such a localized, context-specific approach would also better align with the Indian government's own stated goal of decentralization, which aims to transcend colonialism's emphasis on a strong central government through a post-colonial devolution of power to state and local administrations. The assumption being that such devolution would strengthen democracy, through greater sensitivity in regional and local regulations for regional/local context.

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