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**The paradox of Nagaland Total Liquor Prohibition (NLTP) Act 1989 with special reference to Black Economy in Dimapur**

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**Abstract:** Under the aggressive pressure of Nagaland Baptist Church Council and Naga Mothers Association, the Nagaland Liquor Total Prohibition (NLTP) Act was passed in 1989. However, ever since there has been an unabated inflow of liquor into the state and there are numerous illegal liquor outlets fearlessly operating in every nook and corner in Nagaland especially in Dimapur. The present study has attempted to provide the actual ground realities by conducting investigation to assess the quantum of illegal liquor business and the amounts of money spent on alcohol in Nagaland. There is absolute incompetency and laxity on the part of the enforcement department in implementing the Act. We believe prohibition is not the solution - it just drives buyers and sellers underground. Instead, scrapping prohibition would ensure better quality liquor at cheaper prices and increase government revenue. We suggest that until that time the Parliament amends the Constitution and removed intoxicating drinks and of drugs from the State List and declares complete prohibition of alcohol in the country, no state will stand the prohibition in isolation, let alone Nagaland state.

Key words: Alcohol, prohibition, Nagaland, illegal, government, business, bootleggers.

**Introduction**

In India, the business of manufacture, sale and consumption of Indian Made Foreign Liquor (IMFL) remains one of the most regulated domains with rules varying from state to state (Shrivastava, 2021). Every state has its own set of laws regarding alcohol like legal age of drinking, excise policy, conditions for providing license, grounds for prohibition etc. As per the Indian constitution, alcohol law is included in the Seventh Schedule of the Constitution of India and comes under the State List. Item number 51 in the State List which deals with 'alcohol for human consumption' entrusts the state legislature with the power to draft rules governing the business of liquor in the state. The framers of the Constitution included Article 47 in the Directives Principles of State Policy which says, "The state shall endeavour to bring about prohibition of the use except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health." Therefore, in concurrence with the provisions enshrined in the Constitution, the state can

modify the alcohol laws according to their own context (Chowdhury, 2018). The constitutional provision while affixing a high degree of responsibility on the state to raise and improve the state of public health has also entrusted the state to ensure that drinks or drugs which are injurious to health be prohibited.

The states that define selling alcohol is illegal, are called 'Dry States' in India. At present, there are 5 states and 1 union territory under 'Dry State': Bihar (Excise (Amendment) Bill 2016 Section 19(4)), Gujarat and Lakshadweep (Bombay Prohibition (Gujarat Amendment) Bill, 2009), Manipur (The Manipur Liquor Prohibition Act of 1991), Nagaland (Nagaland Liquor Total Prohibition Act, 1989) and Mizoram (Mizoram Liquor Prohibition Bill 2019).

Several states in India have had the experience of prohibition of sale and consumption of alcohol and relaxation of the prohibition laws on grounds of economic, health and enforcement issues. Andhra Pradesh, Haryana, Tamil Nadu, Kerala, Mizoram and Manipur are the states that have experimented with partial or complete ban and lifting the ban at one point of time on liquor. Widespread smuggling, massive sale of illicit liquor and negative feedbacks from the public have forced the governments to reverse the decision.

### **The Nagaland Liquor Total Prohibition (NLTP) Act 1989:**

Under massive pressure from the Nagaland Baptist Church Council (NBCC) and Naga Mothers' Association (NMA), the then Congress government passed the Nagaland Liquor Total Prohibition (NLTP) Act, 1989 in the Nagaland Legislative Assembly in 1989 prohibiting possession, sale, consumption and manufacture of liquor and import and export of it in Nagaland. The Act further bans the use or possession of denatured spirit or any material, utensil, implement or apparatus whatsoever used for manufacture of liquor. Publishing or display of advertisements of liquor or any other preparation fit for use as liquor in the newspapers and periodicals is also banned. The NLTP Act, 1989 (The Nagaland Act No. 4 of 1990) received the assent of the Governor of Nagaland on 13th April, 1990 and published in the Nagaland Gazette extraordinary dated 24th April 1990.

Short title, extent and commencement of the Act:

- 1) This Act may be called The Nagaland Liquor Total Prohibition Act 1989.
- 2) It extends to the entire state of Nagaland
- 3) It shall come into force on such date as the Government may by notification appoint.

However, ever since NLTP Act was introduced in the year 1989 its enforcement for the last thirty two years has been a failure. It has neither observed entirely nor has it been able to stop the flow of liquor in the state. Rather it has only given to increment of illicit liquor brewed and bottled spuriously by bootleggers who are making hefty business and making it available in every nook and corner of the state.

**Statement of the Problem:** After the enactment of the prohibition law in 1989, the legal liquor business was immediately substituted by bootleggers and smugglers and the liquor black markets continue to thrive at the cost of the state's exchequer. At present there is no dearth of liquor for consumer and neither is there any lack of one's own choice of liquor in Nagaland especially in Dimapur. Unlike other legal businesses, liquor is openly much costlier and the worst is its spurious quality which is dangerous for human consumption but enormously consumed because it is readily available in the market. Also there is no price regulation; it keeps on fluctuating at the whims and fancies of the sellers.

**Relevance and Scope of the Study:** The present study is intended to provide the actual ground realities of the 'dry state' status prevalent in Nagaland taking the case of Dimapur town and give a deeper insight to the administrators, law keepers, researchers and all other stakeholders the validity of continuing the prohibition law in Nagaland. So far there is no physical investigation or field research work been conducted to assess the quantum of illegal liquor business and the amounts of money spent on alcohol in Nagaland. This study is thus envisaged to highlight the number of illegal liquor wholesale shops in different localities in Dimapur town and total amount of money spent on alcohol per day.

**Literature Review:**

A critical examination of alcohol-prohibition policies, implementation and evaluation in different states will throw light in understanding the issues on a larger perspective. We have also put forth the various debated arguments that have come out in public domain relating to NLTP Act 1989. In the last part of this section, we present the summary of the findings and research gap.

In the United States of America, following the National Prohibition Act adopted during the first quarter of the 20th century until the onset of the Great Depression, the lowered level of alcohol consumption during the quarter century following Repeal, together with the large minority of abstainers, suggests that Prohibition did socialize or maintain a significant portion of the population in temperate or abstemious habits. That is, it was partly successful as a public health innovation. Its political failure however, is

attributable more to the changing context of the Great Depression period than to characteristics of the health innovation itself (Blocker, 2006).

Examining why people in the southern state of Kerala are the heaviest drinkers in India, and sales of alcohol are rising fast, Biswas (2010) revealed that Kerala has the highest per capita consumption of alcohol overtaking traditionally hard-drinking states like Punjab and Haryana. The author found that amongst others - high unemployment, easy access to alcohol and the fact that drinking has become a 'part of upwardly mobile living' are perhaps more important reasons for heavy drinking.

While every excise year, the government of NCT Delhi, notifies the number of dry days in a year, the three national holidays — January 26, October 2 and August 15, when liquor shops are closed and alcohol isn't sold in restaurants and pubs as well, Sood and Jain reported in Hindustan Times (August 14, 2011) a survey conducted by HT City (in the age group of 18-25) where 60% respondents say dry days are warranted. But there are some who think otherwise and argued that people stock their bars a day before and so find the entire concept vague and makes no sense.

In the state of Tamil Nadu, dry law has had a chequered history. Giving a chronological account of the yo-yoing nature of liquor prohibition in Tamil Nadu, Muruganandham (2013), stated that Tamil Nadu could not remain an island when liquor was freely flowing in neighbouring states.

Luca et al. (2015) found evidence that state level bans on the commercial sale of alcohol are associated with substantial reductions in the likelihood of male drinking as well as domestic violence. They also provided evidence that alcohol prohibition reduces aggregate violence against women in officially reported crime data. In a similar study, Subramanian et al. (2015), revealed that male with no education were more likely to consume alcohol than those with a post graduate education. In a strange revelation, unlike men, women showed a U-shaped association between education and alcohol consumption. The study further reveals that members of scheduled tribes and castes and other backward classes were more likely to consume alcohol than members of other caste groups. They concluded that there was no difference in alcohol consumption between men from states that were not under prohibition and those that were. By contrast, states not under prohibition have higher alcohol use by women than those under partial or complete prohibition.

In Manipur, with an exemption granted to scheduled caste (SC) and scheduled tribe (ST) communities to brew local liquor for traditional purposes, the state officially became

a “dry state” in 1991. However, the state government’s inability to effectively enforce liquor prohibition over the last two decades and its need for additional revenue has compelled it to mull over the option to lift the ban on alcohol in the state (Kamei, 2017). The author observed that IMFL can be sourced from several places, including canteens of Assam Rifles and Manipur Rifles besides smuggling from bordering states of Assam and Meghalaya and from Myanmar via Tamu.

Approaching prohibition in Bihar from a socio-legal perspective Kahle (2018), argues that on the one hand, several Bihari women called for prohibition of alcohol as they consider law a tool to be wielded to negotiate with their violent husbands. On the other hand, the state government that responded to the demands for a prohibition is indeed interested in engineering a healthier society for economic reasons. In Bihar, the cocktail of weak enforcement, corruption and the pent-up demand for booze - more so during the election campaign - seems to have created an active illicit market of counterfeit alcohol (Hizbullah (2020).

Chowdhury (2018), reveals that in every alcohol banned state in India, although huge amount of money goes underground, yet, women in these states are much safer. In a similar study by Owens et al. (2019), found that men who consume alcohol are more likely to commit violence against their partners. The authors also provided suggestive evidence that laws restricting alcohol consumption is associated with lower rates of motor vehicle accidents and crimes against women, if not other forms of crime.

In Mizoram, after 18 years of prohibition, the state has lifted the ban in 2014. However, it has led to an increased alcohol related evils that it was found necessary to prohibit again in 2019. (The NE Now News, AIZAWL, dated March 20, 2019)

Terming alcoholism as a national disaster, Kishore (2021), stated that if we truly honour Gandhi as Father of Nation and Patel as architect of unified India, then their dream must not be cornered for they were also the champion of temperance movement in India. However, the author lamented saying the state governments across the country are violating this edict with impunity, because the liquor industry has become a powerful political lobby and a major source of revenue.

In the midst of legal arguments to the tricky question, “Is the right to drink a fundamental right?” The apex court has said time and again that what to eat and drink is one’s personal matter and essential to Article 21 of the Constitution which talks about right to life and personal liberty. However, the apex court has also clarified that such rights can

be curtailed if the restriction by the state/government is on the basis of compelling public interest(Shrivastava, 2021).

In Gujarat, the state has been dry for much of its existence. But the state saw liquor seizures worth nearly Rs. 34 lakh daily on average between April 2019 and December 2020. And this included the lockdown and night curfew periods of large-scale police deployment to ensure enforcement (Choudhury and Sharma (2021).On the other hand, while claiming that his decision to impose prohibition was widely admired and that he was invited by advocacy groups in UP and Jharkhand to share his experience, the chief minister of Bihar also admitted that despite the best intentions, there will always be some mischief mongers (The Economic Times, December 27, 2021).

### **Arguments on NLTP Act 1989:**

Some of the debated arguments that have come out in public domain on whether it should be given more teeth or be relaxed altogether are reviewed as under:

With the state government not giving effort to stop the sale and consumption of alcohol and the rampant sale of alcohol in the state, Khutso and tunyi(2014) has termed and questioned the state government; “Not Act 1989: The Law of Permission?”. They blamed that the state government is turning deaf ears to the ones who are voicing out against this Act. According to the ‘Magnitude of substance use in India, 2019 report’ released by the Ministry of Social Justice and Empowerment in February, 20 per cent of alcohol users in Nagaland fall under the category of ‘harmful’ use (NE Now News, March 4, 2019).

While expressing serious concern over the alarming spurt in adulterated liquor dens and outlets in Nagaland, the Central Nagaland Tribes Council (CNTC) questioned the Dimapur Municipal Council how the liquor dens, especially those in the garb of mineral water bottle outlets selling spurious and adulterated liquor, have procured their trade licenses. Also, since the existence of the excise department in the state has become “questionable” and a “mockery in itself”, the CNTC appealed to all the Gaon Burhas (village chiefs), chairmen and colony councils to penalise the house owners and landlords in whose premises those dens and outlets were being run. The CNTC also questioned the district administration why it has allowed this “nefarious activity” to continue right under its nose.(Bhadra Gogoi NE Now News, February 23, 2020).

Taking cognizance of the Dimapur Naga Students’ Union (DNSU)’s ultimatum on the state government serving a seven-day deadline to the authorities with effect from

February 22, 2020 to close down all liquor shops and outlets and thoroughly check flow of liquor in Dimapur, the excise department decided to form a “dedicated committee” headed by deputy commissioner (narcotics cell) to curb the flow of liquor in the state (NE Now News February 25, 2020). In the committee formation meeting the advisor (MLA in-charge of Excise Department) described the DNSU’s ultimatum as a wakeup call for the department and affirmed to take immediate action with all seriousness.

On 26 February, 2020, the Naga Tribal Union Chumoukedima Town had demanded a resolution on whether the NLTP Act 1989, be given more teeth or relax it all together by the enactment of a law. The union also demanded that the NBCC, which is totally against lifting of the NLTP Act, convene a meeting involving all stakeholders and come out strongly with a resolution on the Act. The union said despite the passing of the Act, Nagaland has remained a wet state and the flow of IMFL has increased manifold through liquor barons and bootleggers. The union alleged that IMFL is easily available even in grocery, confectionery and garment shops, restaurants and hotels and even in pan shops all over the state, particularly Dimapur and Kohima. (Gogoi, Northeast Now News, 26 February, 2020)

Zhimo in her press article, “NLPT Act: Repeal or Review” in The Morung Express (Daily), 9th September 2020, pointed out that after Nagaland became a ‘dry state’ instead of drinking legally, people started drinking illegally. The inflow of liquor into the dry state has continued to remain regular and adequate and hundreds of people have been arrested every year for “contravention of the provision” of the Act. However, she also pointed out the loopholes in the act saying that the provisions under the legislation are ‘toothless’ to harshly chew any offences. The author opined that the NLPT Act must be either reviewed thoroughly and strengthened to discourage violation or modified to allow people to drink legally under certain conditions. Else, Nagaland’s ‘dry state’ status will only remain on paper while ‘illegal’ alcohol continues to flow.

Yhoshü (2021), in her report in Hindustan Times stated that a total of 1,187 cases of liquor and narcotics cases were registered during April 2020 till December 2020. Of the total cases, 1,180 were liquor-related while only seven were narcotics and other drug cases.

The Dimapur Naga Students’ Union (DNSU) again in April 2021 served 20-day ultimatum on state government to set up a committee/commission to thoroughly review the NLTP Act 1989 (Nagaland Post (Daily) April 20, 2021). The union stated that this ultimatum was compelled because government did not pay any heed to their representation submitted to the state government on November 21, 2020 seeking for necessary action for

reviewing the Act such as – the penalty/punishment and strength of the excise personnel and either review or revoke the Act, table the agenda on NLTP in the State Legislative Assembly and conduct a stakeholders’ meeting for reviewing the Act. The union said the level of seriousness that the government showed over the issue was ‘disappointing’ and termed implementation of the Act as a ‘mockery in itself’, ‘toothless’ as the penalty was ‘lenient’ making the Act redundant.

Not only student organisations but villagers have questioned the utility of NLTP Act and asked the state government to either add more teeth to the implementing agencies or lift the Act altogether as it has now been rendered only a paper tiger bringing shame and disgrace to the Naga society. For instance, villages under Chumoukedima administrative circle have appealed to the state government to re-visit the NLTP Act of 1989 besides suggesting holding wide consultative meetings with stakeholders whether to amend or withdraw the Act (Nagaland Post (Daily) April 27, 2021). In their meeting villagers also questioned the credentials of NBCC in this regard and reminded the church leaders that the Act was passed at its behest. They also reminded the church that simply passing the Act was not an end in itself as concerted and continuous efforts were required on NBCCs part to keep pressurising the state government and also prepare an action plan for the church to continually fight against this monster.

Villagers also appreciated the security personnel, particularly 5<sup>th</sup> Assam Rifles, for having busted the illegal spurious liquor bottling plant at 7<sup>th</sup> Mile Model Village on September 4 and appealed to them to boldly continue their fight against this life threatening menace. While appealing the authority concerned to award stringent punishment to those caught in this nefarious business, they also resolved to co-operate and support the security forces or any agency fighting against this evil.

Konyak (2021) in her press article stated that the government of Nagaland is mulling to partially lift the ban when the state cabinet decided to constitute a committee headed by the state chief secretary to work out the modalities and submit its report within a month. The press statement also mentioned that the partial lifting of NLTP Act 1989 was mooted several years back but the government had not taken any concrete steps.

Replying to a query raised by a faculty member during his visit to St. Joseph University (SJU) at Chumoukedima on 7 February 2022, the Governor of Nagaland, Prof. Jagdish Mukhi spoke of his experience as excise minister of Delhi government and Lieutenant Governor of Andaman and Nicobar Islands, and said complete



ban on sale and consumption of alcohol was ‘not feasible’ but the extent of consumption and sale of alcohol could be curtailed in a gradual or phased manner. The Governor also said that a thorough study conducted in the two territories proved the fallacy of prohibition (Nagaland Post, Tuesday, Feb. 8, 2022).

**Summary of the review and research gap:**

From the above review, we found that in every banned state, it hasn’t stopped a massive industry of illicit liquor which is widely prevalent and providing instead, an opportunity to make lucrative black business. We also found that there was no difference in alcohol consumption between men from states that were under prohibition and those that werenotunder prohibitionand that prohibition policies appear to have little effect on alcohol use by men, but may reduce the proportion of women who consume alcohol. On the other hand, some studies found that reducing access to alcohol through prohibition laws decreases the likelihood of drinking, smoking, and domestic violence. Some studies also provided strong suggestive evidence that, if not other forms of crime, laws restricting alcohol consumption is associated with lower rates of motor vehicle accidents and crimes against women. Contrary to Nagaland, we also found that overall, rural India drinks more alcohol than the urban regions.

Further, we found no attention been given to the disclosure of the exact number of illegally established underground liquor business and the amount of money spent by public going underground inNagaland. The central issue addressed in this study is thus, local specific to match the context of Nagaland state.

**Area of Study:**

Dimapur, situated in the plain borders of Assam state, is the largest and the only town connected with rail and air ways in Nagaland having a population of 3,78,811as per 2011 census. Its railway station is the second busiest station in northeast India. Dimapur being the gateway of Nagaland to the rest of the country and the world has made it into a commercial capital of the state with people coming from all over the country mainly for business purposes. In Dimapur Municipal area, there are 23 wards consisting 87 colonies with a population density of 4809.47 Sq.km (2011 Census).For the in-depth and comprehensive coverage of the study area, we have tried with our utmost capacity to unearth all the illegal liquor wholesale establishments in Dimapur town.

**Objectives:**

The NLTP Act 1989 has been the most contentiously debated issue in Nagaland over the years. But the validity of the arguments either in favour or against the continuation

of the prohibition Act has not been provided by revealing the relevant facts and figures. In view of these gaps, our study objectives are to:

- 1) To find out the number of illegal liquor business establishments in Dimapur.
- 2) To find out the approximate amount of money spend on alcohol in Dimapur per day.

### **Data and Methodology:**

The study has been fully based on primary data which has been collected through personal interviews and questionnaires. The present study is explorative and descriptive in nature. Simple statistical tools such as averages and percentages have been used to arrive at the final result.

#### **1. Sample:**

The sample design has been prepared in such a way to cover the entire town of Dimapur. The following are the approaches of sampling applied in the study:

**A) Sample selection:** As is well known, the illicit liquor business has become so rampant in Nagaland and more so in Dimapur that it was not possible to neither visit nor identify all the illegal retail liquor shops/outlets in all the localities of Dimapur town. Hence, the illegal liquor wholesale shops in Dimapur town have been taken into account. This selection is done because except some negligible percent of retailers/outlets who bring directly from Assam, it is found that almost all the retail shops/outlets get their supply from the wholesale shops in Dimapur itself.

**B) Sample size:** As far as possible all the localities of Dimapur town have been covered.

**2) Source of Information:** Primary information was collected through the framed questionnaire along with personal interview. In some cases of reluctance and hesitancy on the part of the respondents to furnish the required information, second and third attempt has been made by impersonating as retailers or visiting along with actual retailers to extract the required information.

### **Results and Discussions:**

The collected data has been organised and presented in the Table below depicting the number of illegal wholesale liquor business establishments in different localities with varying average sales per day in each locality. The prices of five most common types of liquor commonly consumed by people have been taken, namely: Can Beer, Bottle Beer, Whisky, Vodka and Rum which are available in all the establishments with slight variations in prices. The total sale per day, however, is inclusive of all kinds of other liquors available at the disposal of the establishments.

**Illegal Wholesale Liquor Business in Dimapur Town Area**  
(All figures in average wholesale price except No. of Shops)

Sl. No.	Locality	Types of Liquor and Price per Litre(in Rs.)					Total Sale per Day (inRs.)	No. of Shops	
		Can Beer	Bottle Beer	Whisky	Vodka	Rum			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
1.	Signal Bazaar	120	150	400	400	360	19,750	2	
2.	Dhobinala	120	150	400	400	360	36,000	3	
3.	Rail Gate	120	150	400	400	360	45,333	4	
4.	Walford	120	150	400	400	360	22,000	2	
5.	Super Market	120	150	400	400	360	68,000	6	
6.	City Tower	120	150	400	400	360	1,46,000	2	
7.	Duncan	120	150	350	350	300	49,250	4	
8.	Kashiram	120	150	400	400	360	36,666	3	
9.	DC Court	120	150	400	400	360	15,000	1	
10.	Murkipati	110	130	350	350	250	60,000	1	
11.	Burma Camp	120	150	400	400	360	46,000	4	
12.	Total							5,43,999.00	32
13.	Profit %	9.1	15.4	14.3	14.3	44			
14.	Average Profit Percentage							19.42 %	

Source: Field Work

In fact, there are many more localities under Dimapur town but as depicted in the Table, there are 32 illegal/unauthorized liquor wholesale shops in eleven (11) localities. As shown in the Table, the average prices of different brands are same in all localities except Duncan and Murkipati localities.

A collusive oligopoly type of market has been found in Duncan locality where the 4 established illegal liquor wholesalers (Sl.No. 7) seem to have colluded to fix for themselves a price different from other localities for Whisky, Vodka and Rum.

In Murkipati locality (Sl.No. 10), there is only one established illegal liquor wholesale shop and it is the only wholesale shop in Dimapur where one can get liquor of any types and brands at the same price as is charged in Assam where there is no prohibition. The modus operandi of this establishment managing to sale at the same price as legal wine stores in Assam remains elusive. Comparing the price in Assam (and Murkipati) with prices in other localities, the average profit percentage of wholesalers stand at 19.42 % (Sl. No. 13 & 14).

City tower area which is the main town area having two wholesale shops makes the highest sale per day amounting to Rs.1,46,000 lakh (Sl.No. 6 and column (8)). The two established wholesale shops been strategically situated with parking space for customers coupled with designated tempo carrier parking area nearby has enabled them to comparatively make much higher sales. It is also found that a good number of retail dealers from Dimapur as well as the dealers from other districts prefer to buy from these two shops due to its proximity to other transport agencies and the normal absence of police frisking in

the main town. Super market area has the highest number of wholesale shops (6 Nos.) and their total average sale per day is Rs.68,000/- and the locality like DC court has only one wholesale shop but makes Rs.15, 000/- sales per day.

As shown in the table, from total number of 32 illegal liquor wholesale establishments, the total average sales per day is found to be Rs.5,43,999/-. When we calculate in terms of month, retailers are paying Rs. 1,63,19,970/- monthly to the wholesalers (5,43,999x 30). It is observed that some retailers are getting their supply from Assam as well and so assuming that just 20% of the retailers' purchases (i.e., 20% of monthly purchases from wholesalers in Dimapur) are made in Assam, than retailers' monthly purchases will amount to Rs.1,95,83,964/- (20% of 1,63,19,970+ 1,63,19,970). Assuming that retailers charge just 10% higher than the wholesale price from their ultimate consumers, the monthly spending on liquor by ultimate consumers will amount to (10% of 1,95,83,964+ 1,95,83,964 =) Rs. 2,15,42,360/- (Rupees two crore, fifteenlakh, forty two thousand three hundred and sixty)in Dimapur alone.

Drawing inference from Dimapur and taking into account the average of total population and urban population of each district, the approximate amount of spending by ultimate consumers on liquor in all the other ten (10) districts in Nagaland (excluding the recently created districts of Noklak, Tseminyu, Chümukedima, Niuland and Shamatore) can be calculated as given in the Table below:

#### Monthly Approximate Spending on Alcohol in Nagaland (Inference from Dimapur)

Sl. No	District	Total population (2011 census)	Urban population (2011 census)	Average (3) + (4)	Average amount spent by (5)	Amount (Rs.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Dimapur	3,78,811	1,97,869	2,88,340	x75 =	2,15,42,360/-
2	Peren	95,219	13,790	54,505	x 75 =	40,87,875
3	Wokha	1,66,343	35,004	1,00,677	x 75 =	75,50,775
4	Mokokchung	1,94,622	55,725	1,25,174	x 75 =	93,88,050
5	Longleng	50,484	7,613	29,049	x 75 =	21,78,675
6	Mon	2,50,260	34,444	1,42,352	x 75 =	1,06,76,400
7	Kohima	2,67,988	1,21,088	1,94,538	x 75 =	1,45,90,350
8	Phek	1,63,418	24,575	93,997	x 75 =	70,49,775
9	Zunheboto	1,40,757	27,597	84,177	x 75 =	63,13,275
10	Kiphre	74,004	16,487	45,246	x 75 =	33,93,450
11	Tuensang	1,96,596	36,774	1,16,685	x 75 =	87,51,375
<b>Total</b>						<b>9,55,22,360/-</b>

Source: 2011 Census and approximate estimation

Thus, it is estimated that Rs. 114,62,68,320/- (9,55,22,360x 12), (Rupees one hundred fourteen crore, sixty two lakhs, sixty eight thousand, three hundred twenty) are been annually spent on liquor in Nagaland.

**Justification of assumptions:** Our annual estimated spending on liquor in Nagaland at Rs.114,62,68,320/- has been calculated by assuming the lower end of the following counts: **Firstly**, retailers' monthly purchases amounting to Rs.1,95,83,964/- in Dimapur alone includes the assumed 20% of the retailers' purchases that are made in Assam. There are cases that retailers purchase their stock from Assam. However, due to intermittent frisking by both Assam and Nagaland police and excise personals at the check gates, assumption of just 20% on this count may be taken. **Secondly**, assumption that retailers charge just 10% higher than the wholesale price from their ultimate consumers may also be taken because there is rampant sale of liquor in Dimapur and that it is just a matter of few minutes to visit numerous wine/liquor shops in Assam bordering Dimapur. Hence, there is high possibility that retailers will not charge more than 10% from their ultimate consumers. **Thirdly**, due to availability and affordability, alcohol consumption is observed to be more in urban than in rural areas in Nagaland. Hence, considering the average of the total population and urban population in estimating the approximate spending on alcohol in Nagaland may be taken.

**Findings:** Since illegal liquor wholesalers and numerous outlets/retailers are fearlessly present in every nook and corner selling the banned item day in and day out in Nagaland particularly in Dimapur, it is proved beyond doubt that there is absolute inability on the part of the state government to effectively enforce liquor prohibition in Nagaland over the last three decades. There is easy availability of Indian Made Foreign Liquor (IMFL) along with that of local liquor the business of which are thriving in the state despite its dry state status. Hence, our findings may be summarized as under:

1. **The lackadaisical attitude of the law keeper:** The law keeper especially the excise and police personals have no interest or sense of enforcing the prohibition law whatsoever unless specifically detailed by their superiors for a specific target. It is commonly observed that illegal liquor business activities are carried out right under their nose with impunity. For instance, there are liquor retail shops just nearby the sub-police station in Metha colony and traffic police station in Rail Gate area. It shows bootleggers and law keepers have a good sense of understanding in doing each other a favor.

2. **Loss of government revenue:** As revealed in our study, the annual spending on liquor in the state of Nagaland which is estimated at the lower rate is still found to be a whopping amount of Rs. 114,62,68,320/- (Rupees one hundred fourteen crore, sixty two lakhs, sixty

eight thousand, three hundred twenty). As there is no question of paying excise duties/GST to the government, all these amounts goes as black money resulting to huge loss in government revenue.

**3. Proponents of the dry law:** Initially the church and the women organizations are the main proponents who oppose any lifting of prohibition law. But now it is obvious that liquor barons, bootleggers and smugglers along with some politicians are the stronger proponents of the dry law who opposes any lifting of the prohibition law.

**4. Enforcement Problems:** In Nagaland, though IMFL are prohibited traditional ‘Zu’ and ‘Rohi’ liquor can be prepared and consumed. As such, in connivance with such loopholes, everything from beer to whiskey to rum can also be got from these local brewers too. On May 26, 2014 Commissioner of Excise Nagaland issued an order to destroy 4,488 cases of seized IMFL. A civil society group arrived to discover that only 2,394 were destroyed and the rest were missing (The Indian Express, June 22, 2014). In the “dedicated committee” formation meeting convened in response to DNSU’s ultimatum, the advisor of the excise department while seeking the active participation of all stakeholders, including NGOs, police and administration said it should be a people’s movement. The advisor also felt that the enforcement department should be modernised and equipped with adequate logistics and arms to face security threats from elemental forces. This means that the enforcement department is not equipped and so the best option is to throw responsibility on the people.

**5. Legal perspective:** Although the NLPT Act 1989 is in concurrence with article 47 of the Constitution, there are loopholes in the Act where the magisterial authority was conferred to the enforcement department and that the department serves as a quasi-judicial body when it comes to liquor offences. As a result, most offences are disposed by the department— imposing monetary penalty on the offenders, as specified in the Act, and the illicit liquor impounded for destruction. While there are various quanta of punishments for contravention of the provision of the Act, the provisions under the legislation seems to be toothless to harshly chew any offences. The usual practice is when compelled to apprehend the culprits/offenders, cases are filed and charge sheets prepared but released on bail after hardly a day or two.

### **Conclusion:**

There is absolute incompetency and laxity on the part of the enforcement department giving free hand to liquor barons and bootleggers. This has led not only to mushrooming of illegal liquor businesses but also setting up of several illegal liquor bottling plants in the state threatening the society if allowed to continue uncurbed.

There have been instances where civil society organisations and students' bodies acted as a law enforcing agency and busted some illicit liquor entrepreneurs and coaxed the law enforcement authorities to do the same. However, as the CNTC has pointed out, the existence of the excise department in the state has become "questionable" and a "mockery in itself". The DNSU also has rightly pointed out that these law keepers seem to have lost interest or sense of enforcing the prohibition law whatsoever prompting the promising illicit entrepreneurs to show no sign of fright towards them and the toothless law which seldom bites and even if it did, hardly left any scratches on their resilient toughened skins.

While the NBCC has recently reaffirmed its stand on the issue and urged the state government to seriously implement the law, many have also alleged that the NBCC is least concerned today about the illegal liquor businesses in Nagaland. In today's situation, it seems ironical that the church is hand in glove with liquor barons and bootleggers opposing any lifting of prohibition law. This has prompted the CNTC to come out with a press statement urging "churches to stop seeking and receiving donations from those kingpins of liquor syndicate and liquor barons as the church's very stand on prohibition has become completely questionable and hypocrisy". Their argument is that due to total prohibition, spurious and adulterated liquor are sold in the market which takes more life than the original liquor.

Time and again the various civil society organisations including the students' bodies have strongly urged the concerned authorities to curb the illegal liquor business activities with more diligence and seriousness. But besides the various enforcement problems and legal loopholes, excise department has shown so much of reciprocal leniencies towards the producers/suppliers/sellers of liquor in Nagaland allowing bootleggers and smugglers easily get away with it.

Though the intention was good it has developed to such a situation that it is inevitable to compromise for the greater good of the society and the future because prohibition has only helped spurious and adulterated liquor find its way into the state through the black market which consequently affects the health of the people who drink alcohol. It is quite disturbing to see how, without any regulations, the illegal flow and sale of spurious and adulterated liquor is affecting the people including the younger generation and the student community who are under aged. A more disturbing reality is that in the profit monger black market; spirit filled, poisonous acid mixed alcohol are being sold to make more money and the people especially the poor are unknowingly drinking the poison due to total prohibition while the high class people import without any issue. If people want to

drink they might as well drink good quality alcohol instead of toxic ones. Due to prohibition we had lost enough resources and lives. It's high time the state government legalize the sale of alcohol than practicing a hypocritic exercise.

We believe prohibition is not the solution - it just drives buyers and sellers underground. Instead, scrapping prohibition would ensure better quality liquor at cheaper prices and increase government revenue. Existence of the impotent prohibition laws will only invite more evil than good, more criminals than law abiding citizens and more death than lives because the quality of alcohol is more harmful than the act of legalising it. The ban has led to rampant unauthorised bottling and sale of alcohol even to minors through the black market without any regulation. Many people consume alcohol in Nagaland from ministers to labourers. While poor people selling it are extorted and harassed in the name of the ban, the rich are state protected. We believe people should be given the choice to choose if they want to drink like many other states and countries.

**Suggestions:** The constitutional provision putting intoxicating drinks (alcohol) and drugs as a state subject and empowering states to formulate laws with regard to alcohol has made the matter complicated. The Central government should amend the Constitution for complete prohibition of alcohol and all intoxicating drinks all over the country. Until that happen no state will stand the prohibition in isolation when liquor is freely flowing in neighbouring states. We believe that no amount of reviewing or modification of the NLPT Act or partial prohibition will work in Nagaland. The best option is to lift the ban altogether until that time the Parliament amends the Constitution for complete prohibition of alcohol and all intoxicating drinks in the country.

#### **Limitations and Need for further Research:**

Dimapur, the commercial capital of Nagaland is one of the fastest growing towns not only in terms of size and settlement but also in terms of development of various commercial activities. Dealing with such fast changing environment, the present study suffers from the following limitations which entail further research:

1. Though we have tried with our utmost capacity to unearth the illegal wholesale liquor business by applying various means at our disposal to get the required information, there may still be more wholesalers not identified and loopholes in our approach. Hence, a more vigorous approach to unearth the menace will better represent the situation.



2. A comprehensive research on the quantum of losses suffered by the government in terms revenue due to prohibition is also of paramount importance at hand.
3. Studies also need to be conducted on how social and cultural factors in more localized contexts (e.g. districts) influence alcohol consumption.
4. Studies are required to examine the impact of liquor prohibition on violence against women. Further, investigation is required to analyse liquor prohibition as an instrument for empowerment of women.
5. It is pertinent to examine the impact of liquor prohibition on crime in Nagaland.
6. It is also pertinent to study the economic, social and health aspects of the impact of the NLTP Act and also undertake review of the implementation of the act enforce in the state since 1990.
7. Studies also need to be conducted on the perception of people from different profession on the validity of the NLTP Act to get the generalised opinion.

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