

## Voting against alcohol

On February 22, the Phoga Bharthari village panchayat in Churu district of Rajasthan, located 270 km north of Jaipur, voted overwhelmingly in favour of shutting Ganpati Wines, a licensed liquor shop, and its branches. In doing so, it [became the State's fourth liquor-free \(or technically, liquor shop-free\) village panchayat.](#)

The shop will down its shutters on April 1. The villagers did this by invoking a 42-year-old law — the Rajasthan Excise (Closure of Country Liquor Shop by Local Option) Rules, 1975, published in the State Gazette on January 8, 1976 — which has a provision that makes such a move for closure possible. Simply put, the statutory rules lay down that if 51% of the registered voters in the village panchayat opt for the closure of a liquor shop, it has to shut down. In Phoga Bharthari, 97% voted for closure.

### The story of Phoga Bharthari

The Phoga Bharthari panchayat comprises a cluster of five villages, the other settlements being Phoga Jalpasarki, Phoga Asalwas, Phoga Bhogan and Phoga Hemran. The village panchayat has a population of 9,000. The region was a part of the Bikaner princely state before Independence, and is reported to have been inhabited for the last 500 years.

The licence for a liquor shop and its half-a-dozen outlets in the panchayat was issued 10 years ago and renewed annually, the latest one being in the name of Suresh Kumar, a businessman from Churu. Sarpanch Dwarka Prasad Kathotia told *The Hindu* that a liquor shop in the heart of the village provided easy access to country liquor, and that the people who lived near the outlets became “regular clients”.

“Dalits, especially Meghwals, were particularly vulnerable. Liquor consumption has ruined many rural families, besides giving a boost to crime,” he said. As the resentment against alcoholism grew, women came out on the streets in large numbers and campaigned for closure of the liquor shops.

### Five Rajasthan villages vote to close liquor shops

The movement against alcoholism had been gaining ground even before the villagers discovered the legal route to get what they wanted. The women of the village had been periodically organising rallies, and held at least three massive demonstrations in front of the licensed shop. But not only did the owner refuse to budge, he sought protection from the panchayat itself, citing his right to use his licence.

Two years ago, at a Republic Day function, Satyanarain Jhajharia, a retired section officer in the Union Home Ministry who hails from Phoga Bharthari, told the villagers about the rules under the Excise Act that could be used to seek a referendum on the liquor shop. He urged the villagers to carry their struggle to its logical conclusion and ensure the shop's permanent closure.

### Fighting spirit

“In Phoga Bharthari, it was not difficult to reach a consensus that we needed to move beyond dharnas and demonstrations. But activating the legal option was a long and arduous process, with road blocks at every stage,” Jhajharia said.

After the villagers filed an application to the Sub-Divisional Officer (SDO) in April 2016, the Excise

Department officials raised objections at every stage of approval. The application was kept pending for several months, and the excise officials kept offering new explanations for the delay. "Either the summary of the plea was not in order or the voters' names and signatures were not given in the required pro forma or it was something else," Jhajharia said. He then filed applications under the Right to Information (RTI) Act to find out the reason for the delay, and even moved an appeal before the Appellate Authority to force the authorities to respond.

Meanwhile, Pooja Chhabra, the national president of Sharab Bandi Andolan, visited the village several times to extend her support to the campaign and encourage the villagers to keep up the fight. Chhabra is the daughter-in-law of former Janata Dal MLA and social activist Gurcharan Chhabra, who died in Jaipur in November 2015 after a month-long hunger strike demanding prohibition in the State.

Following the sustained pressure on the authorities, the District Collector announced that the referendum would take place on February 22. The voting took place under the watch of a presiding officer appointed by the Collector. A large number of villagers who had temporarily migrated for work to towns in Maharashtra and Telangana came back just to cast their vote. Around 20 residents, who were in government service elsewhere, took leave and returned to the village to take part in the voting. The enthusiastic "voters" proudly showed off their inked fingers after stamping the ballot papers. Chhabra, along with her team, was in Phoga Bharthari to provide moral support to the villagers.

Of the 2,556 votes cast in the referendum, 2,480 (97%) favoured closure. Only 46 votes opposed the demand for the shop's closure; 30 were held invalid. Of the village's registered electorate of 4,071 (62.7%) exercised their franchise.

The panchayat referendum has become the new mantra of sorts in the desert State, as a hitherto dormant provision in the excise law is being used in village after village keen to declare itself 'liquor-free'. The campaign against alcohol through the legal route has triggered a quiet revolution, enabling women, social activists, and panchayat bodies to have liquor vends shut down.

Old rule is the new weapon

Since 2016, four villages in three districts in the State have voted in favour of closing liquor shops licensed by the Excise Department. Their referendums had been organised under the Rajasthan Excise Act, 1950, through a provision introduced when new rules were framed in 1975. Ironically, the provision had remained buried in the rule books for 40 years despite its immense potential to bring about rural transformation.

The awareness about the rules began to spread in 2014, when they were extended to urban local bodies. Under the Closure of Liquor Shop Rules, 1975, an application to the SDO of the area is submitted with signatures or thumb impressions of 20% of the registered voters. The SDO conducts an inquiry to find out whether the applicants have actually signed, and then forwards the petition to the Excise Commissioner.

The Excise Commissioner asks the District Collector to ascertain, through a poll, the public opinion in the panchayat on the question of closure of the liquor shop. The Collector issues a public notice and gives a date for the referendum, which is held after at least 15 days. A presiding officer is appointed to conduct the poll. If 51% of the electorate vote in favour of closure, the liquor vend is closed from the commencement of the next financial year. The outcome of the referendum then becomes the basis for a notification ordering the closing of the liquor vend from the following financial year.

As per the law, Ganpati Wines and its outlets will be permanently closed and the excise licence withdrawn from the next financial year, beginning April 1. The village eagerly awaits the closure of the shop and kiosks, while the womenfolk in particular expect that it would restore peace in countless families and curb domestic violence.

While men like Shankar Lal, 50, and Bhagwan Ram, 43, claimed that the shop's closure would automatically help the villagers shun the drinking habit, most women said that they need to be vigilant to ensure that the men do not buy alcohol from neighbouring towns such as Sardarshahar and Taranagar.

Jitendra, hired from Churu by the licence holder to sell liquor at the shop in Phoga Bharthari, said that he was aware of the breakdown in families caused by liquor and he personally supported the villagers' verdict in the referendum. "My employer won't mind leaving Phoga Bharthari. He will get a licence for some other place," he said.

Women at a work site of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) on the outskirts of the village panchayat narrated what they had to endure as a result of their husbands' addiction to liquor. Kesar (40) said that two of her four children had to leave school because the household income was being frittered away on alcohol. "We have no money to spend on children's education. If I don't work here, we cannot even have two square meals a day. My husband wastes the money he earns on liquor," she said.

Pointing to the bruises on her arms and stomach, Santosh said that no one in her family could stop her inebriated husband once he started beating her. "I spend some hours at the work site just to escape my husband's blows."

Bhanwari Devi, 70, is forced to work as a labourer because four of her five sons are addicted to alcohol and do not earn anything. "Why would I work here if my sons took care of me? My family has been ruined by liquor. We have lost all our savings and there is no money now. Only my youngest son and I manage to earn something," she said.

Among the 100-odd labourers working on building an anicut to stop the rainwater in the next monsoon season, about 90 were women. Site inspector Shis Ram said that he had been looking after the MGNREGS works for the last five years, but noticed such a high number of women seeking work only in the last two years. "This shows the alarming extent to which families have been destroyed by liquor consumption," he said.

Sarpanch Kathotia was emphatic that the village community would not allow illegal sales of liquor after the shop's closure. "The panchayat will form a committee to ensure that liquor is not sold here illegally or brought from outside. We will deal appropriately with people who try to hoodwink the law," he said.

Not without a court order

In Rojda village panchayat, in Amber tehsil of Jaipur district, the shutting of the liquor shop following a referendum held on March 19, 2017, the villagers said, has put an end to several problems, such as girls being leered at, drunken men mistreating women at home, and the general nuisance created on the streets by inebriated villagers.

The shop, which used to be on the main road, was permanently shut down on April 1, 2017. Interestingly, the licensee was a village panchayat member, Bhanwar Singh. A farmer who also rears cattle, he now uses the erstwhile liquor shop to store fodder.

Sarpanch Jairam Kumawat said that women and children were the worst victims of liquor sale in the cluster of Rojda, Sindolai, Harchandpura, Jaitpura and Sardarpura villages, all of which fall under the Rojda panchayat. "Even the children who were sent to fetch liquor from shops became addicts," he said.

The turn of events in Rojda, which was the second village in the State to make use of the provision for a referendum, was unique in many respects. The villagers formed a Sangharsh Samiti (action committee) which led an anti-liquor agitation for 363 days through demonstrations and dharnas. After a resolution was passed in the village panchayat, an application under the 1975 Rules was submitted to the government in March 2016 and followed up at every stage.

Despite sustained efforts by the Sarpanch and the villagers, the State government did not take a decision on holding a referendum in Rojda. The Sangharsh Samiti then filed a public interest litigation in the Rajasthan High Court and obtained orders for a referendum. Only then did the District Collector give a voting date, in compliance with the court's directive.

Residents of the [five villages voted in favour of closing the liquor shop](#) and its outlets. Of the 2,581 votes polled, 2,270 (nearly 88%) rejected the main liquor shop and its four branches that had been operating in the area for some time. Only 170 votes were in favour of the shop, while 141 were held invalid.

Welcoming the outcome of the referendum, Gandhian leader and Nashamukt Bharat Andolan's State convener Sawai Singh had said that the villagers had set an example for others. Singh, who later travelled to the villages in Bhim tehsil of Rajsamand district to support their proposals for holding a referendum, said it was strange that a State government unable to supply clean drinking water to the villages was allowing liquor shops to thrive.

The support for the anti-liquor agitation came from across the political spectrum. Bharatiya Janata Yuva Morcha leader Raju Lal Prajapati worked hard to mobilise youths, while members of the Congress party led by the Sarpanch and a 62-year-old farmer, Birdha Ram, generated awareness among farmers and traders in the Kumawat and Jat-dominated panchayat that has a population of 13,000. Rojda has proudly installed boards on its borders declaring itself a liquor-free village.

#### More demand referendums

Rajsamand district's Kachhbali village panchayat was the first in the State to shut down a liquor shop by voting against it. Over 67% of the villagers had voted against the liquor shop in the referendum held on March 29, 2016. Another village panchayat, Mandawar, in the same district held the liquor vend to be an illegitimate entity in the referendum held on January 20 this year, with 59% of the voters giving their verdict against it. The village will get rid of the liquor shop on April 1.

Taking their cue from the village panchayats where liquor shops have been declared illegal, sarpanches, political leaders, and social activists of a large number of villages in the State have launched anti-liquor campaigns and are approaching the government authorities with requests for holding a referendum. However, the signatures of the applicants could not be verified in the cases of at least two village panchayats, Thaneta and Thikarwas, while in another village panchayat, Barjaal, the proposal was voted down in the referendum by a margin of 130 votes in August, 2017.

Persistent protests by villagers have forced the State government to make changes in the annual liquor policy, as a result of which the number of liquor shops in the rural areas has come down. But a State-wide prohibition is nowhere in sight in Rajasthan. Licensing, processing, and sale of liquor are under the State government's control, while the Panchayati Raj institutions function under the government's guidance.

Immediately after coming to power in December 2013, the Vasundhara Raje government had increased licence fees for liquor shops and introduced tougher liquor-control regulations in its excise policy for 2014-15. Contrary to speculation that it would relax the number of hours that liquor shops could stay open, the government decided to stick to the 10-hour duration announced by the previous Congress regime, mandating the closure of liquor shops by 8 pm.

Another significant step taken in Rajasthan is the closure of Ahaatas or in-house drinking enclosures in domestic liquor shops. The State government has amended the excise rules and discontinued the practice of setting up Ahaatas.

As in several other States, excise from liquor sales is a big source of revenue in Rajasthan, which probably explains why the authorities are reluctant to hold the panchayat referendums despite strong demands. The State earned 7,053.68 crore in 2016-17 from 7,640 liquor shops, which makes excise revenue from liquor the second biggest source of funds after value-added tax, which has been replaced now with the Goods and Services Tax. In the current financial year, the State had earned excise revenue of 4,537.26 crore till December. The growth in revenue collection from liquor during the last three years was 5.08% in 2016-17, 20.18% in 2015-16, and 12.12% in 2014-15.

Excise Commissioner O.P. Yadav said the Excise Department had registered 11,137 cases of manufacture, transport and possession of illegal liquor during the first quarter of 2017-18, but he dismissed the charge that the referendums against licensed liquor shops would have an adverse impact on revenue earnings.

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