

ABSTRACT

Alcohol prohibition has long been employed by states as a moral, social, and public health strategy, yet its deployment through criminal law raises profound questions about the legitimacy, limits, and consequences of penal governance. This thesis undertakes a comprehensive legal and criminological examination of alcohol prohibition as a form of criminalisation, with a particular focus on the Bihar Prohibition and Excise Act, 2016. Situated at the intersection of critical criminal law and youth criminology the study examines how prohibition policies reshape crime, punishment, and social order, often in ways that undermine the very objectives they seek to achieve. The thesis develops an integrated analytical framework grounded in three central doctrines of criminal law- criminalization, proportionality and autonomy. Drawing on critical criminal law scholarship, the study argues that the expansion of penal law into the domain of self-regarding conduct such as alcohol consumption represents a paradigmatic case of overcriminalisation. It demonstrates how prohibition regimes transform ordinary social behaviour into criminal deviance, expand the reach of coercive state power, and erode the normative legitimacy of criminal law by disconnecting punishment from culpability and harm. The doctrinal analysis shows that prohibition laws often fail to satisfy the requirement of proportionality, both in the severity of punishment and in the breadth of enforcement powers, while simultaneously undermining individual autonomy through paternalistic state intervention. To situate the Indian experience within a broader historical and comparative context, the thesis examines international temperance and prohibition movements in the United States and the United Kingdom. Through this comparative analysis, the study highlights how absolute prohibition has historically generated unintended consequences, including the rise of illicit markets, organized crime, enforcement corruption, and declining respect for law, ultimately leading to policy reversal or regulatory reform. These global lessons provide a critical lens for evaluating contemporary Indian prohibition regimes.

The empirical core of the thesis is based on fieldwork conducted across four border districts of Bihar where semi-structured interviews were carried out with young individuals aged 15-24 engaged in illicit liquor trade, alongside interactions with law enforcement officials. The findings reveal that prohibition has created a parallel underground economy that disproportionately draws youth into criminal networks, often as couriers and intermediaries. Early criminalisation, exposure to violence, and repeat contact with the criminal justice system are shown to entrench long-term pathways of deviance, thereby transforming a regulatory policy into a generator of youth criminality.

By integrating doctrinal, comparative, and empirical analyses, the thesis makes a novel contribution to the study of criminal law. It demonstrates that criminalisation of alcohol consumption in Bihar operates not as a protective social policy, but as a structurally criminogenic legal regime that fails the normative tests of proportionality, autonomy, and penal restraint. The study concludes by proposing a framework for reform grounded in decriminalisation, regulatory governance, and harm-reduction approaches, thereby reimagining alcohol policy in a manner consistent with constitutional values, criminal justice legitimacy, and social justice.

Key words: Alcohol Prohibition, Overcriminalization, Youth Criminality