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Beyond intoxication: On alcohol regulation, judicial verdict

In holding that the term 'intoxicating liquors' in the State List includes alcohol used for industrial purposes, the Supreme Court of India has given a boost to the federal principle behind the distribution of powers between the Centre and the States. A nine-judge Bench has clarified the scope of Entry 8 in the State List under the Seventh Schedule in the Constitution to cover both 'potable alcohol' and alcohol that can be used to the detriment of public health. It takes in its fold the entire gamut of activities involving the production, sale and distribution of alcohol products, covering rectified spirit, extra neutral alcohol and denatured alcohol. In other words, the entry is not limited to the popular understanding of intoxicating liquor as alcoholic beverages consumed by people. The bone of contention was whether a central law, the Industries (Development and Regulation) Act (IDRA), 1951, which listed 'fermentation industries' as a scheduled subject on which the Union government could exercise control, had the effect of removing 'industrial alcohol' from the regulatory purview of State governments. The majority ruling of eight judges has the effect of excluding the industry of 'intoxicating liquor', as interpreted in the judgment, from the purview of the IDRA.

Parliament, according to the verdict, lacks legislative competence to take control of the entire industry of intoxicating liquor. In his opinion on behalf of the majority, the Chief Justice of India, D.Y. Chandrachud, has noted that any other interpretation would upset the federal balance in the distribution of legislative powers and tilt it towards the Union.

This is the second major verdict by the Supreme Court in recent months that has upheld federal principles. In July, a nine-judge Bench ruled that States can tax mineral rights and mineral-bearing lands, a decision that preserved their legislative domain from interference by Parliament. As in that case involving mineral rights, Justice B.V. Nagarathna has authored a dissenting verdict in the ‘intoxicating liquor’ case too. The Constitution Assembly, she says, was clear that the term only meant potable alcohol and there was no intention on its part to include non-potable or industrial alcohol. In her view, Parliament occupied the field of ‘fermentation industries’, but excluded alcohol for human consumption. To that extent, the States are denuded of their power to regulate industrial alcohol. Justice Nagarathna’s dissent underscores the importance of industrial alcohol to the country’s economy, both as a key feedstock in the chemicals industry and liquid fuel to be blended with petrol.

In the light of this understanding, the Centre has made 'fermentation industries', excluding potable alcohol, a scheduled industry under the IDRA. Her observation that the constitutional edifice should not be dislodged while trying to dynamically interpret the Constitution strikes a cautionary note.

Summary –

The Supreme Court of India has ruled that the term "intoxicating liquors" in the State List includes both potable and industrial alcohol, affirming state control over alcohol production, sale, and distribution, including rectified spirit and denatured alcohol. This judgment limits Parliament's authority under the Industries (Development and Regulation) Act (IDRA), preserving the federal balance by excluding "intoxicating liquor" from central control. In a dissent, Justice Nagarathna argued that the Constitution only intended to cover potable alcohol under state control, and industrial alcohol, critical for the economy, should remain under central regulation.

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Vocabulary –

1. Intoxicating (Adj) (मनोहर)

Meaning: Causing excitement or exhilaration; often related to substances causing a loss of control.

Synonyms: Alluring, exhilarating, stimulating

Antonyms: Sober, unexciting, bland

Example: The party was filled with an intoxicating mix of music and energy that kept everyone dancing.

2. Purview(Noun) (दायरा)

Meaning: The scope or range of control, authority, or responsibility.

Synonyms: Scope, range, ambit

Antonyms: Outside, limit

Example: The investigation fell within the purview of the state police.

3. Competence(Noun) (क्षमता)

Meaning: The ability or skill to do something successfully.

Synonyms: Capability, proficiency, skill

Antonyms: Incompetence, inadequacy, inability

Example: The board questioned the competence of the management in handling the crisis.

4. Dissent(Noun) (मतभेद)

Meaning: Holding or expressing an opinion different from the majority.

Synonyms: Disagreement, opposition, objection

Antonyms: Agreement, consensus, harmony

Example: The judge's dissent highlighted an alternate perspective on the case.

5. Edifice(Noun) (संरचना)

Meaning: A large and imposing structure; often metaphorically referring to a complex system.

Synonyms: Structure, building, framework

Antonyms: Ruin, dismantlement

Example: The edifice of modern education relies on both traditional and digital teaching methods.

6. Detriment (Noun) नुकसान, हानि

Meaning – Something that causes harm, damage, or loss.

Synonyms- Injury, Impairment, Disadvantage.

Antonyms – Benefit, Advantage, Gain.

Example – Spending too much time on social media can be a detriment to your productivity.

7. Upheld (Verb) समर्थन करना, बरकरार रखना

Meaning – To support, maintain, or defend something, particularly a decision, law, or principle.

Synonyms – Supported, Defended, Endorsed.

Antonyms – Overturned, Rejected, Opposed.

Example – The court upheld the decision to protect the natural reserve, ensuring it remained untouched by developers.

8. Denuded (Verb) छीन लेना, उजाड़ना

Meaning – To strip something of its covering, make bare, or expose it.

Synonyms – Bare, Stripped, Deprived.

Antonyms – Covered, Clothed, Furnished

Example – He felt denuded of his confidence after receiving harsh criticism .

Idioms & Phrases-

1. In the light of –

Meaning- “considering” or “in view of.” It is often used to introduce a statement or situation that provides context or reasons for a decision or opinion.

2. Bone of Contention –

A subject or issue that causes disagreement or dispute between two or more parties.