

Examining the effects of alcohol prohibition Laws in Pakistan on public health

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Abstract

Globally, more than 3.3 million people die of alcohol use every year. Alcohol consumption has a causal association with more than 230 disorders. Pakistan framed its first alcohol prohibition laws in 1977. These laws were further strengthened in 1979 through an ordinance. There is a complete ban on Muslims for alcohol use in the country, while non-Muslims can get a limited quota. There is a punishment of 80 whips for drinking for Muslim citizens. The biggest loophole in the policy is the issuance of quota permits to non-Muslims. These quotas are largely misused by the Muslims in the country. The use of tainted alcohol takes the lives of hundreds of people every year. There is a need to revisit the alcohol policy of Pakistan. There should either be a complete ban on alcohol use for all citizens or the government should take concrete measures for restraining the availability of substandard, or tainted alcoholic beverages.

Key Words: Alcohol, Prohibition, Public health, Hudood ordinance, Alcohol-related harm.

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Introduction

Alcohol consumption is commonly considered a social evil. But its use is legal in many countries with a minimum legal drinking age.¹ A number of rules and regulations regulate the manufacturing, sale and consumption of alcohol around the world^{2,3} Several countries have introduced policies to reduce alcohol-related harms. Eighty member states of the World Health Organisation (WHO) have a national alcohol policy.³ Countries with a majority of Muslims have less developed alcohol policies.⁴ However, there are 10 Muslim-majority countries with a complete ban on alcohol consumption; Afghanistan, Brunei Darussalam, Iran, Libya, Maldives, Mauritania,

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Saudi Arabia, Somalia, Sudan and Yemen.⁵

The relationship between alcohol consumption and public health is very complex. Some alcohol-associated harms are the immediate result of intoxication, such as road traffic accidents (RTAs) and violent behaviour. In addition, social and psychological problems leading to dependency, family crises, job-loss, financial burden and poor social life are long-term consequences of alcohol consumption. According to WHO, 3.3 million people died from alcohol use in 2016, which was 5.3% of all reported deaths.⁶ Between 2015 and 2019, excessive alcohol use was associated with more than 140,557 deaths in the United States alone.⁷ It is causally associated with 230 different disorders, including effects on brain development, 20-50% of liver cirrhosis⁸, acute to chronic Pancreatitis⁹ epilepsy, poisonings, violence and several types of cancer.¹⁰

The modern history of alcohol prohibition dates back to 1919 when the US banned the manufacturing, transportation and sale of alcohol through a constitutional amendment that was later repealed in 1933.¹¹ Although alcohol production and sales are legal in India, various states have separate alcohol prohibition laws that put an embargo on manufacturing, distribution and sales.¹² According to WHO, Pakistan does not have a written national alcohol policy.³ Pakistan has put a complete ban on alcohol use by Muslims through various laws. However, it is estimated that alcohol use among Muslims is higher than among non-Muslims in the country.¹³

A recent systematic review results showed that approximately 6.2% of adults in the Eastern Mediterranean region used alcohol in the past 12 months.¹⁴ Alcohol consumption in Pakistan is estimated to be 26 litres of pure alcohol per capita for a population aged >15 years. According to a cross-sectional study conducted in Lahore, Pakistan, 1.8% of the sample population drank alcohol regularly.¹⁵ There is a study that has found that almost 10% of truck drivers in Pakistan drink while driving.¹⁶ A study conducted in Gilgit Baltistan reported that 44.9% of the sample had used alcohol at some point in their lives.¹⁷ In 2016, alcohol-attributable deaths due to liver cirrhosis in Pakistan numbered 2,576 per 100,000 population.¹⁸ In 2020, an estimated 2,520

people died from alcohol-related causes in Pakistan, accounting for 0.17% of total deaths.¹⁹ Mehmood et al. found that the use of alcohol among medical students of Karachi was significant.²⁰ While Although various newspaper articles and blogs are written on the use of alcohol by Muslims, and about the poor implementation of policies in Pakistan, there is, to our knowledge, no published literature available on the policy landscape and its review or analysis. The current narrative review was planned to assess the existing alcohol prohibition laws of Pakistan with reference to public health, and to make recommendations for the policy-makers.

Materials and Methods

The narrative review comprised published and grey literature available on the internet. The 1973 Constitution of Pakistan, the country's Prohibition Ordinance of 1979, newspaper articles and various websites were searched. In order to synthesise the extracted data, Google Scholar, Science Direct, PubMed and Hinari databases were searched for relevant English-language studies related to the study objectives. A number of key words were used, including: "Alcohol", "Prohibition", "Policy", "Laws", "Regulations", "Pakistan", "Hudood Ordinance", and "Alcohol-related harms". Database searches were conducted using the combined keywords. To determine relevance, titles and abstracts of all the articles retrieved were reviewed. If the relevance of the full-text article was uncertain, it was retrieved for further examination. The target was to include all relevant studies published after the implementation of Hudood Ordinance, 1977.

History of alcohol prohibition laws in Pakistan

After independence in 1947, alcohol sale and consumption in Pakistan were permitted until April 1977 when Zulfikar Ali Bhutto, the then prime minister of the Islamic Republic of Pakistan, put restrictions on its sale to Muslims.¹³ Article 37 Clause (h) of the Constitution, under the heading "Promotion of social justice and eradication of social evils", says that the state "shall prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes".²¹

On February 9, 1979, the then president of Pakistan and chief martial law administrator, General Muhammad Zia Ul Haq, issued Presidential Order No. 4 of 1979, called the "Prohibition (Enforcement of Hadd) Order 1979", to modify the existing law related to the prohibition of intoxicants to bring it in conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah, which is the way of life prescribed as normative for Muslims based on teachings and practices of Prophet Muhammad (Peace

be upon him) and interpretation of Quran. Under the Prohibition Order, these provisions of existing law were replaced by the punishment of 80 strips with whipping.²² However, the law did not apply to non-Muslims, who could possess a license to drink and/or manufacture alcoholic beverages from the government.

Article 6 of the Prohibition (Enforcement of Hadd) Order, 1979, states that "Whoever, intentionally and without "ikrah or iztirar", takes an intoxicant by any means whatsoever, whether such taking causes intoxication or not, shall be guilty of drinking".²² "Ikrah means putting any person in fear of injury to the person, property or honour of that or any other person; and iztirar means a situation in which a person is in the apprehension of death due to extreme hunger or thirst or serious illness".²²

Laws regulating the use of alcoholic beverages in Pakistan

Pakistan is a predominantly Muslim country with 97% of the population following Islam, and alcohol consumption for Muslims is completely banned in the country. However, non-Muslims, including Hindus, Christians and Zoroastrians, are allowed to drink. However, drinking in public places by them is also an offence.²² Non-Muslims are issued quota permits to get usually 6 bottles of liquor per month.²³ For diplomats, the quota is up to USD200 per family per month.²⁴ The World Health Organisation (WHO) country profile of Pakistan shows that the legal minimum age for on-premises sale of alcoholic beverages is 21 years, but this is valid only for non-Muslims and foreigners. There is a zero-tolerance policy on alcohol use while driving for all citizens.¹⁸

A license is required in the country for the production and sale of alcohol for non-Muslims.²² The Murree Brewery, located in Rawalpindi, is one of the oldest breweries in the country. The others are Quetta Distillery, Beach Brewery, Karachi, and Hui Coastal Brewery and Distillery Limited, Hub, Baluchistan. The last one is the first Chinese brewery in Pakistan.

Although alcohol sale and consumption by Muslims is completely banned in Pakistan, 90% of the consumers of alcohol in Pakistan happen to be Muslims. It is estimated that 10 million Pakistanis drink alcohol.²⁵ According to media reports, every year hundreds of people die from consuming toxic alcohol, usually locally brewed, especially on occasions like Eid, Christmas and wedding parties. Alcohol is easily available across the country in a few licensed shops for non-Muslims, big hotels, restaurants and through bootleggers.¹³ In Pakistan, the percentage of pure alcohol consumption is very minimal, but the use of alcohol-containing beverages is not

uncommon.

Gaps in implementation of alcohol policy

Pakistan is not a “dry” country regarding alcohol use in its true sense. Although alcohol sales and consumption are legally banned in Pakistan for Muslims, it is freely available in various corners of the country. Its easy availability is linked with poor implementation of laws and policies. Most of the quota permits issued to non-Muslims are indirectly misused by Muslims.¹³ Many non-Muslims are involved in the illegal business of selling liquor to Muslims.²⁶

Bootleggers operate freely in the country. In the past, the alcohol ban in the country had increased heroin consumption manifold in Pakistan.¹³ Illegal breweries are involved in producing substandard whiskey for consumption which has resulted in deaths²⁷ and disease burden. Smuggling of alcoholic beverages from neighbouring countries, especially India, Afghanistan, destinations in the Gulf region, and China, not only dents the country's economy through an influx of duty-free alcohol^{28,29}, but also poses a risk of substandard alcohol to the consumers. Many officials are also part of such rackets that smuggle alcohol into the country.³⁰

Pharmaceutical and homoeopathy laboratories have great potential to be involved in the illegal business of selling and manufacturing liquor under the banner of medicine manufacturing. In 2005, the Ministry of Health (defunct) rejected all applications of galenic products containing high alcoholic contents due to potential misuse as intoxicant liquor and for nonclinical uses.³¹ In an incident, 8 persons died of tainted alcohol consumption in Pakistan, and the accused informed that he had bought alcohol from a homoeopathic doctor. Only 10 permit holders in Pakistan are operating homoeopathic laboratories to manufacture medicines even though about 150 homoeopathic medicine manufacturers have liquor licenses to make medicine for medicinal purposes.³² Due to the alcohol ban in the country, a substantial number of cough syrup addicts exist in the country. Cough syrups are available over the counter and can easily be purchased. In 2013, dozens of cough syrup addicts died after taking a deadly cough syrup in Pakistan.³³

Discussion

Among other factors, it is the power of relevant actors that determines how far they are able to influence a policy.³⁴ To ban alcohol in Pakistan, former prime minister, Mr Bhutto, and former president, Gen Zia, were the powerful actors along with other public and religious leaders. Both Mr Bhutto and Gen Zia used religion for their

political gains.³⁵ Mr Bhutto for the first time banned serving alcohol in army messes. He also put restrictions on alcohol consumption for Muslims through an ordinance in 1977.¹³ The motive to bring in an alcohol policy after 30 years of independence of the country seemed more political than religious. Mr Bhutto under the pressure of the opposition Pakistan National Alliance put restrictions on alcohol consumption by Muslims. Similarly, in the United States, early in the 19th century, a religious movement pushed for prohibition, and Maine became the first state to pass a prohibition law.¹¹ In the past, religion remained one of the strong motives for alcohol prohibitions in other parts of the world.³⁶

Gen Zia came up with a religious agenda.³⁷ He had strong ties with right-wing religious parties. But the leftists considered his prohibition ordinance more as a political slogan than a religious drive. Alcohol consumption in Pakistan increased during the 1980s manifold.¹³ The prohibition ordinance of Gen Zia was considered one of the efforts to distract the nation away from the demand for general elections. After the military coup of 1977, Gen Zia promised to the people of Pakistan that an early election would be held, but the invasion of the Soviet Union in Afghanistan changed the whole scenario.³⁸ During the Zia regime, a few Muslims were given punishment under the relevant ordinance, but no person has faced such punishments after the end of the Zia government. Police, rangers and customs officials in Pakistan are also powerful stakeholders. Liquor smuggling and trafficking is not possible without the aid of such agencies.³⁹

The policy process has not received due time and consideration. The first policy was made in the democratic reign of Mr Bhutto, but it was done in haste to minimise political pressure.⁴⁰ The last ordinance was issued by the autocrat government of Gen Zia, which was a decision of a group of like-minded people.⁴¹ In the past, the non-Muslim community, including parliamentarians, had raised their voice over this discriminatory law, stating that their religions also did not allow alcohol use, and this window for Muslims to take alcohol should be closed. The protestant clergy is against the policy of issuing alcohol permits to Christians, and has blamed the government for collecting revenues, and the catholic clergy for getting more members through alcohol permits.⁴² The Council of Islamic Ideology has consulted with the members of the other faiths, and has advised parliament to make laws that make alcohol consumption punishable for all, including non-Muslims and foreigners.⁴³

Although WHO has published data regarding health consequences of alcohol use in its current country profile

of Pakistan¹⁸, limitations, including underreporting due to religious and cultural values, have not been discussed.

The current narrative review has limitations as it exclusively relies on secondary data. The inclusion of newspaper articles can be susceptible to bias and misinformation. A qualitative study is needed to further explore views and perceptions of all stakeholders on alcohol prohibitions laws, their implementation, gaps, and challenges.

Conclusion

Alcohol consumption is considered a social evil all over the world. In Pakistan, it is not only a social stigma, but also an issue of religious debate. Association of alcohol use and various diseases has been documented. Alcohol use is a serious public health concern, especially in Pakistan. Morbidity and mortality data for alcohol use is available only for people who reach hospitals. The death of alcoholics after taking substandard alcohol is becoming common in Pakistan. It is necessary to either ban it for all citizens to protect their health, or to take measures for the non-availability of substandard homemade or tainted alcohol. It is also required to have a debate in parliament on the policy with stakeholders from other religions to make the existing policy more conclusive.

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MAAK: Concept, idea, literature review and writing.

FA: Synthesize data, revision and final approval.