

The Curse of Poverty: A Case study of Illicit Liquor Brewers in J&K, India

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Abstract: *Of all the forms of alcoholic beverages that are available, illicit country made liquor has grave hazards to health. The illicit liquor trade is mainly executed undercover by persons who are lured by easy money and are not concerned about the human cost in terms of health hazards and death of consumers. From the perspective of humanities, it is important to consider the intersectionality of multifarious factors which breed crime in a society. The present study is an attempt to assess the situation of the individuals, families, groups and communities who are involved in manufacturing of illicit liquor in district Kathua, J&K. This study is based on the understanding that crime is driven by various kinds of situational compulsions, lack of alternate employment opportunities and vocational skills, acculturation of crime, denial of human needs and absence of supportive mechanism.*

Key Words: *Sociology of crime, acculturation of crime, social assimilation, social defence.*

1. INTRODUCTION:

Use of alcoholic beverages is on the rise in India due to factors like urbanization, more youth population, increasing social acceptability, rise in disposable income due to economic mobility into the middle class, increased alcohol accessibility and availability (1). There is also an alternative supposition related to the use of alcohol, i.e. consumption of Illicit Liquor. There has been constant reporting of incidents wherein illicit liquor has caused life threat to the population. The most infamous being the tragedy of West Bengal in India in 2011 in which not less than 140 people died (2). Since no government revenues are paid, illicit liquor is considerably less expensive than licensed country made liquor, and thus finds a ready market among the poor. In many parts of India, illicit liquor production and marketing are like a cottage industry, with every village having one or two illegal operations (3). The people who are involved in the trade are aware of the consequences and they are always on the radar of the police and the government agencies as it is a criminal offence. In J&K, a Union Territory in India, country liquor is illegally brewed in different parts; the larger share in this trade is of Kathua district where at least 74 families are identified as involved in Illicit Liquor brewing as per official record of J&K Excise Department. Along with men, women are also active in illicit liquor trade (ILT). Despite raids, conviction and punishment by the Police and Excise department, people engaged in illicit liquor trade are not deterred and return to illicit liquor trade time and again. The people who pursue this trade mainly belong to *Sansi* and *Perna* tribes residing in Kathua district. The two tribes are not native to the J&K and are also scattered in other parts of the country like Punjab, Haryana, Madhya Pradesh and Rajasthan.

In India, some groups of people are supposed to have criminal propensities and hence are dubbed 'criminal' tribes (4). This intentional segregation must have been inspired by the belief that they formed a group whose special profession was crime and who consequently required a special treatment which the Criminal Tribes Act of 1871, modified in 1897 and 1911 purported to provide. This is borne out by what the Hon'ble Mr. T. V. Stephens, the then Member for Law and Order, observed while introducing the Bill: 'The special feature of India is the caste system. As it is, traders go by caste: a family of carpenters will be carpenters, a century or five centuries hence, if they last so long. Keeping this in mind the meaning of professional criminal is clear. It means a tribe whose ancestors were criminals from times immemorial, who are themselves destined by the usages of caste to commit crime and whose descendants will be offenders against law, until the whole tribe is exterminated or accounted for in the manner of the Thugs. When a man tells you that he is an offender against law, he has been so from the beginning, and will be so to the end, reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime' (5).

The *Sansi* are a nomadic tribe and were classified as a criminal tribe during the British regime in India. Their identity is still intact and they are also reported to be engaged in criminal activities for their survival. For this reason, they get shunned by others and live in seclusion. *Sansis* have been included in the list of Schedule castes of some states like Rajasthan, Himachal Pradesh, Delhi, Haryana, Chandigarh (UT), Maharashtra and Madhya Pradesh. The *Parna* (also referred as *Perna*) community also shares similar historical and cultural context as *Sansi*. They are also listed as denotified tribes and have been secured by inclusion in Schedule Caste lists of some States like Punjab, Himachal

Pradesh, Chandigarh (UT) and Haryana. It is pertinent to mention here that tribes, communities, caste is used interchangeably with reference to *Sansi* and *Perna* sample population. For the purpose of this study, illicit liquor brewers refer to both people of both communities producing illicit liquor.

It has been observed that trade of illicit liquor is carried out like a cottage industry, where most of the families in the ghetto are engaged in producing illicit liquor. The people involved in illicit liquor trade are residing in the J&K since 60-70 years but they do not possess permanent residency certificate or domicile certificate (a dual citizenship document which was needed earlier than 5 August, 2019 for availing certain rights in the erstwhile state of J&K) and reservation in SC/ST/OBC categories for availing social security benefits in India. It has been observed that punitive actions of the government are not sufficient to eliminate the criminal activities from root and illicit liquor trade per se in context of this study. The driving force behind this criminal activity is expected to be largely economical but to regard it as purely economical will be a premature adjudication to a long drawn problem. In this context, it is indispensable to consider the intersectionality of multifarious factors which lead to brewing of illicit liquor in India.

2. MATERIAL AND METHODS:

The present study is an attempt to analyse the compelling economic and cultural factors of two tribes that have forced them to resort to criminal activities for earning their livelihood. This study is the outcome of a meticulously conducted in-depth study and analysis of the problem of Illicit Liquor trade in Kathua district. In the present study, the sample consists of 88 respondents who are selected from the population which is involved in illicit liquor trade (ILT population). The ILT population was included in the sample using purposive and snowball sampling technique. 74 sample units were selected on the basis of government records of the Excise and Taxation Department, J&K and 14 units were included in study using snowball sampling as they fulfilled the criterion adopted for selecting ILT sample. The responses of 100 other villagers who are not engaged in production of illicit liquor were also collected through unstructured interview schedules.

The sample units for ILT belonged to Ghatti, Kangriyal, Muthi Kurd, Shatyal, Buddhi, Jakhbarh, Lower Sakta chak, Chak Drab Khan and Dabwal villages falling in Kathua district of J&K, India (6).

3. RESULTS

The sample population of this study comprises of *Sansi* and *Perna* community members. The average income of respondents is around Rs. 7348 per month only.

The living condition is also below average as the majority of the sample population (67.05%) falls below the poverty line. Members of both these communities have migrated from other northern states of the country. The exact time could not be exactly stated as each respondent gave a different account of their period of stay. The mean value of their stay in Kathua comes to around 55 years. The narratives of people indicate that they were provided land to build their houses by rich landlords (belonging to Rajput community) of those times. The land rights were not transferred to them and they could not use the land for any other purposes. Since these people were adept at using unfair means for earning their livelihood like theft and robbery, the rich and elite advised them to produce illicit liquor and refrain from indulging into theft and burglary. These landlords were also the main customers of country liquor. Since then the *Sansi* and *Perna* have been carrying this illegal trade. Even at present times, the main customers of illicit liquor are local villagers, the information about which is presented in Figure 1. It depicts that consumers of illicit liquor are mainly local villagers (71%) followed by customers from nearby villages (17%) and labourers (12%).

The interviews conducted with ILT group members depicted their plight which is the result of their being in illicit liquor trade. Further information in this regard is presented and analysed with the help of Table No 1 (see Annexure 2). It can be assessed that Illicit Liquor is harmful to the health and life of the consumers and respondents are also aware of the fact. 43% respondents agreed that rampant consumption of illicit liquor has caused death of consumers in the past.

The respondents reported that the main reason for continuing this business was that they had no alternative but to pursue this trade (45.5%), attraction of low cost of production (25%) and only a few (19.3%) respondents pursue illicit liquor trade because of profit motives. Majority of respondents (92%) expressed their dissatisfaction from this occupation and attributed harassment from the Police and Excise department as the cause of dissatisfaction (85%) followed by insecurity of business (42%), lack of growth (36%), lack of respect, irregular income and no profit as other reasons. 84% of respondents are desirous to change their occupation of producing illicit liquor. 81.82% respondents expressed that they are labeled as antisocial because of involvement in illicit liquor trade. This gives enough reasons to believe that people are compelled by circumstances to earn their livelihood from illicit liquor trade and there are major constraints that prevent them for seeking alternate opportunities.

Table No 2 presents information about the constraints that prevent the sample population from taking up alternate respectable employment-39 respondents (44.3%) expressed that constraints are due to unavailability of employment opportunity, 28 respondents (31.8%) regarded lack of State subject certificate/domicile certificate as a constraint, lack of professional skills, social stigma attached to their caste and insufficient earning in other jobs are additional constraints in taking up decent employment. The stigma attached to this trade earns them disrespect, inferiority complex and they become victims of stereotypical attitudes of society. This stereotypical societal attitude also raises fear in ILT group in undertaking decent employment pursuits.

4. DISCUSSION:

The 1931 census noted that “these communities (denotified) were the most oppressed” although they did not undergo the social untouchability as in the case of caste known as scheduled castes. These are the people who were dishonoured by history, branded by law and rejected by societies as experts write volumes on their woes (7). The in-depth analysis of socio-economic features of sample population, gives an insight about the precipitating factors which have led to indulgence of sample population in illicit liquor trade and social barriers which act as hurdles in reformation of this group. The critical evaluation of information compiled through interview and observation leads to locate impediments in upliftment and reformation of ILT group. These factors are discussed in detail in the forthcoming section:

Poverty

The economic condition of the majority of illicit liquor traders is not very good. The average income is around Rs. 7348 per month only. The living condition is also below average as the majority of the sample population (67.05%) falls below poverty line. They lack property rights and just have basic infrastructure at their homes. Poverty is transmitted from one generation to another and the state of deprivation remains the same. Poverty also implies lack of opportunity for the sample population. The burden of poverty is shared disproportionately by them as 8% of respondents earn as much as the rest. Extreme state of deprivation has grave potential of driving people towards corruption and criminal activities. Since there is negligent impact of poverty reduction programmes on this population, this trade constantly attracts the sample population in spite of punishment and fine under Excise Act, as it has easy money, fixed customer base and intergenerational transmission of skills - are the possible driving factors leading to production of illicit liquor by the sample population. The youth of these two communities lack education, skills and training and hence have less prospects of availing alternate employment opportunities.

Education

The population involved in illicit liquor trade is largely illiterate (47.78%). The dropout rate from schools is very high as most of them do not study beyond middle level. At the individual level, a student who does not complete school education severely restricts his adult earning potential (8). The education of girls and boys is equally relinquished. They reason that, ‘*We do not have the state subject certificate; even if we study we will not get jobs.*’ Education is not valued in lower income groups both by parents and children who are first generation learners (9). So when the student is not able to cope up in school due to lack of interest, parents are not in a position to provide needed handholding. Lack of support and socio-cultural reluctance towards education are among the major factors responsible for low literacy levels. However, it has been observed that parents do not find practical utility of acquiring education as they do not possess Domicile certificate, required for availing benefits of government sponsored social security and employment schemes. In the case of girls, early marriage is another factor which limits their educational opportunity. The current generation is practically the first generation learners of *Sansi* and *Perna* Community and they are not able to avail education in schools due to their defeating mindset and cultural barriers. The linking of education as means to an end that is government service in J&K, narrows down their possibilities further because eligibility criteria in all government jobs in J&K government essentially requires Permanent Residency, which is Domicile certificate for getting employed in government jobs.

Hereditary nature of Occupation

The social discrimination, which may also be manifested as ‘untouchability’, prevents them from seeking alternate employment. One of the respondents stated that,

‘When we try to open any business, like food joint (dhaba); people do not prefer to eat from our dhabas due to untouchability. We are also pushed out by other people already working in this sector. This disturbs the smooth functioning of our business.’

Majority of people who practice illicit liquor trade consider it as a bad choice, '*This is not a good job, there is no respect*'; some people reasoned. It was also reflected that they are forced in this trade as one of the village members stated that '*they have been brought here for brewing country made liquor*'; clearly indicating the prejudiced societal view towards the Sansi and Perna community that they are only worthy of producing country liquor.

In a reported incident, a youth of Perna community was fired from a factory job when the contractor came to know about his caste. It also appears that the ILT population is not only labeled but also discredited for producing harmful liquor. One woman from the village (not an illicit liquor trader) narrated that '*One person named 'Deba' (name changed) died due to unrestrained consumption of illicit liquor, he eventually succumbed to illicit liquor in the locality of Perna community. His body was picked up from there. Now his son is on the same track*'. The narratives that have been provided by larger society reveal that Sansi and Perna are forced into this trade because their forefathers were settled here for producing liquor and the society does not readily accept them in any other decent occupation. Their trade is also a major cause of concern from the public health perspective as there have been incidences of death of consumers due to prolonged alcoholism.

As has been reported by both ILT and other people of villages, the price of illicit liquor is much lower as compared to licensed liquor, and is also available in close proximity to prospective buyers. These two reasons become propelling factors behind the favourable outcome associated with brewing non-licensed liquor. The role of Police is also reported to be supportive as they are bribed to let them carry on the business unrestrainedly, as reported by some respondents.

Alcoholism and Alienation

The initial interviews with the ILT population revealed that though they are able to access the resources of the community but are not socially assimilated by members of other castes. They say that, '*Society branded our youth as thieves and our women as prostitutes. But now these practices are minimal. Since we are producing liquor, people have a notion that we are antisocial-which is not correct.*'

The same perception about ILT population was reiterated by the other members of the villages under study. In the initial contact, they stated that they cannot mend their ways, indicating that they are 'hardcore'. When asked about whether they invite members of Sansi and Perna caste to their family functions like marriage, the obvious answer was "*.....we do-not want to create a mess by inviting them.*"

The members of other castes do not assimilate them in their marriage and other important events as they are treated as objects of scorn because of being engaged in antisocial activities. The spatial location of Sansi and Perna is also indicative of alienation as the population resides in ghettos lying on the periphery of villages. Some people from villages did not hesitate in saying '*they should be thrown out of the village.*' The women of other community accuse them for deteriorated (health) condition of men, unnecessary economic drain and family conflict due to alcoholism in their families, clearly indicating by saying that "*.....after 5 pm, our men go to their mohalla and drink all night.*"

Since alcoholism is a grave social problem and the ILT population provides easy and affordable access to that, incidences of alcoholism are on rise in areas in vicinity of illicit liquor traders. The harmful health hazards are borne by ardent consumers and their families too become the victim of vices of Illicit Liquor. The blame directly falls on the producers of illicit liquor and they receive wrath and hatred of the society, causing low self esteem in the sample population. As Gecas and Burke (1995) point out, the significant interest in self-esteem is largely due to assuming that high self-esteem is associated with good outcomes such as personal success while low self-esteem is associated with bad outcomes such as deviance (10).

The ILT population is double burdened - grappling with alcoholism and facing social exclusion. The male family members of illicit liquor producers have succumbed to premature death owing to liquor misuse, as reported by widow respondents.

Low status of Women

There are extreme gender differences in the prevalence of alcohol use. Alcohol use is still very much a male preserve (11). It is not that only males have suffered due to consumption of illicit liquor as being the primary consumers, a lot of widows have borne the brunt in an indirect way. Widow respondents bear testimony of deaths that have occurred in the community due to consumption of country liquor. The presence of women in production of illicit liquor indicates that they were compelled to undertake this activity after losing their husbands to alcoholism; leaving behind children with no ostensible source of earning.

The average life expectancy of a *Perna* male is reported to be 45-50 years only. Boys as young as 13-14 years start brewing as well as consuming illicit liquor. Since there is no regulation on the ingredients used in brewing, the alcoholic content is usually very high and hazardous enough to cause severe health consequences (as have been reported by respondents). The women of both communities exhibited boldness while undertaking different activities of daily life and also production and trade of illicit liquor. Their homes are visited by many liquor consumers. Their interaction in dealing with liquor customers, at home or outside, gives them exposure of dealing with male customers. In the pervasive patriarchal society, the women have managed to ensure their earning through the business of illicit liquor trade. Also, during the data collection process it was observed that women respondents did not have any reservation in responding to sensitive questions. Most women were seen confident and manipulative on various occasions during the interview process. This does not mean that women are free from the clutches of male dominance. The patriarchal familial system does not provide them opportunities to pursue education and undertake decent employment. There are a lot of restrictions on the mobility of women in these two communities, they are not open to taking up endeavours which involve their movement outside homes, be it education or employment. Alternatively, they undertake home based occupation of illicit liquor production and selling, as customers purchase liquor from their homes. Money that gets generated from this trade is again spent on buying raw material for liquor production, such as jaggery etc., and other home essentials which mostly women buy on their own.

Laxity of Law enforcement agencies

The practitioner of Illicit Liquor reported that they are often troubled by officials of Excise department, who destroy their raw material (*lahaan*) during their raids which causes huge loss to them. In order to avoid Police interference, they offer bribes to them which is actually the price paid for unabated conduct of illicit liquor trade. They also reported that many of them have been booked one or the other time, but get released within a period of 2-3 months or even earlier by paying Rs. 1,000 as bail. They are also in contact with two lawyers who help them in this process. They are not much concerned about the legal procedures as the penalty is not stringent and it is easier to escape from harsh punishment on sympathetic grounds - women and widows plead mercy before the court and manage to avoid punitive difficulties.

The analysis of social reality of sample population depicts that illicit liquor is undoubtedly a social problem in the area under study. The consequences of illicit liquor are borne not only by the consumers but also by the producers. On one side, the health of people is at grave risk and on the other hand, illicit liquor trade brings adverse consequences for its producers as well. They have come to be labeled as criminals and an 'outcast' by larger society, so much so that they are not able to rescue themselves from the hazards of being in this trade. Their socio-economic condition is also deplorable. The future seems bleak for them because drug peddling is becoming another attractive career option. Their engagement in illicit liquor trade leads to limitation of avenues for the younger generation as they lack education and skill. The society is also not immune to the consequences of alcohol or drug abuse. The law and order situation in the society also gets disturbed and rise in crime becomes evident. It has a negative impact on family, children and health of the consumers. The consequences of being in illicit liquor trade have social, psychological, health and economic consequences which ultimately lead to disempowerment of the sample population under study.

FIGURES AND TABLE

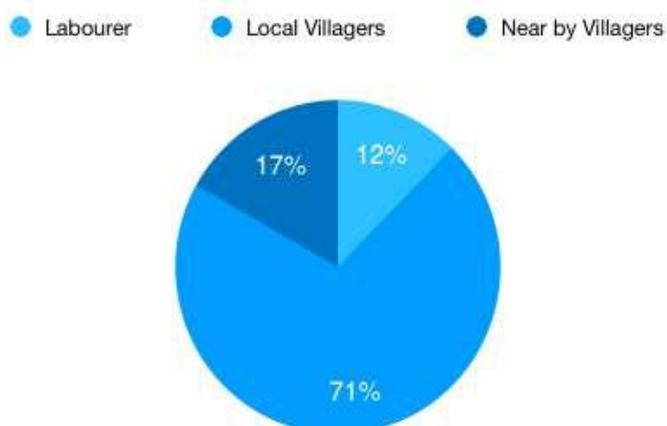


Figure1 Consumers of Illicit Liquor

List of Tables

Table No 1 Respondents opinion about causes of Illicit Liquor Trade

<i>Opinion of respondents regarding Death due to consumption of Illicit liquor</i>	Frequency	Percentage (%)
<i>It has caused death of consumers</i>	50	43
<i>Main Attraction of Illicit Liquor Trade</i>		
Cost of production is low	22	25
Profit	17	19.3
Easy Money	7	7.9
Country liquor is good for health	2	2.3
No other alternative	40	45.5
<i>Job Satisfaction from Illicit Liquor Trade</i>		
Satisfied	5	5.7
Dissatisfied	81	92
Somewhat satisfied	2	2.3
Total	88	100
<i>Reasons for dissatisfaction (multiple response)</i>		
Non availability of growth opportunity	30	36
Insecurity of employment	35	42
Irregular income	5	6
No profit	4	4.55
No respect	10	12
Harassment from Excise and Police dept	75	85
<i>Desire to change occupation</i>	74	84.09
<i>Labelled as anti-social</i>	60	81.82

Table No. 2 Constraints preventing Illicit Liquor Traders from pursuing alternate employment

<i>Constraints preventing from respectable employment</i>		
	Frequency	Percentage
Unavailability of employment opportunity	39	44.3
No Permanent Resident Certificate/ Landholding	28	31.8
No other skills	12	13.6
Societal Stigma/ Harassment	5	5.7
Not much earning in other jobs	4	4.6

5. CONCLUSION:

It is very appalling to see that even after seven decades of independence; we are grappling with the issues of stratification initially created by the British government. These two communities, along with hundreds of others, were listed as criminal tribes through the Criminal Tribes Act (CTI) of 1871. The Act was widely criticised for its inhuman approach in adjudging people as criminals. The criminal tribes were later termed as either habitual offenders or *Vimukta Jatis* after repeal of CTI Act, 1871. They were shown as a separate category for the first time in the 1911 census. Majority of them had low social status with a high rate of illiteracy and unemployment. The members of these communities came to be regarded as hereditary offenders because they practiced trades of their forefathers as trade is based on caste and passed from generation to generation in India. The hereditary connotation implies inheriting occupation from previous generations and not just genetics. For this reason, members of these groups were treated both by the government and people as born criminals, eventually coming to be identified as such. The government has always kept vigilant watch over their movement. People tried to avoid them for fear of their violent and criminal activities. The government at that time viewed them as criminals by birth and felt they required some special treatment. The trade of illicit liquor has to be understood from the fundamental concept of Economics in which the laws of demand and supply are deemed to govern the market. This concept is equally applicable to the trade of illicit liquor in Kathua district. This trade has a grave impact on the socio-economic milieu of the sample population which comprises producers of illicit liquor. The study reveals that there is intersectionality of social, cultural as well as economic compulsions which sustain the hooch

market. Haikerwal also connects the problem of crime with a broader critique of Indian society's hierarchical and unequal structure (12). The mitigation of the problem requires understanding of the fact that illicit liquor problem is not just economic in nature but also has social as well as cultural dimensions. Similarly, considering hooch as a result of the notoriety of illicit liquor traders alone, is a partial discernment of an enormous problem. The poverty has born out of and sustained due to the cultural and social exclusion of the population under study. The population is only able to make both ends meet with the dire income earned from illicit liquor. Any effort to improve the economic condition of people has to be carried out through socio-cultural route, otherwise, lack of acceptance and integration with society will lead to relapses. Even today, people are labeled and ostracised in their own land and are left with no better opportunity to earn their livelihood from illegal occupation.

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