

AN ANALYSIS OF LEGAL PROVISIONS ON ALCOHOL USE AND ADVERTISING IN NEPAL

Bhagawoti Sharma^{1*} and Bhimsen Devkota²

Tribhuvan University Mahendra Multiple Campus Nepalgunj, Banke¹ Department
of Education, Mahendra Ratna Campus Tahachal, Kathmandu² Nepal

ABSTRACT

Excessive alcohol consumption is a risk factor for non-communicable diseases, e.g., different types of cancer, heart diseases, liver diseases, kidney problems, anxiety, depression, etc. The study's main objectives are to explore the legal provisions regarding alcohol use and to analyse the regulations related to alcohol advertising included in the liquor and advertising legislation in Nepal. Likewise, it also highlights the necessity and rationale for comprehensive alcohol and advertising legislation in Nepal. This study is based on document review methods. The researcher searched legal documents and other relevant literature through the Nepal Law Commission's website, Google Scholar, Research Gate, and PubMed. After reviewing relevant literature, the necessary information was thematically analysed. In Nepal, individuals interested in producing, selling, distributing, exporting, or importing alcohol must obtain a license. Likewise, license holders must adhere to the conditions specified in their licenses. In Nepal, regulations regarding alcohol state that individuals under 18 years of age, pregnant women, and those who are already intoxicated are not permitted to sell or purchase alcohol. Likewise, there is a legal provision that children under the age of 18 cannot be given a license to sell alcohol and cannot be employed in selling alcohol. If someone produces, sells, distributes, exports, and imports alcohol against the law, action will be taken according to the law. Although Nepal's liquor laws have established a solid legal framework aimed at protecting children and vulnerable groups, the issues of illegal alcohol sales and consumption persist. For these regulations to be effective, strict enforcement and monitoring are essential. Therefore, these results may be beneficial for future legal reforms, awareness programmes, and implementation strategies.

KEYWORDS: Alcohol advertising regulation, policy analysis on alcohol, legal framework, alcohol control laws, alcohol regulation, alcohol advertising

Corresponding Author: Bhagawoti Sharma and Bhimsen Devkota. Email: bhagawoti39kafle@gmail.com



<https://orcid.org/0000-0002-8712-0712>



This is an open-access article licensed under a Creative Commons Attribution 4.0 International License (CC BY) allowing distribution and reproduction in any medium, crediting the original author and source.

1. INTRODUCTION

The overindulgence in alcoholic beverages is a significant risk factor to the health of populations across the globe (World Health Organisation, 2019). Alcohol consumption significantly contributes to diseases like cancer, heart disease, liver disease, and mental health issues (Budreviciute et al., 2020; Habib & Saha, 2010). Due to excessive alcohol use, there are 3 million alcohol-related deaths and 5.1 percent disability worldwide. Additionally, 1.7 million deaths annually are due to non-communicable diseases, while digestive and cardiovascular diseases cause 1.2 million deaths, and cancers cause 0.4 million deaths. These deaths are attributable to alcohol consumption. There are 2.3 billion people who consume alcohol worldwide (World Health Organization, 2019). In Nepal, 23.9 percent of those aged 15–69 years consumed alcohol in the past twelve months. Likewise, 20.8 percent of the adults consumed alcohol in the past thirty days (Dhimal et al., 2020). They similarly found that problematic alcohol consumption was common among men aged 25–34 years and 35–44 years. Shrestha (2022) found that friends, family, caste/ ethnicity, and alcohol brands were the leading factors influencing alcohol consumption during festivals in Kathmandu. In addition, Maharjan and Magar (2017) found that 56 percent of youths aged 15–24 years consumed alcohol. They also found that alcohol consumption among youths was associated with age, gender, ethnicity, family, and friends' alcohol consumption history, and 85.9 percent of the participants reported increased excessive drinking due to alcohol advertising.

Alcohol advertising has a strong influence on shaping the preferences, attitudes, and behaviours of adolescents (Berey et al., 2017; Jernigan, 2010; Roche et al., 2008). Osuafor et al. (2023) found a strong association between exposure to alcohol advertising and initiation of alcohol consumption among adolescents. Likewise, alcohol marketing is considered a contributing factor to underage drinking (Dean, 2020). Similarly, Dhimal et al. (2020) mentioned that 18.7 percent of adults aged 15–69 were exposed to alcohol advertising on various media platforms. Moreover, 21.9 percent of the surveyed individuals who attended social events, such as sports events, fairs,

concerts, and others, reported occasionally, frequently, or consistently seeing alcohol advertisements or receiving free or discounted beer or alcohol. These advertisements' visuals, slogans, and associations can shape a favourable perception of the advertised products. This can reinforce the idea that consuming alcohol is appealing and socially desirable (Sahoo, 14 September 2023). Harmful alcohol use can hinder productivity and quality of life, impacting social and economic development (World Health Organisation, 2017). To reduce the detrimental effects of alcohol use, it is necessary to reduce the prevalence of alcohol consumption through the prohibition of alcohol advertising (Siegfried et al., 2014). Alcohol control policies, laws, and regulations can play a significant role in preventing and controlling alcohol consumption (Substance Abuse and Mental Health Services Administration, 2022). Similarly, Alcohol policies influence environmental factors that impact the behaviours of drinkers and individuals in recovery (Kerr & Subbaraman, 2021). Furthermore, laws and policies are crucial in promoting community well-being by creating healthier, safer, and more liveable environments and reducing the adverse effects of alcohol consumption (Luca et al., 2019).

In the world, sixty-six countries, including Nepal, have national alcohol control legislation. Alcohol legislation has included various legal provisions such as a licensing system, pricing and taxing policy, legal drinking age, age restriction of drinking, alcohol-restricted areas, restriction of alcohol advertising, restriction of import and export alcohol, time for alcohol sale, etc. (World Health Organization, 2017). Alcohol has adverse effects on individuals and society. Excessive use of alcohol can impact physical, mental, and social well-being. It can lead to addiction, disease, crime, violence, poverty, and corruption (Karki, 2016). The government of Nepal has implemented acts, policies, rules, and regulations to address issues related to alcohol consumption. The laws of Nepal have provided various legal provisions, such as not being able to sell alcohol in any shop and not selling alcohol to children under 18 (Liquor Act, 1974; Liquor Rule, 1976). Still, in Nepal, alcohol is available at anytime, anywhere, to any age group without any restrictions (Dhital, 2001).

Furthermore, the government of Nepal has implemented various policies to regulate advertising. In Nepal, alcohol advertising is illegal in print and electronic media fields (Advertisement Regulation Act, 2019; The Consumer Protection Act, 2018). However, alcohol advertisements can still be found in multiple locations, including hoarding boards, social media, walls, nameplates of hotels and restaurants, alcohol stores, and grocery stores (Sharma & Devkota, 2023). Based on my knowledge and study, numerous studies have been conducted on the prevalence of alcohol consumption and its associated factors, as well as a critical analysis of global alcohol policies. However, studies have yet to be conducted in Nepal analysing alcohol policies and advertising. Therefore, it is necessary to survey the legal perspectives of alcohol and alcohol advertising in Nepal. Hence, this study aims to investigate the legal provisions concerning alcohol consumption and advertising in Nepal. This study's findings can provide valuable insights for policymakers and regulatory bodies in shaping effective and balanced regulations for alcohol advertising. They can also help address gaps in the existing literature on the legal aspects of alcohol and alcohol advertising. Researchers interested in exploring the legal dimensions of alcohol and alcohol advertising can use this study as a valuable resource. It seeks to answer the following research questions:

1. What are the existing legal provisions related to the production, sale, distribution, and import of alcohol in Nepal?
2. How do current advertising laws and policies regulate alcohol advertising in Nepal?
3. Why are alcohol and advertising legal measures required in the context of public health and well-being in Nepal?

2. METHODS AND MATERIALS

This study was based on reviews of legal documents and secondary data analysis. Necessary literature was collected and screened from various sources, including legal documents, statutes, rules, and regulations on alcohol use and advertising in Nepal. Other sources

included hearings, stay orders from the Supreme Court of Nepal, official documents, journal articles, manuscripts, conference papers, books, published and unpublished theses and dissertations, newspaper articles, and magazine articles related to alcohol use and advertising. At first, the author searched related literature by using several keywords like alcohol policy, liquor act, liquor rules and regulations, restriction of alcohol advertising in Nepal, age restriction of alcohol use in Nepal, alcohol prohibited areas, and the Licensing system of the production or sale and import of alcohol. Relevant literature and legislative documents were screened through the websites of the Nepal Law Commission, Google browser, PubMed, Google Scholar, Hinari, Research Gate, etc. The author found only ten legislative documents related to alcohol use and advertising. After that, the author carefully organised and analysed sources related to alcohol advertising after reviewing the relevant articles and legislative documents. Subsequently, the author coded the necessary information and analysed it thematically

3. RESULTS

The results section presents a thematic analysis of ten legislative documents (acts, rules, policies, regulations) related to alcohol use and alcohol advertising in Nepal. The author's reviewers' analysis of ten legislative documents (acts, rules, regulations) is presented as follows:

Reviews of Contents Related to Alcohol and Advertising

Alcohol consumption in Nepal has become widespread, viewed as a leisure activity in certain cultures where intoxication is tolerated. Overcoming addiction is challenging, prompting a need for stricter legislation to control usage. Under Nepal's Constitution, various laws govern alcohol use and advertising through legal analyses. Despite these laws, alcoholism significantly impacts individuals and families. Following the Constitution's adoption, rights of minors were compromised, with health institutions established near schools and monasteries, all legally permitted. This section provides information on the legal perspective of

alcohol and various alcohol-related legislation in Nepal. It also discusses the legal provisions concerning alcohol advertising in Nepal.

Necessity of Alcohol and Advertising Legislation

Alcohol control laws are crucial for improving the well-being of individuals, families, and communities. These regulations are designed to mitigate the negative consequences associated with high levels of alcohol consumption, including health problems and mortality. They are also crucial for ensuring public health and safety and preventing alcohol-related harm (World Health Organization, 2017). Likewise, to maintain morality, health facilities, and the economic interests of the general public, there is a need for laws and policies related to alcohol that control the production, sale, distribution, and export of alcohol (Liquor Act, 1974). There is a need for acts, policies, and regulations to control hotel management and the sale and distribution of liquor while prioritizing the decency, convenience, health, and financial interests of the general public (Hotel Management and Sale and Distribution of Liquors (Control) Act, 1966). Furthermore, the law regulates advertising and related arrangements for promoting goods or services (Advertisement Regulation Act, 2019).

Provisions for Legal Alcohol Trade

Article 3 of the Liquor Act (1974) states that manufacturing liquor without a license is illegal. Likewise, even individuals who possess a license must adhere to the specified terms and conditions when producing liquor. Similarly, article 4 of this Act states that bars, restaurants, or shops that have obtained a license for the sale and distribution of alcohol shall only sell, distribute, or comply with the conditions specified in the permit. Furthermore, Article 5 of this act also mentions that only one can export or import alcohol with a permit. It also states that even with a license, alcohol can only be exported or imported following the conditions specified in the permit.

Restriction of Liquor Trade

Article 4 A (1) of the Liquor Act (1974) states that it is illegal to manufacture, sell, or distribute liquor in

plastic pouches. Likewise, Article 7 of the Hotel Management and Sale and Distribution of Liquors (Control) Act (1966) prohibits the sale or offering of liquor to someone who is already drunk. Furthermore, schedule 3A, Section 8 of the Excise Duty Rules (2002) stipulates that pregnant woman are prohibited from selling, purchasing, or distributing alcoholic beverages.

Age Restriction

Article 4. A (2) of the Liquor Act (1974) states that it is illegal to sell or distribute alcohol to individuals under the age of 18. Similarly, Article 4. A (3) of the same act specifies that individuals under the age of 18 are not permitted to be involved in the sale and distribution of alcohol. Furthermore, Article 6 A of this act mentions that licenses cannot be issued to individuals under the age of eighteen. Likewise, schedule 2(A.6) of the Liquor Rules (1976) restricts the sale and distribution of alcohol to individuals under 18 years of age. In the same way, Schedule 3.B (6) of the Excise Duty Rules (2002) prohibits persons under 18 from engaging in the sale and distribution of liquor. Moreover, Section 16(4) of the Children's Act (1992) prohibits the involvement of children under the age of 16 in the sale of alcohol, drugs, and other illegal substances. Similarly, Hotel Management and Sale and Distribution of Liquors (Control) Act (1966) prohibits the sale or offering of liquor to children below the age of sixteen.

Licensing System

Article 6 of the Liquor Act (1974) provides that only individuals licensed under the Excise Act, 2058 (2002), or the Excise Rules, 2059 (2002), are allowed to manufacture, import, sell, or store liquor. Likewise, Article 6 A of the liquor act states that the designated authority must thoroughly investigate any license application received. Suppose it is determined that granting the license to the applicant is justified. In that case, the permit will be issued in the prescribed format upon payment of the required fee and subject to the conditions specified in the license. In addition, Section 6 of the Liquor Act (1974) states that if the license is not renewed if the conditions specified in the permit are violated, if alcohol is produced and sold in plastic bags or pouches, and if alcohol is sold to children under

the age of 18, the prescribed authority may cancel the license. Furthermore, Article 7 of the Liquor Act (1974) mentions that individuals do not need a license to produce alcohol or jaad for personal consumption in specific quantities. Likewise, rule 3(2) of the Liquor rules (1976) states that individuals must apply to the excise officer to produce, sell, distribute, or export alcohol. Rule 6 limits the license to one financial year. Rule 7 allows individuals with diplomatic or customs privileges to import foreign liquor, travellers to bring three bottles of liquor and two of beer, and allows specific quantities for departmental testing. Production of Raksi and Jaad is limited to six times a year, with prior notification to the Excise Officer necessary. Moreover, articles 8 and 9 of the Excise Duty Act (2002) prohibit the manufacture, import, sale, or storage of excisable goods or the provision of excisable services to any individual without obtaining a license. Furthermore, Schedule 3A, Section 8 of the Excise Duty Rules (2002) stipulates that pregnant women are prohibited from selling, purchasing, or distributing alcoholic beverages.

Confiscation and Sale of Alcohol

Article 13(1) of the Liquor Act (1974) states that if anyone produces, sells, distributes, exports, or imports alcohol contrary to this Act, the excise officer can confiscate the alcohol. Likewise, Section 13(2) requires the excise officer to auction the quality liquor. Article 13(3) also states that the excise officer shall seize any goods used in the trade in alcohol which are in breach of this act.

Punishment

Article 12(1) of the Liquor Act specifies that anyone who violates this Act will face imprisonment for a maximum of six months, a fine of up to one hundred thousand rupees, or both. Furthermore, Article 12(2) of this act mentions that individuals who attempt to commit, instigate, or aid and abet any violations of this Act can be sentenced to a maximum of three months in prison, a fine of up to fifty thousand rupees, or both. Likewise, Article 10 of the Hotel Management and Sale and Distribution of Liquors (Control) Act (1966) states that if liquor is sold and distributed to children

under the age of sixteen if it is sold to an intoxicated person, or if it is distributed contrary to this act, the designated authority may fine up to five thousand rupees and order the closure of the hotel or shop if necessary. Furthermore, article 16(1) of the Excise Duty Act (2002) states that if someone produces fake excise stickers for alcohol, beer, and other products or imports without the necessary license, they will be fined an amount equal to the claimed value. Additionally, the production, importation, and use of counterfeit stickers and their transportation or storage can result in imprisonment for up to one year or a combination of imprisonment and fine.

Reward

By Article 15 of the Liquor Act (1974), anyone found to have manufactured, stored, sold, distributed, transported, exported, or imported alcohol in violation of the Act is subject to a reward of 10 percent of the amount in question if they provide information, report, or arrest the offender and provide proof of the incident. Similarly, twenty percent of the amount in question shall be provided to the person who arrests the person or liquor. Additionally, the person who arrests the person and the liquor will receive thirty percent of the amount in question.

Time Allocation

Rule 10 of the Liquor Rules (1976) states that individuals with a license are only permitted to sell and distribute liquor between 10 AM and 10 PM. Likewise, article 3 (1) of the Hotel Management and sale and distribution of liquors (Control) act states that proprietors of hotels or shops with liquor consumption provisions are prohibited from selling or offering liquor before noon and after 1 PM on Fridays or after 12 PM. on other days. Furthermore, schedule 3B (8) of the excise duty rules provides that licensees may sell and dispense liquor only between 10 AM and 10 PM.

Liquor Prohibited Areas

Rule 11 of the Liquor Rules (1976) law prohibited selling and distributing liquor near shops or public places such as temples, educational institutions, schools, and colleges. Likewise, selling alcohol within

a 200-yard radius of these establishments is also restricted.

Tax

The taxation provision regarding alcoholic products included in Excise Duty Act (2002) is presented as follows:

Table 1

Tax Regarding Alcoholic Products

Alcoholic Products	Unit	Tax
Barley beer alcohol content of up to 12 %	Per litre	Rs.165
Import of fresh grapes wine with an alcohol content of up to 12 %and above 17%	Per litre	Rs.370
Import of fresh grapes wine with an alcohol content of more than 17 %	Per litre	Rs.430
Import of Chhayang (Country Beer)	Per litre	Rs.35
Champagne, sherry, mid, Perry, and cider	Per litre	Rs.430
Prepared alcohol of strength 15 U.P. (having alcoholic content of 48.5%)	Per litre	Rs.1325
Prepared alcohol of strength 15 U.P. (having alcoholic content of 48.5%)	Per L.P	Rs.1560
Prepared alcohol of strength 25 U.P. (having alcoholic content of 42.8%)	Per litre	Rs.990
Prepared alcohol of strength 25 U.P. (having alcoholic content of 42.8%)	Per L.P	Rs.1320
Prepared alcohol of strength 30 U.P. (having alcoholic content of 39.94%)	Per litre	Rs.920
Prepared alcohol of strength 30 U.P. (having alcoholic content of 39.94%)	Per L.P	Rs.1315
Prepared alcohol of strength 40 U.P. (having alcoholic content of 34.23%)	Per litre	Rs.465
Prepared alcohol of strength 40 U.P. (having alcoholic content of 34.23%)	Per L.P	Rs.770

Prepared alcohol of strength 50 Per U.P. (having alcoholic content of 28.53%) Rs.375

Prepared alcohol of strength 50 Per U.P. (having alcoholic content of L.P 28.53%) Rs.750

Prepared alcohol of strength 70 Per U.P. (having alcoholic content of litre 17.12%) Rs.35

Prepared alcohol of strength 70 Per U.P. (having alcoholic content of L.P 17.12%) Rs.115

Source: Schedule related to article 3 of the Excise Duty Act (2002).

Table 1 shows the tax structure for various alcoholic products in Nepal, providing insight into the government's approach to revenue generation and regulation of alcohol consumption. Taxes vary depending on the type of alcoholic beverage and its alcohol content. For example, barley beer with up to 12% alcohol content costs Rs. 165 per litre, while the import of fresh grape wine with high alcohol content costs between Rs. 370 to Rs. 430 per litre per litre. For instance, imported fresh grape wine with higher alcohol content faces higher taxation, ranging from Rs. 370 to Rs. 430 per litre. Additionally, higher taxes are imposed on beverages with higher alcohol content to control excessive alcohol consumption and reduce the associated public health risks.

Legal Provision Related to Alcohol Advertising

The legal provision regarding advertising is presented as follows:

Advertising Restricted Areas

Article 7(1) of Chapter 2 of the Advertisement Regulation Act (2019) mentions that empowers the local authority to declare any religious, cultural, archaeological, educational, health, or other place a prohibited area for advertisement based on the prescribed criteria.

License

Section 4(1) of Chapter 2 of the Advertisement Regulation Act (2019) stipulates that a person who wants to advertise by placing a heading board in a public place must obtain a license from the

municipality or rural municipality. However, Section 4(5D) of this Act mentions that an advertisement license could not be granted if it could adversely affect the originality and natural beauty of religious, cultural, archaeological, historical, or other places included in the World Heritage List.

Restricted Advertising

Section five of the advertisement regulation act, 2019 prohibits the advertising of prohibited materials such as gambling, betting, alcohol, and tobacco. Similarly, Section 7(2) of Chapter 2 of this Act prohibits advertising in restricted areas such as religious, cultural, archaeological, educational, and health institutions and places far from such places or institutions. Similarly, Section 10(1) of this Act prohibits sending messages or emails to mobile phones without the concerned person's consent for advertising. Likewise, Section 15 the National Broadcasting Act (1993) prohibits the advertisement of alcohol to protect public health. Likewise, this Act specifically banned the advertising of alcohol in the print media, but it allowed the advertising of alcohol in other forms. Similarly, Article 45(1) the Public Health Service Act (2018) stipulates that advertising of alcohol, cigarettes, or tobacco products, which have detrimental effects on human health, is prohibited. Section 7(1G) of the Consumer Protection Act, 2018 states that manufacturers are not responsible for publishing false or misleading advertisements or promotions of goods or services.

Punishment

Section 25 of the Advertisement Regulation Act, 2019 states that if someone commits an offense related to a hoarding board, he will be fined more than one lakh rupees. Likewise, it has been mentioned that if anyone advertises in a prohibited area or during the time specified by the board, the advertiser's details, through email and SMS, will be fined up to one lakh rupees. Likewise, the Public Health Service Act (2018) mentions that if any individuals advertise alcohol, cigarettes, or tobacco products against article 45 (1) of the Public Health Service Act (2018), the offender will face a penalty of ten thousand rupees.

4. DISCUSSION

Legal Perspective on Alcohol Use

In Nepal, obtaining a license is necessary to produce, sell, distribute, export, or import alcohol. Likewise, anyone who has received a permit to trade alcohol must comply with the conditions mentioned in the license while producing, selling, distributing, exporting, and importing alcohol (Excise Duty Act, 2002; Excise Duty Rules, 2002; Liquor Act, 1974; Liquor Rules, 1976) due to the government's liberal policy on alcohol alongside ineffective implementation strategies, has resulted in unauthorized establishments such as shops, hotels, and restaurants continuing to sell alcoholic beverages without proper licenses. Likewise, liquor is sold in grocery stores, general stores, snack shops, general tea shops, and other shops in Nepal (Biyani, 2017). Similarly, Shrestha and Tiwari (2021) mention that a person should not be required to obtain a license to produce up to five litres of liquor and up to ten litres of Jand for personal consumption at a time. However, both men and women are involved in the production and sale of local raki (homemade alcohol) in Nepal due to the country's limited resources, low level of education, and limited economic opportunities. Likewise, Dhimal et al. (2020) found that 88.2 percent of adults aged 15-69 reported that it is easy to get alcohol. So, it is said that to control the risk of alcohol consumption in Nepal, concerned bodies such as the federal government, state government, and local government should regularly monitor and supervise the places where alcohol is sold and strictly punish the shopkeepers who operate in violation of the law.

Nepalese law prohibits the sale of alcohol to minors under the age of 18. Similarly, children under 18 cannot be employed to sell alcohol in Nepal (Liquor Act, 1974; Liquor Rules, 1976). However, the Children's Act (1992) has banned the sale and distribution of alcohol to children under the age of 16. Likewise, the Field Liquor Act (1974) has prohibited licensees from producing, selling, distributing, exporting, and importing liquor to minors who have not completed 18 years. However, in Nepal, alcohol is bought and sold anytime, anywhere, to any age group without any restrictions (Dhital et al., 2001). Likewise,

86.1 percent of the respondents aged 15-24 reported that alcohol is readily available in their community (Dhimal et al., 2020). Therefore, it is necessary to ban the sale, distribution, and consumption of alcohol for social security and the safety of children (Dhital, 2001). The Excise Duty Act (2002) prohibits pregnant women from selling alcohol. Similarly, it is legally prohibited to involve pregnant women in the production and distribution of alcohol. However, Aryal et al. (2016) found that one-third of the women consumed alcohol daily during pregnancy. Likewise, there is a legal provision that bars, restaurants, hotels, and liquor dealers operating for the sale of liquor can sell and distributing liquor only from 10 am to 10 pm (Excise Duty Rules, 2002; Liquor Rules, 1976). Hahn et al. (2010) found that increasing the period of alcohol sold increases the risk of alcohol consumption as well as the risks associated with alcohol consumption. In Nepal, the production, sale, and distribution of alcohol are prohibited within 200 meters of various public places such as temples, educational institutions (schools, universities, campuses), and health institutions (Liquor Rules, 1976). The main reason for banning the use of alcohol in public places is to control the severe social problems caused by the use of alcohol by making alcohol-free workplaces, public places, and social and cultural entertainment programs alcohol-free (World Health Organization, 2017). Availability of alcoholic beverages and easy access to or near availability of alcohol may increase the consumption of alcohol by adolescents (Martín-Turrero et al., 2022).

In Nepal, there is a legal punishment if someone produces, sells, distributes, exports, or imports alcohol without complying with the conditions mentioned in the license. In Nepal, rewards have been provided to the person who informs about illegal alcohol production and arrests the liquor producer and liquor (Liquor Act, 1974). Likewise, liquor vendors should not sell liquor to people who are already intoxicated (Hotel Management and Sale and Distribution of Liquors (Control) Act, 1966). Similarly, this act also provides that vendors who sell alcohol to a person who is already drunk after consuming alcohol and children under the age of 16 can be fined up to 5000. The hotel can be closed depending on the situation. Likewise, the Excise Duty Act (2002) mentions imprisonment of up to one year if someone produces fake excise stickers

for producing liquor, beer, and other alcoholic substances. So, the Nepal government formulated and implemented these rules to regulate the production, sale, and distribution of alcohol (Gautam, February 22, 2017). Furthermore, to reduce the health risks of the people by controlling the excessive consumption of alcohol in Nepal, there is a system of imposing high taxes on alcoholic drinks with high alcohol content (Excise Duty Act, 2002). Likewise, higher health taxes help to reduce alcohol consumption and control non-communicable diseases (Yubraj et al., 2023).

Legal Provision Related to Alcohol Advertising

The Advertisement Regulation Act (2019) has prohibited any type of advertisement in areas close to various religious, cultural, archaeological, educational, and health institutions. Anderson (2009) found that alcohol advertisements make people more likely to drink alcohol. So, limiting the amount of alcohol advertising reduces the likelihood of alcohol consumption and subsequent harm. In Nepal, if someone wants to advertise the goods or services they produce, there is a legal provision to obtain a license from the respective municipality or rural municipality (Advertisement Regulation Act, 2019) due to the liberal advertising policy and lack of monitoring and supervision of alcohol advertising in Nepal. The marketing agencies constantly advertise intoxicating products in Nepal (Mishra, 2022). Likewise, the advertising laws of Nepal prohibits alcohol advertisements in electronic and printed media (Advertisement Regulation Act, 2019; The National Broadcasting Act, 1993; The Public Health Service Act, 2018). However, in Nepal, alcohol advertising has been seen everywhere and revealed that even though state newspapers and the state remain neutral, regular advertisements for alcohol are published in private newspapers in Nepal without any restrictions (Karki, 2021).

Sharma and Devkota (2023) was found that school students were exposed to alcohol advertising in different media such as online news, social media, movies, walls and nameplates of the hotel or cottage, printed press, hoarding boards, and retail shops. So, there is still a gap between policy and practice

regarding alcohol advertising. In addition, if someone advertises his product or service near the advertising prohibited area by law, there is a legal provision to fine up to one lakh rupees (Advertisement Regulation Act, 2019). Likewise, the Public Health Service Act (2018) has been mentions that for anyone who advertises elements that are harmful to human health, such as Advertising alcohol, there is a provision that the advertiser will be fined ten thousand rupees (World Health Organization, 2019).

5. CONCLUSION

Alcohol consumption is a significant public health issue around the world. To regulate and oversee liquor production, sale, distribution, export, and import, the Nepalese government has developed legislation on liquor. This study focuses solely on analysing the legal provisions for the production, sale, distribution, and export of alcohol as outlined in the six alcohol-related laws. In the same way, only the legal requirements related to the advertising of alcohol, which are included in the four laws related to advertising, have been studied. In Nepal's liquor-related statutes and regulations, there is a provision that requires obtaining a license for the production, sale, distribution, export, and import of liquor. However, in Nepal, small grocery shops, pan shops, tea shops, and snack shops also sell alcohol.

Similarly, Nepal's liquor law stipulates that individual under the age of 18 are not permitted to be employed in the selling or serving of alcohol. Similarly, the Advertising Act prohibits the advertising of alcoholic beverages that are harmful to human health. In order to effectively implement the law, it appears necessary to organize a legal awareness program targeting teachers, students, liquor sellers, liquor producers, public representatives, and civil society.

6. REFERENCES

Nepal Law Commission(2019). Advertisement Regulation Act.
<https://pioneerlaw.com/resource/advertisement-regulation-act-2019/>

Anderson, P. (2009). Is it time to ban alcohol advertising? *Clin Med (Lond)*, 9(2), pp.121-124. <https://doi.org/10.7861/clinmedicine.9-2-121>

Aryal, K. K., Thapa, N., Mehata, S., Thapa, P., Alvik, A., & Stray-Pedersen, B. (2016). Alcohol Consumption during Pregnancy and Postpartum Period and its Predictors in Sindhupalchowk District, Nepal. *J. of Nepal Health Research Council*, 14(34), pp.143-153. <https://pubmed.ncbi.nlm.nih.gov/28327678/>

Berey, B. L., Loparco, C., Leeman, R. F., & Grube, J. W. (2017). The myriad influences of alcohol advertising on adolescent drinking. *Curr Addict Rep*, 4(2), pp.172-183. <https://doi.org/10.1007/s40429-017-0146-y>

Biyani, S. (2017). *Beer Market in Nepal & flying through narrow lanes*.
<https://www.linkedin.com/pulse/beer-market-nepal-flying-through-narrow-lanes-shishir-biyani/>

Budreviciute, A., Damiati, S., Sabir, D. K., & Kodzius, R. (2020). Management and prevention strategies for non-communicable diseases (NCDs) and their risk factors. *J. of Frontiers in Pub. Health*, 8, p.574111. <https://doi.org/10.3389/fpubh.2020.574111>

Children's Act, (1992).
<https://lawcommission.gov.np/en/?cat=430>
The Consumer Protection Act, Nepal Law Commission (2018).
<https://www.lawcommission.gov.np/en/wp-content/uploads/2019/09/The-Consumer-Protection-Act-2075-2018.pdf>

Dean, T. (2020). *New Report Determines that Alcohol Ads Lead to Youth Drinking*.
<https://geiselmed.dartmouth.edu/news/2020/new-report-determines-that-alcohol-ads-lead-to-youth-drinking/>

Dhimal, M., Bista, B., Bhattarai, S., Dixit, L., Hyder, M., Agrawal, N., Rani, M., Jha, A. k. (2020). *Report of non communicable disease risk factors: steps survey Nepal 2019*. <https://www.who.int/docs/default->

source/nepal-documents/ncds/ncd-steps-survey-2019-compressed.pdf

Dhital, R. (2001). *Alcohol Control in Nepal: Challenges and Opportunities*. FORUT – Campaign for Development and Solidarity. <http://www.add-resources.org/alcohol-control-in-nepal-challenges-and-opportunities.444189-315780.html#:~:text=Prohibition%20of%20drinking%20under%20the,sale%20%2D%20from%20%2D%206%20PM>

Dhital, R., Subedi, G., Gurung, Y. B., & Hamal, P. (2001). *Alcohol and drug use in Nepal*. <https://img4.custompublish.com/getfile.php/420080.994.uaaurwbpyau/Nepal%20alcohol%20study.pdf?return=forut.custompublish.com>

Excise Duty Act, Law Commission (2002). <https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/excise-duty-act-along-with-each-year-financial-acts-amendment-2058-2002.pdf>
Excise Duty Rules, (2002). <https://www.ird.gov.np/public/pdf/98853546.pdf>

Gautam, M. (February 22, 2017). Gov's stringent policy to regulate alcohol products. *The Kathmandu Post* <https://kathmandupost.com/valley/2017/02/22/govs-stringent-policy-to-regulate-alcohol-products>

Habib, S. H., & Saha, S. (2010). Burden of non-communicable disease: Global overview. *Diabetes & Metabolic Syndrome: Clinical Research & Rev.*, 4(1), pp.41-47. <https://doi.org/https://doi.org/10.1016/j.dsx.2008.04.005>

Hahn, R. A., Kuzara, J. L., Elder, R., Brewer, R., Chattopadhyay, S., Fielding, J., . . . Lawrence, B. (2010). Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. *Am J. Prev Med*, 39(6), pp.590-604. <https://doi.org/10.1016/j.amepre.2010.09.016>

Hotel Management and Sale and Distribution of Liquors (Control) Act, Nepal Law Commission (1966). <https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/hotel-management-and-sale-and-distribution-of-liquors-control-act-2023-1966.pdf>

Jernigan, D. (2010). The Extent of Global Alcohol Marketing and Its Impact on Youth. *Contemporary Drug Problems*, 37. <https://doi.org/10.1177/009145091003700104>

Karki, D. K. (2016). Effects of alcohol abuse: Social and economic costs. *The himalayan Times*. <https://thehimalayantimes.com/opinion/effects-alcohol-abuse-social-economic-costs>

Karki, Y. (2021). Agathokakological aspect of alcohol advertising in Newspapers. *International Journal of Social Sciences and Management*, 8(3), 408-415. <https://doi.org/10.3126/ijssm.v8i3.37708>

Kerr, W. C., & Subbaraman, M. S. (2021). Alcohol Control Policy and Regulations to Promote Recovery from Alcohol Use Disorder. In *Dynamic Pathways to Recovery from Alcohol Use Disorder: Meaning and Methods*, pp. 346-363. Cambridge University Press. <https://doi.org/10.1017/9781108976213.025>

Liquor Act, Nepal Law Commission (1974). <https://nepaltradeportal.gov.np/resources/docs/liquor-act-2031-1974.pdf>

Liquor Rules, Government of Nepal (1976). https://ird.gov.np/public/pdf/1023609449.pdf?fbclid=IwAR2aX1Lw8wl1S4IYT05Q5oGuqvyv_Bff5GeqYLZPNRH7HWmWDCqI2IiyFE

Luca, D. L., Owens, E., & Sharma, G. (2019). The effectiveness and effects of alcohol regulation: evidence from India. *IZA Journal of Development and Migration*, 9(1), p.4. <https://doi.org/10.1186/s40176-018-0139-1>

Maharjan, P., & Magar, K. T. (2017). Prevalence of alcohol consumption and factors associated with the alcohol use among the youth of suryabinayak Municipality, Bhaktapur. *J. of Pharmaceutical Care &*

Health Systems, 4(1), p.68.
<https://doi.org/10.4172/2376-0419.1000168>

Martín-Turrero, I., Valiente, R., Molina-de la Fuente, I., Bilal, U., Lazo, M., & Sureda, X. (2022). Accessibility and availability of alcohol outlets around schools: An ecological study in the city of Madrid, Spain, according to socioeconomic area-level. *Environ Res*, 204(Pt C), p.112323. <https://doi.org/10.1016/j.envres.2021.112323>

Mishra, A. (2022). *Shameless advertising of alcoholic products; Mockery of Nepal's rule of law*. Retrieved 4/16/2024 from <https://bibeklama67.com.np/brandguff/shameless-advertising-of-alcoholic-products-mockery-of-nepals-rule-of-law/>

The National Broadcasting Act, NP007 Nepal Law Commission (1993). <https://www.wipo.int/wipolex/en/text/311956>

Osuafor, G. N., Okoli, C. E., & Chibuzor, G. (2023). Exposure to alcohol advertising and alcohol consumption among children and early teenagers in South Africa. *BMC Research Notes*, 16(1), p.144. <https://doi.org/10.1186/s13104-023-06364-5>

The Public Health Service Act, Nepal Law Commission (2018). <https://www.lawcommission.gov.np/en/wp-content/uploads/2019/07/The-Public-Health-Service-Act-2075-2018.pdf>

Roche, A. M., Bywood, P., Borlagdan, J., Lunnay, B., Freeman, T., Lawton, L., . . . Nicholas, R. (2008). *Young people and alcohol: The role of cultural influences*. DrinkWise Australia Ltd. https://drinkwise.org.au/wp-content/uploads/Young_People_and_Alcohol-NCETA_Flinders_University.pdf

Sahoo, P. (14, September 2023). *Legal analysis of tobacco and alcohol advertising laws in India*. TMT Law Practice. Retrieved 4/3/2024 from <https://www.lexology.com/library/detail.aspx?g=c3625316-71db-492b-b896-a5bd471614ed>

Sharma, B., & Devkota, B. (2023). Influence of Alcohol Advertising on Alcohol Consumption among School Students. *Voice : A Biannual & Bilingual J.*, 15(1), 1-18. <https://doi.org/10.3126/voice.v15i1.57956>

Shrestha, M., & Tiwari, S. R. (2021). Exploring the prospects of traditional alcohol making as a sustainable rural livelihood: A case of Burunchuli,

Lalitpur. Procs. of 10th IOE Graduate Conf..

Shrestha, S. (2022). *Factors Associated with Alcohol Consumption During Festival Among the People of Kathmandu* [Un published Master Thesis, Tribhuvan University].

<https://elibrary.tucl.edu.np/bitstream/123456789/15774/1/Full%20Thesis.pdf>

Siegfried, N., Pienaar, D. C., Ataguba, J. E., Volmink, J., Kredt, T., Jere, M., & Parry, C. D. (2014). Restricting or banning alcohol advertising to reduce alcohol consumption in adults and adolescents. *Cochrane Database Systematic Rev.*, 2014(11), Cd010704.

<https://doi.org/10.1002/14651858.CD010704.pub2>

Substance Abuse and Mental Health Services Administration. (2022). *Implementing CommunityLevel Policies to Prevent Alcohol Misuse*. (SAMHSA Publication No. PEP22-06-01-006). National Mental Health and Substance Use Policy Laboratory. <https://store.samhsa.gov/sites/default/files/pep22-06-01-006.pdf>

World Health Organization. (2017). *Alcohol Policy in the WHO South-East Asia Region: A Report* (9290225688).

<https://iris.who.int/bitstream/handle/10665/259828/9789290225683-en.pdf?sequence=1>

World Health Organization. (2019). *Global status report on alcohol and health 2018*. World Health Organization.

Yubraj, A., Vipassana, K., Uttam, P., Supriya, J., Ramesh, G., & Shiva Raj, A. (2023). Perceptions of

key stakeholders on taxes on tobacco and alcohol products in Nepal. *BMJ Global Health*, 8(Suppl 8), e012040. <https://doi.org/10.1136/bmjgh-2023-012040>