

Special File

**GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT & HIGHWAYS
(ROAD SAFETY CELL)**

Transport Bhawan,
Parliament Street, New Delhi-110001

No.RT 25035/40/2011-RS

Date : 1December 2011

To,

Chief Secretaries of all States/UTs (as per list)

Sub: Strict enforcement of Section 185 of MV Act 1988 against drunken driving including removal of Liquor shops along National Highways

Sir;

As you are aware, India has reported the highest number of road accident fatalities in the world. As per latest available data for the year 2009, there is a fatal road accident every four minutes and a road accident every minute which is a matter of great concern. Drunken driving is one of the leading causes of road accidents. During the year 2009, as many as 27,152 road accidents were caused due to drunken driving in the country.

2. According to Section 185 of the Motor Vehicle Act 1988, whoever, while driving or attempting to drive a motor vehicle, has, in his blood, alcohol exceeding 30 mg per 100 ml of blood detected in a test by a breath analyzer shall be punishable for the first offence with imprisonment for a term which may extend to 6 months or with fine which may extend to Rs. 2000 or with both and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence with imprisonment for a term which may extend to two years or with fine which may extend to Rs.3000 or both.

3. However these provisions are not being strictly enforced. Recently Delhi Traffic Police has taken this matter very seriously and after registering cases against such persons they have been successful in getting more than 2000 offenders imprisoned by different courts for drunken driving during the year 2011(till 31st August 2011). Further according to Section 20 of MV Act 1988 when a person is convicted of an offence under Section 185 of MV Act for drunken driving, his driving license should be suspended for a period of not less than 6 months. As many as 1862 driving licenses have been suspended in Delhi for these offences in the year 2011(till 31st August 2011).A combination of suspension of Licenses, Imprisonment and heavy fines by the courts followed by adequate publicity and awareness campaigns is expected to result in minimizing road accidents due to drunken driving.

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4. Besides this, the National Road safety Council in its meeting held on 15.01.2004 had unanimously agreed that License for Liquor shops should not be given along the National Highways. A circular to this effect was issued by this ministry on 26.10.2007 advising all the State governments to remove Liquor shops along National highways and that no fresh license may be issued to Liquor vendors to open shops along National highways. The Ministry has not received any action taken report from any of the State Governments/UT's in this regard.

5. In view of above, it is reiterated that all enforcement agencies may take following actions immediately to curb cases of drunken driving in each State /UT's.

(i) Strict enforcement of section 185 of MV Act 1988 preferably pursuing cases in various courts for ward off penalty of imprisonment followed by adequate publicity which will together act as a deterrent for drunken driving.

(ii) Removal of Liquor shops along National highways.

(iii) No fresh license may be issued to Liquor vendors to open shops along National highways.

(iv) Wherever licenses have been given in the past to open liquor shops along National highways, such cases may be reviewed and corrective action taken under intimation to this Ministry.

6. A report of action taken in pursuance of this communication may please be furnished to this Ministry by 30.12.2011.

Yours faithfully,

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Nitin R Gokarn

Joint Secretary (Transport)