

**GOVERNMENT OF INDIA
ROAD TRANSPORT AND HIGHWAYS
LOK SABHA**

UNSTARRED QUESTION NO:820

ANSWERED ON:19.03.2012

LAW ON DRUNKEN DRIVING

Angadi Shri Suresh Chanabasappa;Bundela Shri Jeetendra Singh;Owaisi Shri Asaduddin;Viswanathan Shri P.

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether the Government has taken note of growing incidence of drunken driving in the country;
- (b) if so, the details of such cases/deaths occurred due to drunken driving, State-wise during the last three years and the current year alongwith the steps taken or proposed to be taken by the Government in this regard;
- (c) whether the Supreme Court's suggestion/recent judgment on drunken driving and hit and run cases shall be taken into consideration to make the punishment severe to prevent further deaths;
- (d) if so, whether the Government proposes to amend the Indian Penal Code to put drunken driving case under Section 304 II from 304A;
- (e) if so, the details thereof, and if not, the reasons therefor;
- (f) whether the existing provisions of law to deal with the cases of drunken driving are strictly being implemented in the country; and
- (g) if not, the action taken or proposed to be taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS (DR. TUSHAR A. CHAUDHARY)

(a) & (b) Yes, Sir. The State-wise details of road accidents and number of persons killed in road accidents caused due to intake of alcohol/drugs during 2008 to 2010 are given in Annexure. The following steps have been initiated by the Government to curb the number of road accidents caused by drunken driving :-

(i) Section 185 of Motor Vehicles Act, 1988 provides for punishment of imprisonment or fine or both for the offence of drunken driving cases.

(ii) All the State Government/UTs have been requested to ensure that no license is issued to liquor vendors along National Highways. Further they have also been requested to review cases where licence has already been given for liquor vendors along National Highways and to take corrective action.

(iii) Ministry undertakes campaigns through print and electronic media to spread awareness about dangers of drunken driving.

(iv) Motor Vehicles (Amendment) Bill, 2007, which has been approved by the Cabinet in its meeting held on 01st March, 2012 is now proposed to be introduced in the current session of Parliament. It provides for enhanced fines for the offence of drunken driving and other traffic violations.

(c) to (e) Law commission of India in its 234th Report on 'Legal Reforms to combat Road Accident' has inter alia, recommended for amendment to section 304A of IPC . The proposed punishment under said section should be imprisonment of either description for term which may extend to 10 years and shall be liable to fine. The offence under section 304A of IPC should be non-bailable. Causing death of any person through driving under the influence of drink or drugs should be punishable with minimum term of imprisonment of 2 years. Any second or subsequent offence under section 304A of IPC, if the rash or negligent act is involved is the act of driving other than under the influence of drink or drugs, should be punishable with minimum term of imprisonment of 1 year. Since Criminal Law and Criminal Procedure are in the concurrent List of the Seventh Schedule to the Constitution of India, Ministry of Home Affairs has referred the Report to the State Governments/UT for their comments/views. A view in the subject will be taken on receipt of comments of all State Governments. No time frame can be fixed in this regard.

(f) & (g) Enforcement of various provisions of Motor Vehicles Act, 1988 is the responsibility of State Governments. This Ministry has issued instructions to all State Governments to invoke Section 185 of Motor Vehicles Act, 1988 which provides for punishment of imprisonment or fine or both for the offence of drunken driving.