The Delhi High Court on Tuesday sought a response from the Delhi Government upon a fresh petition challenging the Delhi Excise Policy for 2021-22 insofar as it reduced the drinking age from 25 to 21 years.

The Division Bench comprising Chief Justice D.N. Patel and Justice Jyoti Singh issued notice in the plea raising concern on the rise in the incidents of drunken driving across the capital, and posted the matter for September 17.

Senior Counsel Rahul Mehra, representing the Delhi Government, submitted that drunken driving is not permissible under the law, irrespective of whether the drinking age is 25 years or 21 years.

Supporting this stand, Dr Abhishek Singhvi, also appearing for the Delhi Government, submitted that ‘nobody in his right mind supports drunken driving’. He further submitted that if the legal drinking age is reduced, it does not mean that the Government has permitted drunken driving in any form.

The public interest litigation has been filed through Advocate Prasanna S., by the NGO Community against Drunken Driving (CADD) represented by its founder, activist Prince Singhal. The plea prays for a direction to the Delhi Government to put in place a robust mechanism for the enforcement of mandatory age check at liquor shops, pubs, bars and restaurants via biometrics age match, using Government issued identity cards. The plea inter-alia prays for restraining the Delhi Government from giving effect to the Delhi Excise Policy 2021-22, which reduces the drinking age from 25 to 21, until a robust age verification mechanism is instituted.

In addition, the plea prays for staying Rule 66 of the Delhi Excise (Amendment) Rules, 2021, which has allowed door-step delivery of liquor, until a robust age verification mechanism is instituted even for door delivery.

According to the petition, drunken driving is the cause for more than 70% road accidents, resulting in more than 1,00,000 road deaths annually across India, and the policy decision by the Government, of reducing the drinking age, would lead to a rampant rise in drunken driving incidents.

The plea avers that consumption of alcohol by a person can never be regarded as his fundamental right, nor can it be said that the right to consume alcohol can be merely regulated and not prohibited.

On the decision to allow home delivery of liquor, the plea avers that this would act as a catalyst in promoting consumption of alcohol among youngsters.

According to Prince Singhal, Road Safety Expert andFounder of Community against Drunken Driving-“As the initiator of the campaign against drunken driving movement in 2001, I have often been outraged on several occasions during the last 21 years at how easily school and college students as young as 13-14 years can procure and consume alcohol. In 2017 we had filed a PIL in Delhi High Court seeking mandatory age check at alcohol points of sale as a result of which the Hon. HC had asked the Delhi Government to form a policy mandatory age check at alcohol points of sale. However the Government failed to take action even after several petitions and white papers submitted them on this issue, including documents submitted to the Hon. Chief Minister.”

He further states that since the Delhi Government introduced the new excise policy and liberalized the alcohol policy bringing down the legal drinking age and increasing alcohol availability making the alcohol policy almost at par with countries in the west, it has become even more pertinent to strictly monitor age of consumer as is done in the western nations. He points out that in several countries including USA, Canada, United Kingdom, age checking/verification is a part of the law,with fines as high as $2000 for individuals and $50,000 or license cancellation for establishments that serve alcohol to underage consumers.

Singhal further added- “ What remains to be seen is how this law is going to be implemented by the Excise and the Police department, as till now there has been no real effort to check the age. Also I feel that bars and pubs should also share greater responsibility and take initiative to implement age check at their end and not serve those below 25 years of age. There is also a need for the Excise and Police Department to strictly enforce this law near schools and colleges, especially in campus areas. In fact, enforcement drives should be carried out on all 7 days,especially during day time between 1:00 pm to 5:00 pm as that is the time when drinking among young people is very common.”