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“The Legal Aspects and Criminology of Driving Under the Influence of Alcohol”

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Introduction:

The prevalence of driving under the influence of alcohol is a significant contributor to global road traffic accidents. The World Health Organization’s Global Road Safety Report highlights that a substantial 11% of accidental deaths worldwide occur in India. Epidemiological studies reveal that approximately 20% to 25% of road accidents are a result of drivers consuming alcohol. Alcohol consumption leads to a slowdown of the central nervous system, impacting critical aspects of driver performance, including speed regulation, lane maintenance, reaction time for immediate braking, and minor driving maneuvers. In India, driving under the influence of alcohol constitutes a criminal offense, with penalties and liabilities determined by the extent of harm inflicted. In cases of fatalities, the offending driver is obligated to provide compensation to the deceased's family and may face imprisonment.

Furthermore, accidents resulting from drunk driving render vehicle insurance claims inadmissible, as this is deemed solely the fault of the driver.

Legal Drinking Age:

The permissible drinking age in India spans from 18 to 25 years, with variations in state regulations. States such as Manipur, Gujarat, Bihar, Nagaland, and the union territory of Lakshadweep have instituted complete bans on alcohol. In contrast, Delhi, Haryana, and other states set the minimum legal drinking age at 25 years. Goa, Himachal Pradesh, and Karnataka allow alcohol consumption from 18 years onwards. In the majority of Indian states, 21 is the established legal drinking age.

Alcohol Limit While Driving:

Traffic police employ a device known as a “breathalyzer” to measure the quantity of alcohol in a driver’s body. This apparatus analyzes a breath sample, providing a readout of the alcohol content. The standard ratio is 30mg per 100 ml of blood. If this proportion is exceeded, the driver is considered guilty of the offense of drunken driving.

Relevant Laws:

The Motor Vehicles Act of 1988 establishes the legal framework for addressing drunk driving cases. Section 185 of this Act outlines penalties for driving under the influence of alcohol or drugs. Offenses are classified based on the alcohol content detected:

- For a first-time offense, if the alcohol content in the driver's blood exceeds 30mg per 100 ml as per the breathalyzer test, or if the driver is deemed incapable of controlling the vehicle due to drug influence, they may face imprisonment for up to six months, a fine of up to Rs. 2,000, or both.

- For a second or subsequent offense committed within three years of the previous similar offense, the penalties may include imprisonment for up to two years, a fine of up to Rs. 3,000, or both.

Amendments to Motor Vehicle Act:

In response to escalating concerns surrounding road safety, the Motor Vehicle Amendment Bill of 2016 was introduced. This bill addresses various issues, including stringent penalties for drunk driving. The fine for this offense was increased from Rs. 2,000 to Rs. 10,000. The amendments also emphasize improved road safety standards, imposing higher fines and penalties for non-compliance.

Criminological Implications:

Within the legal context, accidents and intoxication play pivotal roles in evaluating cases of drunk driving. The Indian Penal Code distinguishes between accidents caused by voluntary and involuntary intoxication. Voluntary intoxication is not considered an excuse for criminal liability, emphasizing that one is accountable for their actions when intoxicated voluntarily. In contrast, involuntary intoxication, resulting from external factors beyond one's control, is not punishable.

Presumption of Drunkenness:

The law presumes that an intoxicated person possesses the knowledge and intention requisite for certain offenses. This presumption applies when an act is an offense only when committed

with specific intent or knowledge. It holds that a voluntarily drunk individual is deemed to have had the same knowledge they would have possessed while sober.

Drunken driving poses a severe threat in India, demanding immediate attention. Effective implementation of existing laws and the introduction of stricter penalties are imperative. It is crucial to raise awareness about responsible alcohol consumption and promote a culture of sober driving. Additionally, enforcing stringent licensing regulations for alcohol vendors can contribute to curbing this alarming trend.

The gravity of drunken driving cannot be overstated, as it continues to be a pressing concern in India's road safety landscape. The violation of laws governing the sale, purchase, and consumption of alcohol is rampant, underscoring the urgent need for more robust enforcement measures. The strength of those who habitually engage in such behavior is formidable, highlighting the shortcomings in law enforcement. To combat this, there is a critical need for comprehensive legislation accompanied by active and vigilant enforcement agencies. Drawing on provisions from the Indian Penal Code and the Motor Vehicle Act, the penalties for this offense are significant, including fines and imprisonment. While voluntary intoxication invites punishment in the form of fines and imprisonment, involuntary intoxication is treated with more leniency. The onus of proving involuntary intoxication lies squarely on the individual. To combat this menace, it is imperative to steer clear of drunk driving and diligently spread awareness among peers and family members. Stricter criteria for granting licenses to establishments selling alcohol should also be rigorously enforced.

In conclusion, tackling the menace of drunken driving necessitates a multi-faceted approach. Stringent legal frameworks, active law enforcement, and comprehensive awareness campaigns are essential components of this strategy. It is imperative to bridge the gap between legislation and its implementation, ensuring that those who engage in this dangerous behavior face appropriate consequences. By promoting responsible alcohol consumption and fostering a culture of sober driving, we can collectively work towards a safer and more secure road environment for all. Additionally, the imposition of strict licensing standards for alcohol vendors is integral to curbing the alarming rise of drunk driving incidents.