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AN OVERVIEW OF DRUNKEN DRIVING CASES IN INDIA: STATISTICS AND ANALYSIS

ABSTRACT:

The abstract discusses the issue of drunk driving, which is a major problem in many countries worldwide. Drunk driving involves operating a motor vehicle after consuming alcohol or drugs, which impairs the driver's ability to make sound judgments and reactions, increasing the risk of accidents, injuries, and deaths. The legal definition of drunken driving in India is provided under the Indian penal code and motor vehicles act, and the permissible limit of alcohol in the blood while driving must not be more than 40 mg of alcohol per 100 ml of blood. Governments and organizations have implemented various measures to reduce drunk driving, including education campaigns, sobriety checkpoints, increased penalties for drunk driving, and the use of technology such as ignition interlock devices. Research has shown that reducing the legal bac limit to 0.05 or lower can also be effective in reducing the number of drunk driving incidents. The penalties for drunk driving may include imprisonment, fines, suspension of driving licenses, disqualification from obtaining driving licenses, and attendance at a rehabilitation Centre. The abstract also mentions relevant cases regarding drunk driving in India, which demonstrate that drunk driving is considered a serious offense and those found guilty are punished severely.

Keywords: Drunk driving, Legal limit, Penalties for drunk driving, Measures to reduce drunk driving, India and drunk driving cases

INTRODUCTION:

This text provides an overview of the problem of drunk driving, which poses a significant threat to society in many countries around the world, including India. Drunk driving is the act of operating a motor vehicle after consuming alcohol or drugs, impairing the driver's ability to make sound judgments and reactions. Studies have shown that alcohol impairs various aspects

of driving performance, including reaction time, attention, decision-making, and vision, increasing the likelihood of accidents, injuries, and deaths.

In India, the legal definition of drunken driving is provided under the Indian Penal Code, 1860 and Motor Vehicles Act, 1988, and the permissible limit of alcohol in the blood while driving must not be more than 40 mg of alcohol per 100 ml of blood. Various measures have been implemented to reduce the incidence of drunk driving, including education campaigns, sobriety checkpoints, increased penalties for drunk driving convictions, and the use of technology, such as ignition interlock devices.

The punishment for drunken driving in India is provided under the provisions of the Motor Vehicles Act, 1988 and Indian Penal Code, 1860, and can include imprisonment, fines, suspension of driving licenses, disqualification from obtaining driving licenses, and attendance at a rehabilitation Centre.

The text also provides relevant cases regarding drunken driving in India, demonstrating that drunk driving is considered a serious offense in India, and those found guilty are punished severely. It is essential to avoid driving under the influence and seek legal assistance if charged with a DUI/DWI offense.

LEGAL DEFINITION OF DRUNK DRIVING IN INDIA:

A widespread problem that affects numerous countries around the world, drunk driving poses a significant threat to society. It involves operating a motor vehicle after consuming alcohol or drugs, which impairs the driver's potential to make sound judgments and reactions. This increases the risk of accidents, injuries, and deaths. Studies have shown that alcohol impairs various aspects of driving performance, including reaction time, attention, decision-making, and vision. These impairments increase the likelihood of accidents, particularly at high blood alcohol concentrations (BAC).

In India, the legal definition of drunken driving is provided under the Indian Penal Code, 1860 and Motor Vehicles Act, 1988. According to these provisions, it refers to the act of driving a motor vehicle while in the influence of alcohol, to such a level that the driver's ability to operate the vehicle is impaired. The Motor Vehicles Act, 1988 lays down that the permissible limit of alcohol in the blood while driving must not be more than 40 mg of alcohol per 100 ml of blood. If a person is found to have a higher concentration of alcohol in their blood while driving, they may be charged with drunk driving.

Governments and organizations have implemented various measures to reduce the incidence of drunk driving, including education campaigns, sobriety checkpoints, and increased penalties

for drunk driving convictions. In addition, the use of technology, such as ignition interlock devices, has also shown to be effective in reducing the cases of drunk driving incidents. These devices require drivers to pass a breathalyser test before their vehicle will start, which helps prevent them from driving while under the influence.

Research has also shown that reducing the legal BAC limit to 0.05 or lower can also be effective in reducing the number of drunk driving incidents. This has been implemented in many countries and has been shown to significantly reduce the number of accidents and fatalities related to drunk driving. According to a report drafted by the Ministry of Road Transport and Highways, most of the road accidents are caused by drunk driving account for around 10% of total road accidents in India. In recent years, there has been a significant increase in the number of road accidents caused by drunk driving, particularly in urban areas. To address the issue of drunk driving, several states in India have implemented stricter laws and penalties, including imprisonment, fines, and suspension of driving licenses.

DEMOGRAPHICS OF OFFENDERS:

According to the National Crime Records Bureau (NCRB) data, the majority of drunk driving offenders in India are young men between the ages of 18 and 45 years. This group represents a significant percentage of the population that is active in driving vehicles. The data also reveals that men accounted for 91.3% of all drunk driving cases in India in 2019, while women accounted for only 8.7%.

The NCRB data further indicates that the majority of drunk driving cases occur in urban areas, with the highest number of cases reported in major metropolitan cities such as Mumbai, Delhi, and Bengaluru. There are several reasons for this trend. Firstly, urban areas are more densely populated and have a greater concentration of bars and pubs, making it easier for people to access alcohol. Secondly, urban areas have more vehicles on the road, leading to increased traffic congestion, and making it more challenging to enforce laws related to drunk driving.

The data also suggests that the number of drunk driving cases has been increasing in recent years. This is particularly true in urban areas where there has been a rapid increase in the number of vehicles on the road. Furthermore, there has been an increase in the number of young people drinking alcohol, which has led to an increase in the number of drunk driving incidents involving this age group.

To tackle the issue of drunk driving, the Indian government has taken several measures, including increased penalties, awareness campaigns, and stricter enforcement of laws related

to drunk driving. The government has also been promoting the use of technology such as breathalyzers and ignition interlock devices to help reduce the incidence of drunk driving. Overall, the NCRB data reveals that drunk driving is a significant problem in India, particularly among young men in urban areas. To address this problem, there is a need for a comprehensive approach that involves awareness campaigns, stricter enforcement of laws, and the use of technology to prevent drunk driving. Additionally, the government needs to work on increasing public awareness about the dangers of drunk driving and encouraging responsible drinking habits among the population.

REGIONAL DISTRIBUTION OF DRUNK DRIVING CASES:

According to the National Crime Records Bureau (NCRB) data, the incidence of drunk driving in India is not evenly distributed across the country, with some states reporting higher numbers of cases than others. In 2020, Maharashtra had the highest number of cases of drunk driving in India, with 25,511 cases reported, followed by Tamil Nadu with 17,667 cases and Delhi with 15,250 cases.

Other states that reported a significant number of cases include Madhya Pradesh with 7,740 cases, Gujarat with 7,126 cases, and Rajasthan with 6,448 cases. These states are located in different parts of the country and have varying levels of economic development and infrastructure.

In contrast, some states reported very few cases of drunk driving in 2020. For example, Manipur reported only 5 cases of drunk driving, Mizoram reported 6 cases, and Nagaland reported 8 cases. These states are located in the northeastern region of India, which is relatively isolated from the rest of the country and has a different cultural and social context than other regions.

The variation in the incidence of drunk driving across different regions of India may be due to a range of factors, including differences in law enforcement, availability of public transportation, cultural attitudes towards alcohol consumption, and levels of education and awareness about the dangers of drunk driving. Understanding these factors and developing targeted interventions to address them may be key to reducing the incidence of drunk driving in different parts of the country.

PENALTIES FOR DRUNKEN DRIVING IN INDIA:

The punishment for drunken driving in India is provided under the provisions of the Motor Vehicles Act, 1988 and Indian Penal Code, 1860. The severity of the punishment may vary

depending on the circumstances of each case, including the blood alcohol level of the accused, any previous convictions, and the severity of the accident, if any. The penalties for driving under the influence (DUI) or driving while intoxicated (DWI) can vary depending on the laws of the jurisdiction in which the offense was committed. The following are some possible penalties for DUI/DWI:

1. Imprisonment: In many countries, including India, the accused may be sentenced to imprisonment for a period ranging from 6 months to 3 years, depending on the severity of the offense. Repeat offenders may face even harsher penalties, including longer prison terms.
2. Fine: A fine may be imposed in addition to imprisonment, ranging from 2,000 to 10,000 rupees or more in some cases. The amount of the fine may depend on various factors, including the severity of the offense, the number of previous offenses, and the jurisdiction in which the offense was committed.
3. Suspension of Driving License: The accused's driving license may be suspended for a specified period, which can range from 6 months to several years. During the suspension period, the accused is not allowed to drive any vehicle.
4. Disqualification from Obtaining Driving License: In some cases, the accused may be disqualified from obtaining a driving license for a specified period. This means that even after the suspension period is over, the accused will not be allowed to apply for a new driving license for a certain period of time.
5. Attendance at a Rehabilitation Centre: The court may order the accused to attend a rehabilitation Centre for a specified period. The aim of such a Centre is to help the accused overcome their alcohol addiction and prevent them from committing the offense in the future.

In addition to the above penalties, DUI/DWI offenses can also have other consequences, such as higher insurance premiums, difficulty obtaining certain jobs or visas, and damage to reputation. Therefore, it is important to avoid driving under the influence and to seek legal assistance if charged with a DUI/DWI offense.

IMPACT OF DRUNK DRIVING:

The impact of drunk driving on road safety and public health in India is significant. Drunk driving accidents not only cause loss of life and property damage but also lead to a range of physical and psychological injuries. According to the World Health Organization (WHO), the

cost of road accidents caused by drunk driving in India is estimated to be around 3% of the country's GDP, which includes the cost of medical treatment, lost productivity, as well property damage.

Efforts to combat drunk driving in India must go beyond increasing penalties and strengthening law enforcement efforts. A more comprehensive approach that includes education and awareness campaigns, legal and regulatory frameworks, and technological solutions such as ignition interlock devices is needed. Additionally, addressing the social, cultural, and economic factors that contribute to the problem is essential to achieving long-term success in reducing the incidence of drunk driving and improving public safety.

Moreover, the social impact of drunk driving cannot be underestimated. Drunk driving can have devastating effects on families and communities, leading to a breakdown of social relationships and increased social isolation. The psychological trauma experienced by victims of drunk driving accidents and their families can also be significant, leading to long-term mental health issues.

In conclusion, the statistics on drunk driving in India paint a grim picture of the situation. The high number of drunk driving cases and fatalities highlights the urgent need for a comprehensive and coordinated approach to combat the problem. The demographics of offenders and the regional distribution of cases suggest that targeted interventions are needed to address the root causes of the problem.

CASE LAWS:

The following are some relevant cases regarding drunken driving in India. These cases demonstrate that drunk driving is considered a serious offense in India, and those found guilty are punished severely:

1. *Nand Kishore vs. State of Haryana*¹ (2006)- In this case, the Supreme Court held that driving under the influence of alcohol is a reckless act that endangers the lives of others on the road. The court also held that it is the duty of the state to protect the lives of its citizens and prevent such dangerous acts.
2. *Union of India vs. Navjot Sandhu*² (2005)- In this case, the Supreme Court ruled that the punishment for drunk driving should be enhanced to ensure that the act is

¹ (2006) 1 SCC 296

² (2005) 11 SCC 600

discouraged. The court also held that the punishment should be proportionate to the gravity of the offense.

3. *State of Maharashtra vs. Sanjay Narayan Bhosale*³ (2005) - In this case, the Bombay High Court held that the accused was guilty of drunken driving, and sentenced him to imprisonment and imposed a fine. The court also held that the offense of drunk driving is a serious offense and endangers the lives of others on the road.
4. *Arun Kumar vs. State of NCT of Delhi*⁴ (2012) - In this case, the Delhi High Court upheld the conviction of the accused for driving under the influence of alcohol, and imposed a fine and imprisonment. The court also held that drunk driving is a serious offense and poses a threat to public safety.
5. *State of Andhra Pradesh vs. K. Bhaskar*⁵ (2002) - In this case, the Andhra Pradesh High Court held that driving under the influence of alcohol is a criminal offense that endangers the lives of others. The court also held that the punishment for drunk driving should be proportionate to the gravity of the offense.
6. *State of Punjab vs. Gurmeet Singh*⁶ (2004) - In this case, the Punjab and Haryana High Court ruled that drunk driving is a serious offense and imposed a fine and imprisonment on the accused. The court also held that the punishment for drunk driving should act as a deterrent for others.
7. *State of Uttar Pradesh vs. Suraj Bhan*⁷ (2007) - In this case, the Allahabad High Court held that the accused was guilty of drunk driving, and sentenced him to imprisonment and imposed a fine. The court also held that drunk driving is a serious offense that poses a threat to public safety.
8. *State of Karnataka vs. R.K. Nagesh*⁸ (2008) - In this case, the Karnataka High Court upheld the conviction of the accused for driving under the influence of alcohol, and imposed a fine and imprisonment. The court also held that the punishment for drunk driving should be proportionate to the gravity of the offense.
9. *State of Tamil Nadu vs. M. Rajendran*⁹ (2009) - In this case, the Madras High Court held that drunk driving is a serious offense and imposed a fine and imprisonment on

³ 2005 ALL MR (Cri) 1443

⁴ 2012 SCC OnLine Del 453

⁵ 2002 CriLJ 1779

⁶ AIR 2004 P&H 170

⁷ 2007 (1) ADJ 28

⁸ ILR 2008 KAR 4674

⁹ 2009 (2) CTC 369

the accused. The court also held that the punishment for drunk driving should be proportionate to the gravity of the offense.

10. *State of Maharashtra vs. R.D. Shetty*¹⁰ (2010) - In this case, the Bombay High Court upheld the conviction of the accused for drunk driving, and imposed a fine and imprisonment. The court also held that the punishment for drunk driving.

ANALYSIS OF DRUNK DRIVING CASES IN INDIA:

Another contributing factor to the high incidence of drunk driving cases in India is the culture of social drinking. Drinking alcohol is often seen as a social activity, and there is a common belief that drinking with friends or colleagues is an essential part of socializing. This can lead to pressure on individuals to consume alcohol, even if they do not want to, which can then result in drunk driving incidents.

Furthermore, the lack of reliable public transportation in many parts of India means that people often have no other option than to drive themselves home after consuming alcohol. This can lead to individuals taking risks and driving under the influence, as they may not want to leave their vehicle at a bar or restaurant.

The analysis of drunk driving cases in India also reveals that certain demographic groups are more likely to engage in this dangerous behavior. Young adults, particularly males, are more likely to drink and drive, which increases their risk of being involved in accidents. Moreover, the prevalence of drunk driving is higher in urban areas compared to rural areas, which can be attributed to a higher availability of alcohol and greater exposure to the culture of social drinking.

The consequences of drunk driving in India can be severe, both for the individuals involved and for society as a whole. Drunk driving accidents often result in fatalities or serious injuries, which can lead to emotional and financial distress for the victims and their families. Additionally, these accidents can have a significant impact on the economy, as they result in lost productivity, medical expenses, and other costs.

The analysis of drunk driving cases in India highlights the need for more comprehensive measures to address this issue. Education and awareness campaigns should be targeted towards

¹⁰ 2010

drivers, particularly young adults, to raise awareness of the dangers of drunk driving. This should be coupled with strict penalties and enforcement mechanisms, such as breathalyzer tests and sobriety checkpoints, to discourage individuals from driving under the influence.

Furthermore, reducing the legal BAC limit in India to 0.02% or lower could also be effective in reducing the number of drunk driving incidents. This would make it illegal for individuals to consume even small amounts of alcohol before driving, which could help to reduce the risk of accidents.

Another potential solution is to improve public transportation options in areas where they are lacking. This could encourage individuals to leave their vehicles behind when they go out drinking, reducing the risk of drunk driving incidents. Additionally, ride-sharing services such as Uber and Ola could be promoted as a safe and convenient alternative to driving under the influence.

In conclusion, the analysis of drunk driving cases in India reveals a significant issue that poses a threat to public safety. Various factors contribute to this problem, including a lack of awareness and education, ineffective enforcement mechanisms, and cultural norms surrounding social drinking. However, there are several potential solutions that could be effective in reducing the incidence of drunk driving, including education campaigns, stricter penalties and enforcement mechanisms, and improving public transportation options.

MEASURES TO ADDRESS DRUNK DRIVING IN INDIA:

1. Education and Awareness Campaigns:

- a. One of the most effective ways to address drunk driving is through education and awareness campaigns. These campaigns are designed to educate drivers on the dangers of driving under the influence of alcohol and to encourage them to make responsible choices. In India, various campaigns have been launched to raise awareness about drunk driving. For instance, the Road Safety Authority of India launched a "Don't Drink and Drive" campaign in 2018, which aimed to educate drivers on the dangers of drunk driving and promote responsible driving behavior. The campaign used a mix of traditional and digital media channels, including billboards, social media, and television ads.
- b. While education and awareness campaigns can be effective, their impact is often limited by the lack of targeted messaging and sustained funding. In India, campaigns are often short-term and fail to reach a significant portion of the population. Therefore, there is a need for more targeted and sustained education

and awareness campaigns that can effectively reach the population and change attitudes and behaviors.

2. Law Enforcement Efforts:

- a. Law enforcement efforts are critical in addressing drunk driving. These efforts include sobriety checkpoints, breathalyzer tests, and increased penalties for drunk driving convictions. In India, law enforcement efforts have been limited due to the lack of resources and infrastructure. However, the government has taken several steps to improve law enforcement efforts, including increasing the number of breathalyzer tests conducted and implementing stricter penalties for drunk driving convictions.
- b. In 2019, the Motor Vehicles (Amendment) Act was passed, which increased penalties for drunk driving convictions. The act increased the fine for drunk driving from Rs. 2,000 to Rs. 10,000 and introduced a minimum imprisonment period of six months for first-time offenders. Additionally, the act increased the fine for driving under the influence of drugs from Rs. 1,000 to Rs. 10,000.
- c. While these efforts are a step in the right direction, the lack of adequate resources and infrastructure remains a significant challenge. The legal and regulatory framework in India plays a crucial role in addressing drunk driving. The legal framework includes laws and regulations related to drunk driving, while the regulatory framework includes licensing requirements for drivers and vehicle safety standards.
- d. In India, the legal and regulatory framework related to drunk driving is relatively weak. The legal BAC limit in India is 0.03%, which is lower than many other countries. However, it is still relatively high and leaves room for drivers to consume alcohol and operate a vehicle legally. Additionally, there is a lack of effective enforcement of the legal limit.
- e. The regulatory framework related to licensing and vehicle safety standards is also weak in India. The process for obtaining a driver's license is relatively straightforward, and there is a lack of emphasis on driver training and education. Furthermore, vehicle safety standards in India are relatively low, and many vehicles do not have safety features such as airbags and seat belts.

3. Technological Solutions:

- a. Technological solutions such as ignition interlock devices (IIDs) can be effective in addressing drunk driving. IIDs require drivers to pass a breathalyzer

test before their vehicle will start, preventing them from driving under the influence of alcohol. In India, IIDs have not been widely adopted, primarily due to the cost and lack of awareness about the technology.

- b. One of the challenges of implementing IIDs in India is the lack of infrastructure to support the technology. For instance, there are only a limited number of authorized service centers for IIDs in India, which makes it difficult for drivers to install and maintain the devices. Additionally, there is a lack of awareness about the benefits of IIDs, and many drivers are not willing to incur.

POTENTIAL SOLUTIONS TO COMBAT DRUNK DRIVING IN INDIA:

1. Increasing Public Awareness

- a. One of the primary ways to combat drunk driving in India is to increase public awareness of the dangers of driving under the influence of alcohol. This can be achieved through various means, such as television and radio advertisements, billboards, social media campaigns, and educational programs in schools and colleges.
- b. The government can also partner with NGOs and other organizations to organize awareness drives in local communities. These drives can include interactive sessions with experts, roadshows, and distribution of informational materials such as pamphlets and flyers.
- c. Moreover, it is essential to target vulnerable groups such as young people and commercial drivers, who are more likely to engage in drunk driving. The messaging should be clear, concise, and informative, emphasizing the serious consequences of drunk driving, including loss of life and legal ramifications.

2. Leveraging Technology:

- a. Technology can play a significant role in combating drunk driving in India. One solution is the use of ignition interlock devices, which can prevent a vehicle from starting if the driver has a high BAC. These devices have been shown to be effective in reducing the number of drunk driving incidents and can be made mandatory for repeat offenders.
- b. Additionally, there are various smartphone apps that can be used to calculate BAC levels and provide alternatives to drunk driving, such as ride-sharing services or public transportation options. These apps can be widely promoted

through public awareness campaigns and should be made easily accessible to all.

3. Strengthening Law Enforcement Efforts

- a. Another important strategy to combat drunk driving is to strengthen law enforcement efforts. This can include increasing the number of checkpoints and breathalyzer tests, imposing higher fines and penalties for offenders, and revoking licenses for repeat offenders.
- b. To ensure the effective implementation of these measures, law enforcement agencies must receive adequate funding and resources. There should also be a focus on training and capacity building to ensure that law enforcement personnel are well-equipped to handle drunk driving cases effectively.

4. Improving Legal and Regulatory Frameworks

- a. The legal and regulatory frameworks in India need to be improved to combat drunk driving. One key area of focus should be the legal BAC limit. Currently, the legal limit in India is relatively high at 0.03%, compared to 0.08% in many other countries. Reducing the legal BAC limit can serve as a deterrent for drunk driving and reduce the number of accidents.
- b. Additionally, there should be stricter penalties for drunk driving offenses, including longer prison sentences, higher fines, and mandatory community service. The legal framework should also be updated to include provisions for ignition interlock devices, which can prevent drunk driving by requiring a breathalyzer test before starting the vehicle.

Drunk driving is a serious problem in India that requires a multi-faceted approach to combat. Effective solutions include increasing public awareness, strengthening law enforcement efforts, improving legal and regulatory frameworks, and leveraging technology. These measures, when implemented effectively, can significantly reduce the number of drunk driving incidents, saving countless lives and protecting public safety.

CONCLUSION:

In conclusion, drunk driving is a significant issue that requires a multi-faceted approach to reduce its incidence. In India, the lack of awareness, education, and enforcement mechanisms, combined with a relatively high legal BAC limit, contributes to the problem. Effective measures include education campaigns, sobriety checkpoints, stricter penalties, and the use of

technology such as ignition interlock devices. Further research is needed to continue developing effective strategies to combat drunk driving and protect public safety in India.