IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO OF 2020

IN THE MATTER OF:

Ashwini Kumar Upadhyay

...Petitioner

Verses

- 1. Union of India
 - Through Home Secretary, Ministry of Home Affairs, North Block, New Delhi-110001
- 2. Union of India

Through Law Secretary, Ministry of Law and Justice, ShashtriBhawan, New Delhi-110001

- 3. Government of Andhra Pradesh
 - Through Chief Secretary

A.P Secretariat Office, Velagapudi – 522503

- 4. Government of Arunachal Pradesh
 - Through Chief Secretary

Civil Secretariat, Itanagar - 791111

- 5. Government of Assam
 - Through Chief Secretary

Assam Sachivalaya, Dispur- 781006,

- 6. Government of Bihar
 - Through Chief Secretary

Main Secretariat, Patna - 800015

- 7. Government of Chhattisgarh
 - Through Chief Secretary

Mahanadi Bhawan, MantralayaNaya Raipur - 492002

- 8. Government of Goa Secretariat
 - Through Chief Secretary

Porvroim, Bardez, Goa - 403521

- 9. Government of Gujarat
 - Through Chief Secretary

Sachivalaya, Gandhinagar - 382010

10. Government of Haryan	10. Governm	nent of	Har	yana
--------------------------	-------------	---------	-----	------

Through Chief Secretary

Haryana Civil Secretariat, Sector-1, Chandigarh- 160019

11. Government of Himachal Pradesh

Through Chief Secretary

H.P. Secretariat, Shimla - 171002

12. Government of Jammu & Kashmir

Through Chief Secretary

Civil Secretariat, Jammu - 180001

13. Government of Jharkhand

Through Chief Secretary

Project Building, Dhurwa, Ranchi-834004

14. Government of Karnataka

Through Chief Secretary

VidhanaSoudha, Bengaluru - 560 001

15. Government of Kerala

Through Chief Secretary

Secretariat, Thiruvananthapuram - 695001

16. Government of Madhya Pradesh

Through Chief Secretary

Mantralaya, VallabhBhavan Bhopal - 462004

17. Government of Maharashtra

Through Chief Secretary

Main Building, Mantralaya, Mumbai - 400032

18. Government of Manipur

Through Chief Secretary

South Block, Old Secretariat, Imphal-795001

19. Government of Meghalaya

Through Chief Secretary

Rilang Building, Meghalaya Secretariat, Shillong - 793001

20. Government of Mizoram

Through Chief Secretary

New Secretariat Complex, Aizawl - 796001

21. Government of Nagaland

Through Chief Secretary

Civil Secretariat, Kohima-797004

22. Government of Odisha

Through Chief Secretary

Odisha Secretariat, Bhubaneswar - 751001

23. Government of Punjab

Through Chief Secretary

Secretariat, Chandigarh - 160001

24. Government of Rajasthan

Through Chief Secretary

Secretariat, Jaipur - 302005

25.Government of Sikkim

Through Chief Secretary

New Secretariat, Gangtok - 737101

26. Government of Tamil Nadu

Through Chief Secretary

Secretariat, Chennai - 600009

27.Government of Telangana

Through Chief Secretary

Burgula Rama Krishna Rao Bhavan, Adarsh, Hyderabad-500063

28. Government of Tripura

Through Chief Secretary

New Secretariat Complex Secretariat, Agartala-799010

29. Government of Uttar Pradesh

Through Chief Secretary

LalbahadurSastriBhawan, Secretariat, Lucknow - 226001

30. Government of Uttarakhand

Through Chief Secretary

Subhash Road, Uttarakhand Secretariat, Dehradun - 248001

31. Government of West Bengal

Through Chief Secretary

Nabanna, Sarat Chatterjee Road, Howrah - 711102

32. Union Territory Andaman & Nicobar

Through Chief Secretary

Andaman & Nicobar AdministrationSecretariat, Port Blair - 744101

33. Union Territory of Delhi

Through Chief Secretary

Delhi Secretariat, IP Estate, New Delhi - 110002

34. Union Territory of Puducherry

Through Chief Secretary

Main Building, Chief Secretariat, Puducherry – 605001. Respondents PIL UNDER ARTICLE 32 SEEKING DIRECTION TO FRAME EFFECTIVE POLICY TO PROHIBIT THE CONSUMPTION, EXCEPT FOR MEDICINAL PURPOSES, OF INTOXICATING DRINKS AND DRUGS WHICH ARE INJURIOUS TO HEALTH, IN SPIRIT OF ARTICLE 47 READ WITH ARTICLE 21, 38, 39, 46 AND 51A.

To,
THE HON'BLE CHIEF JUSTICE OF INDIA
AND LORDSHIP'S COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA
HUMBLE PETITION OF ABOVE-NAMED PETITIONER
THE MOST RESPECTFULLY SHOWETH AS THE UNDER:

- 1. Petitioner is filing this PIL under Article 32 seeking a writ, order or direction or a writ in the nature of mandamus to the Centre and States to frame an effective policy to prohibit consumption, except for medicinal purposes, of intoxicating drinks and drugs which are injurious to health, in spirit of Article 47 read with Article 21, 38, 39, 46 and 51A of the Constitution of India.
- 2. Petitioner has not filed any other petition either in this Court or in any other Court, seeking same and/or similar directions, as prayed.
- 3. Petitioner name: Ashwini Kumar Upadhyay.

Petitioner is Advocate, practices in this Hon'ble Court and a social-political activist, contributing his best to the development of socially-economically downtrodden people. This Hon'ble Court has issued notice on petitioner PILs relating to election reform, police reform, judicial reform, gender justice and gender equality.

- 4. The cause of action accrued on 04.05.2020 and subsequent dates, when despite an extension in nationwide lockdown, the Centre has allowed liquor shops to resume operation in all districts, though, Liquor is a psychoactive substance that is associated with mental disorders and citizens, who have alcoholic disorder are vulnerable, especially when in self-isolation. Liquor and intoxicating drinks are responsible for 2.5 million deaths a year. That's why existing rules and regulations to protect health and reduce harm caused by Liquor, viz. restricting access, must be reinforced during COVID pandemic and any relaxation of regulations or enforcement must be avoided. The risk of consuming intoxicating drinks must be communicated to all citizens through electronic, print and social media.
- 5. The injury caused to the public is very large because Liquor & other intoxicating drinks have very deteriorating effect on the health of citizens. It destroys liver and weakens immune system. Researches confirm that a person with weaker immunity has higher chance of succumbing to Corona Virus Disease (COVID). Consumption of liquor and intoxicating drinks increase the risk of injury, domestic violence, crime against women and alcohol poisoning. Liquor consumption during COVID pandemic, is exacerbating health

vulnerability, risk-taking behaviors, mental health issues, violence. That's why WHO encourages States to enforce measures to limit Liquor consumption. As part of its public health response to COVID, WHO has developed factsheet which addresses myths and provides guidance on COVID and confirms that consuming alcohol poses health risks and consuming high-strength ethyl alcohol, particularly if it has been adulterated with methanol, can result in severe health consequences, including death. Liquor consumption is associated with a range of communicable and non-communicable diseases and mental health disorders, which make a person more vulnerable to COVID. Consumption of Liquor and intoxicating drinks weakens immune system, increases risk of adverse health outcomes. It has devastating effects on right to health guaranteed under Article 21.

- **6.** Petitioner has no personal interest, individual gain, private motive or oblique reasons in filing it. It is not guided for gain of individual, institution or body. There is no motive other than public interest.
- **7.** There is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus, with the issue involved in PIL.
- **8.** There is no requirement to move concerned authority for the relief sought in this PIL. There is no other remedy except filing this PIL.

- **9.** Liquor has been flying off shelves as people try to combat boredom in this period. The spike in Liquor sales has alarmed health experts and officials around the world, who are concerned that increased drinking could make people even more vulnerable to the respiratory disease. The U.S. Surgeon General warned at-risk adults to refrain from drinking. Soon after, WHO also suggested that people cut back on drinking, since liquor increase risk of experiencing complications from COVID. "Alcohol consumption is associated with a range of communicable and non-communicable diseases and mental health disorders, which can make a person more vulnerable to COVID-19. In particular, alcohol compromises the body's immune system and increases the risk of adverse health outcomes," the WHO stated. Though there's still limited data on the link between alcohol and COVID-19, past evidence shows alcohol consumption can worsen the outcomes from other respiratory illnesses by damaging the lungs and gut, and impairing the cells responsible for immune function.
- **10.** When person is exposed to virus, body mounts immune response to attack and kill foreign pathogen. In general, the healthier a person's immune system is, the quicker it can clear out a virus and recover from a disease like COVID-19. By default, alcohol makes it harder for

immune system to gear up and defend body against harmful germs. "Alcohol has diverse adverse effects throughout body, including on cells of immune system that lead to increased risk of infections," said Dr. Jennifer Edelman, addiction medicine specialist. In the lungs, for example, alcohol damages the immune cells and fine hairs that have important job of clearing the pathogens out of our airway. "If the cells lining a person's airway are damaged from alcohol, then viral particles, such as COVID, more easily gain access, causing immune cells, which fight off infection, to not work as well, leading to increased overall risks of more severe diseases and complications," said Dr. Alex McDonald, eminent physician in Southern California. Similarly, alcohol can trigger inflammation in the gut and destroy the microorganisms that live in the intestine and maintain immune system health. "Alcohol intake can kill normal healthy gut bacteria, which help to promote health and reduce risk of infection," Dr. McDonald said. When body is unable to clear pathogen, infection can worsen and lead to more severe, life threatening complications. Alcohol consumption leads to more severe lung diseases like adult respiratory distress syndrome and other pulmonary diseases, including pneumonia, tuberculosis and respiratory syncytial virus.

Many health experts assume the same may be true with COVID-19. "With COVID-19, alcohol is likely to interfere with an individual's ability to clear SARS-CoV-2, cause people to suffer worse outcomes, including ARDS, which commonly results in death," Edelman said.

- functions, like fighting off a disease. Once take a sip of alcohol, body prioritizes breaking down liquor over several other bodily functions. Body doesn't have a way to store alcohol like it does with carbohydrates and fats, so it has to immediately send it to the liver, where it's metabolized. In addition, alcohol is known to impair sleep quality. And the less sleep a person gets, the higher their risk for getting sick. One study found that people who got less than 7 hours of sleep are nearly 3 times more likely to develop a cold compared with those who got 8 or more hours of sleep. A lack of sleep can also affect how long it takes for a person to recover if they do get sick.
- "Research has shown that high doses of alcohol (around 14 drinks per week or more than five to six drinks at a time) does directly suppress the immune system, and that alcohol abuse is associated with increased risk of infectious diseases," Dr. McDonald said. Even

smaller amounts of alcohol can affect immune system. Dr.McDonald advises against drinking more than once a week and only having 2-3 drinks at a time. For those who have a risk factor for COVID, like heart disease or diabetes, he recommends drinking even less. "Those at increased risk should cut down or abstain from alcohol because every little thing an individual can do to improve the health and reduce risk is worth it at this point, even if the evidence is not entirely clear," Dr. Mroszczyk McDonald said. WHO has also warned people to avoid drinking during the COVID pandemic.

diminish a person's immune response and put them more at risk for COVID. That's why health experts recommend drinking no more than once a week, if necessary. Those who have any known risk factors for COVID, like heart disease or diabetes, should not drink. Alcoholism results in many physical and mental disorders like blackouts, memory loss, anxiety and brain damage. It affects behavior and ability to learn and remember. It is the root-cause of mouth, throat and liver cancer. Alcoholism doest not only causes hypertension, which increases the risk of heart attack but also weakens heart muscles and affects lungs, liver, brain. It affects

nervous, circulatory and digestive systems and results in many serious physical and mental diseases like kidney failure, impotency, infertility, weight gain, skin diseases and suicide. Moreover, consumption of liquor and intoxicating drinks are root causes of most of the road accidents, road rages, crime against women, domestic violence, rape murder and other social evils.

- 14. As per WHO report, harmful use of alcohol results in 2.5 million deaths per year and 4% of deaths worldwide is attributable to alcohol. Alcohol related harm is not limited to heavy drinkers but also extends to persons who drink moderately or occasionally as well as to persons who do not drink but become victims of alcohol related accidents or aggression. To address impact of Alcoholism, Liquor Prohibition Policy is urgently needed. It must include the measures by Union and State to control supply and demand and minimize alcohol-related harm, promote public health &immunity.
- **15.** Alcoholism had ruined the life of millions of EWS-BPL families. Women are facing a daunting task in running their families due to Alcohol addiction of their husbands. Alcoholism is the rootcause of 20% of absenteeism, 30% of road accidents and 40% of accidents at workplace. Policy of granting licenses has been so generous that

there are more liquor vends than primary schools and health centers. That's why State must frame a Liquor Prohibition Policy to limit the number of licenses, trade hours and launch an aggressive Anti-Alcohol Campaign through electronic, print and social media.

16. Right to health is integral part of Article 21. It includes protection, prevention, cure and improvement of health and is a minimum requirement to enable a person to live with human dignity. State has a constitutional obligation to protect health of citizens. In a Welfare State, it is obligation of the State to ensure the creation and sustaining of conditions congenial to good health. Article 47 read with Articles 21, 38, 39, 46, 51A, casts duty on the State to take steps to improve immune system of citizens. Executive has constitutional obligation to extend his services with due expertise for protecting the health. Apex Court has reiterated that in an organized society, right to live as a human being is not insured by meeting only the animal needs of man but it is secured only when he is assured of all facilities to develop himself and is free from restrictions, which inhibit the growth. All human beings are designed to achieve this object. Its necessary to state that right to health cannot be secured without controlling consumption of intoxicating drinks and drugs.

- regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs, which are injurious to health". Article 47 starts with phrase "Duty of the State" and duty is to improve public health, especially of EWS and BPL families, who are major consumers of liquor and intoxicating drinks and protect them from its injurious effect. That's why State must frame a Policy in spirit of Article 47 read with Articles 21, 38, 39, 46, 47 and 51A, so as to liberate the people from the evil of intoxicating drinks and drugs.
- 18. Reminding all States that Constitution places a responsibility on them to 'at least curtail, if not prohibit consumption of Alcohol', the Apex Court approved Kerala's Liquor Prohibition Policy that prohibits drinking in public and restricts serving of intoxicating drinks to five star hotel. Court held: "Strict regulation is imperative to discourage regular and excessive Alcohol consumption. Not granting bar licenses to hotels other than five-star establishments have to be viewed as a positive step towards bringing down Alcohol

consumption or preparatory to prohibition. Court cannot be blind to the fact that a social stigma at least as far as the family unit is concerned is still attached to the consumption of Alcohol. Free trade in Alcohol denudes family resources and reserves and leaves women and children as its most vulnerable victims."

19. Article 47 uses the words prohibition of the consumption except for medicinal purposes. It clearly suggest that the use of liquor for making medicinal preparations only has to be construed in the light of the Directive Principles of the State Policy of bringing about prohibition of intoxicating drinks and of drugs, which are injurious to health. State is duty bound to protect human life and improve public health in spirit of Article 21 and for that purpose to move towards prohibition. It is contradictory for the States, to claim that they have privilege to manufacture and sale of alcoholic beverages, which is dangerous to the human life and injurious to human health. The right to transfer or sale this privilege on consideration to earn the revenue without thinking that the trade in liquor ultimately results in degradation of human life, even endangering human life and is contrary to the duty cast under Article 47 read with Articles 21, 38(2), 39(c), 39(f), 46, 47, 51A(h), 51A(j), 51A(k).

Thousands of citizens die every year due to alcohol poisoning, 20. mostly from consuming cheap hooch. Most of these victims are labourers and farmers and cannot afford branded Alcohol. India has a thriving moonshine industry, and methanol-tainted batches have killed over thousands of citizens. In 1976, 100 people died in Gujarat due to liquor consumption. In 1980, 44 people died in Haryana. In 1981, 308 people died in Karnataka. In 1986, 108 people died in Gujarat. In 1987, 200 people died in Gujarat. In 1988, 32 people died in Gujarat. In 1992, 200 people in Odisha. In 2001, 27 people died in Bombay. In 2004, 87 people died in Mumbai. In 2006, 22 people died in Orissa. In 2008, 148 people died in Karnataka and Tamil Nadu. In 2009, 27 people died in Kolkata. In 2009, 29 people died in UP. In 2009, 136 people died in Gujarat. In 2009, 30 people died in Delhi. In 2009, 30 people died in Orissa. In 2010, 35 people died in UP. In 2010, 23 people died in Kerala. In 2010, 10 people died in UP. In 2011, 17 people died in Andhra. In 2011, 170 people died in in Sangrampur. In 2012, 17 people died in Andhra Pradesh. In 2012, 31 people died in Orissa. In 2012, 18 people died in Gurdaspur Punjab. In 2013, 40 people died in Azamgarh in UP and in 2015, 90 people died in Mumbai due to toxic liquor consumption.

21. Alcohol related deaths are a major cause of concern. In 2012 alone, about 3.3 million deaths were attributed to alcohol consumption. This amounts to 6% of global deaths. On the WHO's Years of Life Lost scale, measure of premature mortality, alcohol, attributed years of life lost puts India on a precarious 4 on a scale of 1 to 5. This means that a large number of citizens loose their lives early due to alcohol consumption and its fallouts. There are numerous healthrelated problems due to excessive consumption of alcohol. Alcoholism is the leading causes of liver cirrhosis and failure and 10% of strokes, tuberculosis, hypertension and epilepsy are caused due to it. As per WHO's Global Status Report on Alcohol & Health, 38.3 % of the world's population is reported to consume alcohol regularly. About 30% of India's population, just less than a third of country's populace, consumes alcohol regularly and 11 % are heavy drinkers. The average Indian consumes about 4.3 litres of alcohol per annum, while rural average is much higher, around 11.4 litres a year. According to Organization for Economic Cooperation and Development (OECD) report, released in May 2015, alcoholism increased by 55 % between 1992 and 2012. Despite the above, States have not taken steps to control consumption of intoxicating drinks.

Alcoholism is a quickly rising concern among teenagers and 22. youth. Apart from health concerns, it is one of the greatest causes of poverty. Primary bread earners are 10 times more likely to report alcohol abuse. Regular consumption of alcohol is inversely proportional to family income. This means- consumption increases significantly with diminishing income. Further, consumption of local brews and toddy is a major health risk, especially those from EWS. Manufacture, sale and intake of toxic homemade liquor brewed with dangerous ingredients takes a number of lives every year. In 2009, in Gujarat 136 lives were lost in one single incident. The State then came up with death penalty for selling such "country liquor". In 2015, 94 people lost their lives due to consumption of toxic liquor in Maharashtra. Punjab had always been in the news for alcohol consumption, though Dadra Nagar Haveli, Arunachal, Andaman & Nicobar Islands, Andhra Pradesh, Daman & Diu, Sikkim and Puducherry, are among the highest consumers of alcohol and spirits in country. The consumption of liquor in Punjab increased by almost 60 % between 2007 and 2012 and most new addicts are teenagers and youth in the age group of 13 to 35 years. It is not possible to accept any privilege of State having right to trade in

goods obnoxious and injurious to health. It is duty of the State to frame a Liquor Prohibition Policy to curtail sale and manufacturing of intoxicating drinks. There is hardly a family in rural areas of, where one member does not indulge in liquor or substance abuse.

Fatal accidents occur frequently because drivers don't drive 23. without first consuming alcohol or other intoxicant. Punjab earns revenue around Rs 4,000-5,000 crore per annum and excise collection in Bihar is also same. If Bihar could afford this loss, there is no justification for other States not to follow suit. In fact, the loss of revenue is rather a gain in terms of health benefits and considering the social evils related to liquor consumption. One of the reasons of suicidal deaths in rural Punjab is also attributed to compulsion of lavish spending to maintain social status during marriage where there is huge expenditure on alcohol. It, however, needs the will to do so leaving aside vote politics. No religion advocates use of alcohol. While Islam prohibits the consumption of alcohol and Hinduism mentions it as one of the moral evils, a true Sikh is also not supposed to consume alcohol. All Sikhs the world over hold the Akal Takht in high esteem. A Hukamnama from this holy place may go a long way to free the State from this menace.

Fifteen people die every day from drinking alcohol, reveals an 24. analysis of 2013 NRCB data. The per capita consumption of alcohol increased 38%, from 1.6 litres in 2003-05 to 2.2 litres in 2010-12, and more than 11 % of Indians are binge drinkers. The data explains the wide political support for crackdowns on alcohol, although experts point out that alcohol is serious health problem. In Tamil Nadu, late Ms Jayalalithaa shut down 500 liquor stores on 23.05.2016, the first day of her fourth term as the Chief Minister. On 01.04.2016, Bihar imposed complete prohibition on sale, production and consumption of alcohol. In August 2014, Kerala restricted the sale of liquor to five-star hotels. Pre-poll surveys in Kerala and Tamil Nadu found wide support for prohibition, 47 % of men and women in Kerala and 52 % in Tamil Nadu. The leading reason for ban was alcohol-fuelled domestic violence and suicides. Before latest crackdowns on alcohol, Gujarat - Nagaland were the only States with complete prohibition. Maharashtra reported the most alcoholrelated deaths, followed by MP and Tamil Nadu, according to NCRB data. High rates of alcoholism correlate with high crime rates. Major crimes and accidents are fuelled by alcohol, which also leads to sexual harassment and robberies. Alcohol abuse is also the reason

why Tamil Nadu has the largest number of widows under 30 years of age. A quarter of all hospital admissions and 69 % of all crimes in Kerala are due to intoxication. Unfortunately, State has opened the liquor shop during the COVID pandemic, against the spirit of Article 47 read with Article 21, 38, 39, 46 and 51A.

25.On an average, 5 people died every day in 2014 after drinking spurious liquor. In 2015, consumption of illegally brewed liquor claimed more than 100 lives in Malwani, Mumbai, triggering widespread outrage. As many as 1699 people died in 2014 after consuming spurious/illicit liquor, an increase of 339 % from 387 in 2013. The data for deaths due to alcohol influence nationally as well as State-wide has been stopped since 2014 and is included in sudden deaths overall. Therefore, applicant has taken 2013 figures and analyzed so. There is a possibility of more deaths due to alcohol influence under heart attacks/epilepsy category. Average age of children indulging in substance abuse in Delhi is 13.7 years, according to study by Delhi Commission for Protection of Child Rights. Study found 100 % children in conflict with law are liquor and drug users, 95.5% of them staying in childcare institutions are on drugs and 93% of street children consumed narcotics.

26. Domestic and sexual abuse is associated with alcohol and this behavior is damaging the communities. The individuals who engage in this type of behavior can begin to fail in their ability to meet family, social, and work commitments. Families suffer financially because of this. Business economy suffer because of lost productivity with people coming to work still suffering from effects of alcohol. Drinking and driving is responsible for most of the fatal accidents. Underage drinking is becoming a greater problem. Different States have different age limits for alcohol consumption, varies from 18 to 27 years. It is common for people to begin drinking before the legal age limit. For those young people who are still in adolescence, it interferes with their normal development. This type of behavior can particularly interfere with crucial mental development that occurs at this age. Underage drinking encourage sexual promiscuity and is closely related to teen suicide. Those people who drink at an early age are far more likely to develop alcoholism. Such youth perform badly in college. This implies that their opportunities in future will be limited. Even those who are young can develop alcoholism and all physical and mental problems that come with this. There are many teenagers, who use alcohol as a stepping-stone to harder drugs.

27. It is significant to note that Kerala, which has 4.5% of registered vehicles, reports a high 7.3% of accidents. Within India, Kerala has highest per capita consumption of alcohol. Every day, 3500 people die on the roads worldwide. Tens of thousands more are injured. Families are broken apart. The future of young people is dashed. Road accidents have become the leading cause of death for people aged 15 to 30 years. While the number of alcohol victims is on the rise, it is decreasing in many countries including China, the only country with more inhabitants. In India, one road accident occurs on the streets nearly every minute and someone dies nearly every four minutes. According to the official figures, 125660 people were killed in various accidents in the year 2009. Deaths and injuries due to road mishaps are a national problem that must be addressed immediately. The damage caused by them is enormous in terms of lives and injuries as also the national cost involved in treating over 5 lakh people who get injured every year. At a time when alcoholrelated deaths are on the rise, the suggestion of Bihar Chief Minister to ban alcohol in India will prove to be perfect elixir for the problem. Alarmingly, number of alcohol-related deaths has witnessed a sharp rise of 21% in 2012 over corresponding period 2013.

- 28. There has been a continual rise in total number of alcoholrelated deaths. During 2008 to 2012, figure saw a steep rise of 27% from the level of 4308 to 5478. A massive increase of 21% was alone witnessed in 2012 when death figure zoomed to 5478 as against 4547 cases registered in 2011. WHO Report on alcohol and health states that harmful use of alcohol results in 2.5 million deaths each year. Almost 4 % of all deaths worldwide are attributed to alcohol. Alcohol-related deaths are on rise. We are seeing clinical population. There are multiple of factors, which are responsible for the rise in alcohol related deaths. Factors include level of alcohol consumption has gone up, age of consuming alcohol has receded over the years, social acceptance has increased and laws have become a bit slack, unawareness about the complications associated with alcohol.
- number of alcohol-related deaths occurred in Maharashtra (1514), followed by Madhya Pradesh (564), Karnataka (415), Haryana (367), Punjab (273). In 2011, Maharashtra topped the list with highest death cases (1185) followed by Madhya Pradesh (486), Haryana (309), Karnataka (304), and Chhattisgarh (270). Citywide analysis of 2012 data showed that Mumbai topped the list with 166 alcohol-

related deaths. Delhi came second with 142 death cases followed by Nagpur (140), Bengaluru (121), and Jaipur (61). However, in 2011, it was Chennai, which registered the maximum deaths of 281, followed by Delhi (140), Mumbai (112), Nagpur (95), and Bengaluru (79). Alcohol-related causes of death include road accidents, liver related complications and brain related problems. Alcohol consumption dulls the responses while driving and chances of road accidents are high. In the long run, alcohol leads to brain related complications. It also develops forgetfulness. Moreover, it is expected that alcohol consumption will increase in India. According to the report released by Associated Chambers of Commerce and Industry of India (Assocham), alcohol consumption in India crossed 19,000 million litres in 2015 from the level of 6,700 million litres witnessed in 2011. Whenever the usage of alcohol will increase, deaths would increase in the same proportion. Most of the people start by some kind of an experimental use. A global study has found out that alcohol consumption in India has risen by 55% over a period of 20 years. More worryingly, the young are getting initiated to alcohol much earlier, while more young women are indulging in intoxicating and hazardous and binge drinking.

OECD recently published a report examining the economic 30. and health implications of alcohol use among its 34 member and a few non-member countries. Among a list of 40 nations, India got third position, for shooting alcohol intake between 1992-2012. Countries that closely followed India were China, Israel & Brazil. OECD report said that heavy drinking was alarmingly on the rise among youth. "An increasing proportion of children experience alcohol and drunkenness at early ages. Girls have caught up with boys in the past 10 years," it stated. The percentage of under-15 boys who have not had alcohol went down from 44% to 30%, while for girls it decreased from 50% to 31% in 2000. The trend of heavy drinking witnessed among young has experts worried. "It can be dangerous and have long-term effects such as habit formation or other chronic conditions," said hepatologist Dr Aabha Nagral, who consults with Jaslok Hospital. Binge drinking among the youth has also been associated with increased possibilities of road accidents and disabilities in the report. WHO report said that about 30% of Indians consume alcohol, out of which 13% are daily consumers and up to 50% of these fall under the category of hazardous drinking but previous Governments have closed their eyes on it.

31. The OECD researchers evaluated that drinkers were downing an equivalent of over nine litres of pure alcohol per year, which further rose by few units if home brewed and illegal stocks were taken into account. "All of this amounts to drinking over 100 bottles of wine, or 200 litres of beer in a year," the report stated. The findings have set alarm bells ringing within the medical fraternity and health activists who are demanding National Liquor Policy to curb alcohol, which is associated with over 200 ailments of liver, heart, pancreas, brain, and even causing cancer. The report has pointed out how alcoholism cuts through classes and afflicts a poor man and an affluent woman alike. Dr Pankaj Chaturvedi, who consults with Tata Memorial Hospital says - "Alcohol is causally related to cancers of the mouth, oropharynx, liver, oesophagus and breast. It is appalling that such a toxic and carcinogenic compound is being brazenly advertised and consumed by an ever-increasing number of youngsters without any warning." Rapid rise in alcohol consumption is not without any economic ramifications. India loses 01% of GDP due to lost productivity of drunken workers. The report, without delving much into who drank how much and what, said alcohol practices varied from country to country and depended on culture and practices.

It is duty of the State to bring about prohibition of liquors and 32. other intoxicating drinks and drugs, which are injurious to health in spirit of the Article 21 and 47. Imposing prohibition on trade of liquor achieve the intoxicating is to directive principles administrated in the Article 47; as such, a course merits is treated as a reasonable restriction. Hon'ble Supreme Court has held that a law of prohibition cannot be challenged on the ground of contravention of the Article 19(1)(g). A legislative measure to check menace of increasing consumption of liquors and intoxicating drinks and drugs was held to be valid. The Court held that fundamental rights are not to be read in isolation. They have to be read along with the Chapter on Directive Principles of State Policy and the fundamental duties enshrined in Article 51A. Ideals envisaged under Directive Principles, from Article 38 to Article 47 cannot be achieved without complete ban on liquors and other intoxicating drinks and drugs. State like Gujarat, Bihar, Tamilnadu, Kerala, Nagaland and Manipur has already taken steps to prohibit the liquor and other intoxicating drinks and drugs. Other States should also take steps to check the menace of liquors and other intoxicating drinks and drugs in spirit of Article 47 read with Article 21, 38, 39, 46, 47 and 51A.

Legal drinking age and laws, which regulate consumption of 33. alcohol, vary significantly from State to State. Consumption of alcohol is prohibited in Gujarat, Bihar, Manipur, Nagaland and Kerala has planned to implement almost full Lakshadweep. prohibition on liquor in phased manner. But, alcohol consumption in Delhi has risen over 55% over a period of 5 years. Liquor in Delhi is sold at liquor stores, restaurants, hotels, bars, pubs, clubs and discos. Delhi permits home delivery of beer and wine by private venders and departmental stores, banquet halls and farmhouses. There would be a drop in number of road accidents, less cases of domestic violence, day workers would be bound to secure money they now use on buying alcohol and chances of diseases, which occur due to alcoholism, would become minimal. Alcohol is the primary reason for physical and mental disorders, road accidents and road rages, rapes and murders and other crimes that happen under its influence. According to a study by Delhi Commission for Protection of Child Rights, the average age of children indulging in substance abuse is 13.7 years. Therefore, it is duty of the Union to frame a National Liquor Policy to control the sale, manufacturing and consumption of liquors and other intoxicating drugs.

Granville Austin in his book "The Indian Constitution-34. Cornerstone of a Nation" has stated: "Hindus relying on Gandhi's teaching and Muslim deriving their authority from the Koran, could all inveigh against the evils of drink. Moreover, drinking had never been common among the Indian middle class. The argument for prohibition is not wholly unreasonable. In many industrial areas like Steels mills of Bihar and Bengal and especially in Harijan areas, depressed under fed workers sought solace in liquor to the great detriment of their health. The advocates of prohibition had both social and doctrinal strings to their bow, and they were supported by Congress's decade-old officials dedicated to cause of prohibition. Opposition to this conservative outlook came from more liberal elements in the Constituent Assembly, who cited the United States disastrous experience and particularly from members of provincial government, who knew to what good use the huge income from liquor excise could be put. The Assembly, however, adopted a revised version of the amendment moved by a Muslim and a Hindu. The prohibition of liquor and harmful drugs (e.g. opium) became a fundamental principle of governance, and today the sale of alcoholic drinks is in varying degrees restricted in nearly every State in India."

35. If the Preamble is key to understanding of the Constitution or to open the mind of its makers, the Directive Principles are basic ideal. It is here that the Constitution makers poured their mind by setting forth the humanitarian socialist principles, which epitomized hopes and aspirations of the people and declared them as the fundamental in the governance of country. They are affirmative instruction from the ultimate sovereign to the State, which are creatures of the Constitution established by them, to secure to all citizens justice social, economic, and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity and promote among them all fraternity, assuring dignity of the individual and unity and integrity of the nation. It is duty of the Union Government and all the State Governments to direct their activities in such a manner so as to secure the high ideals set forth in the Preamble and copiously analyzed and enshrined in Part-IV. The Directive Principles of State Policy are an amalgam of diverse subjects embracing the life of the nation and include principles, which are general Statements of social policy, principles of administrative policy, socio economic rights and Statement of the international policy of the country.

36. In Kesavanad Bharati case, object of Directive Principles stated thus: "The Directive Principles of State Policy set forth the humanitarian socialist precepts that was the aims of the social revolution...... Part III and IV essentially form a basic element of the Constitution without which its identity will completely change. A number of provisions in Part III and Part IV are fashioned in United Nations Declaration of Human Rights. ... Part III of the Constitution shows that founding fathers were equally anxious that it should be society where citizen will enjoy the various freedoms and such rights, as are the basic elements of those freedoms without which there can be no dignity of individual. Our Constitution makers did not contemplate any disharmony between Fundamental Rights & Directive Principles. It can be well said that the Directive Principles prescribed the goal to be attained and the Fundamental Rights laid down the means by which that goal was to be achieved. (per Shelat and Grover, JJ.) The Directive *Principles* and the Fundamental Rights mainly proceed on the basis of human rights. Freedom is nothing else but a chance to be better. It is this liberty to be better that is the theme of the Directive Principles of (per Hegde and Mukherjee, IJ.). Scheme of the State Policy. Constitution discloses that Principles of social justice are placed above

individual rights and whenever or wherever it is necessary, individual rights have been subordinated or cut down to give effect to the Principles of social justice. Social Justice means various concepts, which are evolved in the Directive Principles (per Ray, J.). Object of Directive Principles is to establish a Welfare State where there is economic and social freedom without which political democracy has no meaning. (per Reddy, J.). Significant thing to note about Part IV is that, although its provisions are unenforceable, that does not affect its fundamental character. Enforcement by Court is not real test of law (per Mathew, J.). Fundamental Rights are the ends of the endeavors of the people for which the Directive Principles provided the guidelines. (Beg, J.). The basic object of conferring freedoms on individuals is the ultimate achievement of the ideals set out in Part IV. Fundamental Rights, which are conferred and guaranteed by Part-III constitute ark of the Constitution and without them; a man's reach will not exceed his grasp. However, it cannot be over stressed that the Directive Principles are fundamental in the governance of the country. What is fundamental in the governance of the country cannot be surely be less significant then what is fundamental in the life of an individual (per Chandrachud, J.).

PRAYERS

Keeping in view the rapidly spreading COVID pandemic, it is prayed that Hon'ble Court may be pleased to issue a writ, order or direction or a writ in the nature of mandamus to Centre and States to:

- **a)** frame an effective policy to prohibit the consumption, except for medicinal purposes, of intoxicating drinks and drugs which are injurious to health, in spirit of Article 47 read with Article 21, 38, 39, 46 and 51A of the Constitution of India;
- **b)** introduce an effective health warning that covers at least 50% of liquor bottles/containers on both sides and print intoxicating drinks related health hazards on it in Hindi and English languages;
- **c)** ban the advertisement of intoxicating drinks and start a campaign to educate people about the health hazards due to consumption of intoxicating drinks through electronic, print and social media:
- **d)** insert a chapter on health hazards of intoxicating drinks in syllabus of primary classes in spirit of right to health & education guaranteed under Articles 21 and 21A of the Constitution of India;
- pass such other order(s) as this Hon'ble Court may deem fit and proper to effectuate Article 47 of the Constitution and allow the cost.
 New Delhi Advocate for petitioner 01.07.2020 (Ashwani Kumar Dubey)

APPENDIX

ARTICLE 21 OF THE CONSTITUTION OF INDIA

21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law

ARTICLE 38 OF THE CONSTITUTION OF INDIA

- 38. State to secure a social order for the promotion of welfare of the people
- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life
- (2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations

ARTICLE 39 OF THE CONSTITUTION OF INDIA

- 39. Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing
- (a) that the citizens, men and women equally, have the right to an adequate means to livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment

ARTICLE 46 OF THE CONSTITUTION OF INDIA

46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation

ARTICLE 47 OF THE CONSTITUTION OF INDIA

47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health

ARTICLE 51A OF THE CONSTITUTION OF INDIA

- 51A. Fundamental duties It shall be the duty of every citizen of India (a) to abide by the Constitution and respect its ideals and institutions, the national Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop scientific temper, humanism and spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that nation constantly rises to higher levels of endeavour and achievement

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2020

(PIL UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

VERSES

UNION OF INDIA & OTHERS

...RESPONDENTS

PAPER BOOK

[FOR INDEX KINDLY SEE INSIDE]

(ADVOCATE FOR PETITIONER: ASHWANI KUMAR DUBEY)

	INDEX OF RECORD OF PROCEEDINGS	
Sr. No.	Date of Record of Proceedings	Page
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

	INDEX				
S. NO	Particulars of the documents	Page number of part to which it belongs		Rema rk	
		Part-I (Contents of Paper Book)	Part-II (Contents of file alone)		
(i)	(ii)	(iii)	(iv)	(v)	
1	Listing Performa	A-A1	A-A1		
2	Cover Page- Paper Book		A-2		
3	Record of Proceedings		A-3		
4	Defect List		A-4		
5	Note Sheet		NS1		
6	Synopsis & List of Dates	В-К			
7	Writ Petition & Affidavit	1-34			
8	Appendix Article 21, 38, 39, 46, 47,	35-36			
8	F/M		37		
9	V/A		38		
10	I.D. Proof		39		

PERFORMA FOR FIRST LISTING

Section: PIL

The ca	ase pertains to (Please tick / check the correct box):			
	Central Act: Constitution of India			
	Section: Articles 21, 38, 39, 46, 47, 51A of the Constitution			
	Central Rule: N/A			
	Rule No: N/A			
	State Act: N/A			
	Section: N/A			
	State Rule: N/A			
	Rule No: N/A			
	Impugned Interim Order: N/A			
	Impugned Final Order / Decree: N/A			
	High Court: N/A			
	Name of Judges: N/A			
	Tribunal / Authority Name : N/A			
1.	Nature of Matter: Civil			
2.	(a) Petitioner / Appellant : Ashwini Kumar Upadhyay			
	(b) Email ID: ,			
	(c) Phone No: ,			
3.	(a) Respondent: Union of India and others			
	(b) Email ID: N/A			
	(c) Phone No: N/A			
4. (a) Main Category: o8 PIL Matters				
	(b) Sub Category: 0812, Others			
5.	5. Not to be listed before: N/A			

- 6(a). Similar disposed of mater: No Similar Matter
- 6(b). Similar pending matter: No similar matter pending
- 7. Criminal Matters: N/A
 - (a) Whether accused / convicted has surrendered: N/A
 - (b) FIR / Complaint No: N/A
 - (c) Police Station: N/A
 - (d) Sentence Awarded: N/A
 - (e) Period of Sentence Undergone including period of detention/custody under gone: N/A
- 8. Land Acquisition Matters:
 - (a) Date of Section 4 Notification: N/A
 - (b) Date of Section 6 Notification: N/A
 - (c) Date of Section 17 Notification
- 9. Tax Matters: State the Tax Effect: N/A
- 10. Special Category: N/A
- 11. Vehicle No in case of motor accident claim matters): N/A

Date: 01.07.2020

ADVOCATE FOR PETITIONER

(Ashwani Kumar Dubey)

Advocate-on-Record, Supreme Court of India

SYNOPSIS

Liquor and other intoxicating drinks have very deteriorating effect on the health of citizens. It destroys liver and weakens immune system. Researches confirm that a person with weaker immunity has higher chance of succumbing to Corona Virus Disease (COVID). Consumption of liquor and intoxicating drinks increase the risk of injury, domestic violence, crime against women & alcohol poisoning. Liquor consumption during COVID pandemic, is exacerbating health vulnerability, risk-taking behaviors, mental health issues, violence. That's why WHO encourages States to enforce measures to limit Liquor consumption. As part of its public health response to COVID, WHO has developed factsheet which addresses myths and provides guidance on COVID and confirms that consuming alcohol poses severe health risks, but consuming high-strength ethyl, particularly if it has been adulterated with methanol, can result in severe health consequences, including death. Liquor consumption is associated with a range of communicable and non-communicable diseases and mental health disorders, which make a person more vulnerable to COVID. Consumption of Liquor and intoxicating drinks weakens immune system, increases risk of adverse health outcomes.

Liquor is psychoactive substance that is associated with mental disorders. People at risk or who have an alcohol-use disorder, are vulnerable, especially when in self-isolation. That's why medical services need to be alert and ready to respond to the person in need. Liquor and other intoxicating drink, is responsible for 2.5 million deaths a year. That's why existing rules and regulations to protect health and reduce harm caused by Liquor, such as restricting access, must be reinforced during COVID pandemic and any relaxation of regulations or their enforcement must be avoided. The risk of consuming liquor and intoxicating drinks must be communicated to the common man through electronic, print and social media. Liquor has been flying off shelves as people try to combat boredom in this period. The spike in Liquor sales has alarmed health experts & officials around world. WHO is concerned that increased drinking could make people even more vulnerable to the respiratory disease. US Surgeon General warned at-risk adults to refrain from drinking. Soon after, WHO also suggested that people cut back on drinking, since liquor increase risk of experiencing complications from COVID. "Alcohol consumption is associated with a range of communicable and non-communicable diseases and mental health

disorders, which can make a person more vulnerable to COVID-19. In particular, alcohol compromises the body's immune system and increases the risk of adverse health outcomes," the WHO stated. Though there's still limited data on the link between alcohol and COVID-19, past evidence shows alcohol consumption can worsen the outcomes from other respiratory illnesses by damaging the lungs and gut, and impairing the cells responsible for immune function.

When person is exposed, body mounts immune response to attack and kill foreign pathogen. In general, the healthier a person's immune system is, the quicker it can clear out a virus and recover from a disease like COVID-19. By default, alcohol makes it harder for immune system to gear up and defend body against harmful germs. "Alcohol has diverse adverse effects throughout body, including on cells of immune system that lead to increased risk of infections," said Dr. Jennifer Edelman, addiction medicine specialist. In the lungs, for example, alcohol damages the immune cells and fine hairs that have important job of clearing the pathogens out of our airway. "If the cells lining a person's airway are damaged from alcohol, then viral particles, such as COVID, more easily gain access, causing immune cells, which fight off infection, to not work as well, leading

to increased overall risks of more severe diseases and complications," said Dr. Alex McDonald, eminent physician in Southern California. Similarly, alcohol can trigger inflammation in the gut and destroy the microorganisms that live in the intestine and maintain immune system health. "Alcohol intake can kill normal healthy gut bacteria, which help to promote health and reduce risk of infection," Dr. McDonald said. When body is unable to clear pathogen, infection can worsen and lead to more severe, life threatening complications. Alcohol consumption leads to more severe lung diseases like adult respiratory distress syndrome and other pulmonary diseases, including pneumonia, tuberculosis and respiratory syncytial virus. Many health experts assume the same may be true with COVID-19. "With COVID-19, alcohol is likely to interfere with an individual's ability to clear SARS-CoV-2, cause people to suffer worse outcomes, including ARDS, which commonly results in death," Edelman said.

Drinking makes it harder for body to properly tend to critical functions, like fighting off a disease. Once take a sip of alcohol, body prioritizes breaking down liquor over several other bodily functions. Body doesn't have a way to store alcohol like it does with carbohydrates and fats, so it has to immediately send it to the liver,

where it's metabolized. In addition, alcohol is known to impair sleep quality. And the less sleep a person gets, the higher their risk for getting sick. One study found that people who got less than 7 hours of sleep are nearly 3 times more likely to develop a cold compared with those who got 8 or more hours of sleep. A lack of sleep can also affect how long it takes for a person to recover if they do get sick.

Binge drinking can have massive effect on immune system. "Research has shown that high doses of alcohol (around 14 drinks per week or more than five to six drinks at a time) does directly suppress the immune system, and that alcohol abuse is associated with increased risk of infectious diseases," Dr. McDonald said. Even smaller amounts of alcohol can affect immune system. Dr.McDonald advises against drinking more than once a week and only having 2-3 drinks at a time. For those who have a risk factor for COVID, like heart disease or diabetes, he recommends drinking even less. "Those at increased risk should cut down or abstain from alcohol because every little thing an individual can do to improve the health and reduce risk is worth it at this point, even if the evidence is not entirely clear," Dr. Mroszczyk McDonald said. WHO has also warned people to avoid drinking during the COVID pandemic.

Alcohol can have range of harmful effects on the body, which can diminish a person's immune response and put them more at risk for COVID. That's why health experts recommend drinking no more than once a week, if necessary. Those who have any known risk factors for COVID, like heart disease or diabetes, should not drink. Alcoholism results in many physical and mental disorders like blackouts, memory loss, anxiety and brain damage. It affects behavior and ability to learn and remember. It is the root-cause of mouth, throat and liver cancer. Alcoholism doest not only causes hypertension, which increases the risk of heart attack but also weakens heart muscles and affects lungs, liver, brain. It affects nervous, circulatory and digestive systems and results in many serious physical and mental diseases like kidney failure, impotency, infertility, weight gain, skin diseases and suicide. Moreover, consumption of liquor and intoxicating drinks are root causes of most of the road accidents, road rages, crime against women, domestic violence, rape murder and other social evils.

As per WHO, harmful use of alcohol results in 2.5 million deaths per year and 4% of deaths worldwide is attributable to alcohol. Alcohol related harm is not limited to heavy drinkers but

also extends to persons who drink moderately or occasionally as well as to persons who do not drink but become victims of alcohol related accidents or aggression. To address impact of Alcoholism, Liquor Prohibition Policy is urgently needed. It must include the measures by Union and State to control supply and demand and minimize alcohol-related harm, promote public health &immunity.

Alcoholism had ruined life of millions of EWS-BPL families. Women are facing a daunting task in running their families due to Alcohol addiction of their husbands. Alcoholism is the rootcause of 20% of absenteeism, 30% of road accidents and 40% of accidents at workplace. Policy of granting licenses has been so generous that there are more liquor vends than primary schools and health centers. That's why State must frame a Liquor Prohibition Policy to limit the number of licenses, trade hours and launch an aggressive Anti-Alcohol Campaign through electronic, print and social media.

Right to health is integral part of Article 21. It includes protection, prevention, cure and improvement of health and is a minimum requirement to enable a person to live with human dignity. State has a constitutional obligation to protect health of citizens. In a Welfare State, it is obligation of the State to ensure the

creation and sustaining of conditions congenial to good health. Article 47 read with Articles 21, 38, 39, 46, 51A, casts duty on the State to take steps to improve immune system of the citizens. Executive has constitutional obligation to extend his services with due expertise for protecting the health. Hon'ble Supreme Court has reiterated that in an organized society, right to live as a human being is not insured by meeting only the animal needs of man but it is secured only when he is assured of all facilities to develop himself and is free from restrictions, which inhibit the growth. All human beings are designed to achieve it. Right to Health guaranteed under Article 21 cannot be secured to all without controlling consumption of Liquor & other intoxicating drinks in spirit of Article 47.

Article 47 of the Constitution inter-alia states- "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs, which are injurious to health". Article 47 starts with phrase "Duty of the State" and duty is to improve public health, especially of EWS and BPL families, who

are major consumers of liquor and intoxicating drinks and protect them from its injurious effect. That's why State must frame a Policy in spirit of Article 47 read with Articles 21, 38, 39, 46, 47 and 51A, so as to liberate the people from the evil of intoxicating drinks & drugs.

Reminding all States that Constitution places a responsibility on them to 'at least curtail, if not prohibit consumption of Alcohol', the Apex Court approved Kerala's Liquor Prohibition Policy that prohibits drinking in public and restricts serving of intoxicating drinks to five star hotel. Court held: "Strict regulation is imperative to discourage regular and excessive Alcohol consumption. Not granting bar licenses to hotels other than five-star establishments have to be viewed as a positive step towards bringing down Alcohol consumption or preparatory to prohibition. Court cannot be blind to the fact that a social stigma at least as far as the family unit is concerned is still attached to the consumption of Alcohol. Free trade in Alcohol denudes family resources and reserves and leaves women and children as its most vulnerable victims."

Article 47 uses the words "prohibition of the consumption except for medicinal purposes". It clearly suggest that the use of liquor for making medicinal preparations only has to be construed

in the light of the Directive Principles of the State Policy of bringing about prohibition of intoxicating drinks and of drugs, which are injurious to health. State is duty bound to protect human life and improve public health in spirit of Article 21 and for that purpose to move towards prohibition. It is contradictory for the States, to claim that they have privilege to manufacture and sale of alcoholic beverages, which is dangerous to the human life and injurious to human health. The right to transfer or sale this privilege on consideration to earn the revenue without thinking that the trade in liquor ultimately results in degradation of human life, even endangering human life and is contrary to the duty cast under Article 47 read with Articles 21, 38, 39, 46, 47 and 51A.

LIST OF DATES

o1.05.2020: Despite extension in nationwide lockdown, liquor shops were allowed to resume operation in all districts.

o1.07.2020: Consumption of Liquor & intoxicating drinks weakens immune system, increases risk of adverse health outcomes, particularly during the COVID pandemic. It has devastating effects on right to health guaranteed under Article 21. Hence, this petition in public interest.