



WP (MD) Nos. 2543 & 5654 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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Orders reserved on : 01.12.2022

Orders pronounced on : 04.01.2023

CORAM

**THE HONOURABLE MR. JUSTICE R. MAHADEVAN**  
and  
**THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA**  
**PRASAD**

Writ Petition (MD) No. 2543 of 2019  
and WMP. (MD) Nos. 1949, 1950, 1951 and 1952 of 2019  
and  
Writ Petition (MD) No. 5654 of 2019

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WP (MD) No. 2543 of 2019:-

B. Ramkumar Adityan

.. Petitioner

Versus

1. Additional Chief Secretary  
Prohibition and Excise Department  
Government of Tamil Nadu  
Secretariat, St. George Fort  
Chennai - 600 009
2. Principal Secretary  
Health Department  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009
3. Principal Secretary  
Consumer Protection and Price Control Department  
Government of Tamil Nadu



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Secretariat, Fort St. George,  
Chennai - 600 009

WEB C 4. Director General of Police  
Tamil Nadu Police  
Dr. Radhakrishnan Salai  
Mylapore  
Chennai - 600 004

5. Managing Director  
Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor  
Gandhi Irvin Bridge Road  
Egmore, Chennai - 600 008

Respondents

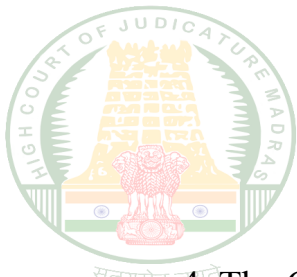
WP (MD) No. 5654 of 2019

K.K. Ramesh

.. Petitioner

Versus

1. The Union of India  
rep. by Home Secretary  
Ministry of Home Affairs  
North Block  
New Delhi - 110 001
2. The State of Tamil Nadu  
rep. by its Home Secretary  
Fort St. George, Secretariat  
Chennai - 600 009
3. The State of Tamil Nadu  
rep. by its Principal Secretary  
Health and Family Welfare Department  
Fort St. George, Secretariat  
Chennai - 600 009



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4. The Chairman

WEB COPY Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor  
Gandhi Irwin Bridge Road  
Egmore, Chennai - 600 008

5. The Director General of Police

Dr. Radhakrishnan Salai  
Chennai

.. Respondents

WP (MD) No. 2543 of 2019:- Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first and fifth respondents to open all Retail Outlets, Pubs and Bars situated in Tamil Nadu between 2.00 pm and 8.00 pm only to sell all alcoholic breweries and distilleries and subsequently take appropriate action against the violators.

WP (MD) No. 5654 of 2019:- Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to instruct the respondents 2 to 5 to impose a licensing system to regulate the Sale, Purchase and Usage of Indian Made Foreign Liquor (TASMAC) to the consumers in order to protect its legitimacy of consumption of liquor by considering the petitioner's representation dated 04.02.2019.

WP (MD) No. 2543 of 2019:-

For Petitioner : Mr. Karthick Subramanian

For Respondents : Mr. R. Baskaran, Additional Advocate  
General assisted by Mr. P. Thilak Kumar  
Government Pleader for RR1 to 3  
Mr. T. Senthil Kumar  
Additional Public Prosecutor for R4

Mr. H. Arumugam for R5

WP (MD) No. 5654 of 2019:-

For Petitioner : Petitioner-in-Person



WP (MD) Nos. 2543 & 5654 of 2019

For Respondents

: Mr. P. Subbiah  
Central Govt. Senior Panel Counsel for R1  
Mr. R. Baskaran, Additional Advocate  
General assisted by Mr. P. Thilak Kumar  
Government Pleader for RR2, 3 and 5  
Mr. H. Arumugam for R4

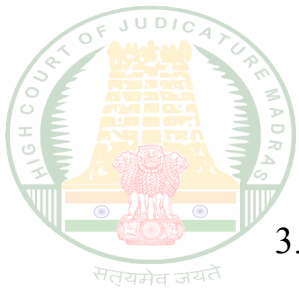
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### **COMMON ORDER**

#### **R. MAHADEVAN, J.**

Statutory warnings are intended to instil a sense of fear, but they have had very little effect on human attitudes and behaviour towards alcohol consumption. It is also a sorry state of affairs that persons under 21 years, who are specifically prohibited from drinking alcohol, are in fact addicted to it. Therefore, it is incumbent on the state Government to reduce alcohol dependence and addiction as a public health measure by restricting and effectively regulating it's sale and consumption.

2. The issues sought to be raised in both these writ petitions, by way of public interest litigation, are similar and identical, therefore, they were taken up for hearing together and are disposed of by this common order.



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3. For the sake of clarity and specificity, the prayers made herein

are reproduced below:

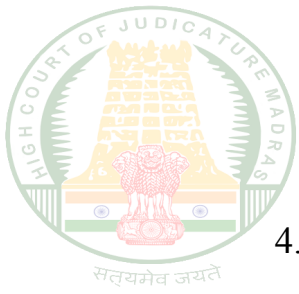
WP (MD) No. 2543 of 2019:

“to issue a Writ of Mandamus directing the respondents 1 and 5 to open all Retail Outlets, Pubs and Bars situated in Tamil Nadu only between 2.00 pm and 8.00 pm to sell all alcoholic breweries and to take appropriate action in case of violation of the norms”

WP (MD) No. 5654 of 2019:

“to issue a Writ of Mandamus directing the first respondent to instruct the respondents 2 to 5 to impose a licensing system to regulate the Sale, Purchase and Usage of Indian Made Foreign Liquor (TASMAC) to the consumers in order to protect its authenticity by considering the petitioner’s representation dated 04.02.2019”

4.1. According to the petitioner in WP (MD) No. 2543 of 2019, he is a practicing advocate. He claims to have presented two papers in the UGC sponsored national seminars on Gender Justice under Indian Criminal Justice System and Medical Negligence and Consumer Protection in India, both organised by Tamil Nadu Dr. Ambedkar Law University. In the present case, the petitioner has sought to project the perils and the raising culture of alcoholism among school students and the degree to which it affects the society. Students are spoilt and their families suffer silently due to liquor consumption. This trend, according to the petitioner, is a socio-economic issue, but little is being done by the respondents to resolve this.



4.2. The petitioner also submitted that the fifth respondent is a

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wholly owned Government of Tamil Nadu undertaking and it is having monopoly over sale and vending of alcoholic beverages. The fifth respondent has taken over the wholesale distribution of Indian Made Foreign Liquor from private sectors in the State in May 1983 and is doing retail business successfully from 29.11.2003 by procuring Indian Made Foreign Liquor (IMFL) and Beer stocks locally from 11 IMFS manufacturers and 7 Beer manufactures in the State. The respondents 1 and 5 are in receipt of huge amount by way of licensing fee and selling the liquor through 3000 and odd retail shops established by the fifth respondent. There are sporadic protests led by women for closure of liquor shops in the state driven by the issues related to addiction and their effects on family, but little is done in this regard. On the other hand, the number of retail shops is mushrooming throughout the State and there is no reduction seen. The petitioner also recounted the increasing suicidal tendency among youngsters, number of suicides, job loss and reduced inclination to take up employment among men attributable to addiction to alcohol.

4.3. The petitioner further stated that the first and fifth respondents are continuously encouraging liquor consumption in order to increase revenue at the cost of the health of the citizens of the State. For this purpose,



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the fifth respondent has opened several retail liquor shops wherever possible

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inspite of agitation by the public. The petitioner also stated that the root cause for today's condition is the passing of an amendment to Tamil Nadu Prohibition Act, 1937 in October 2003 which has led to an increased consumption of liquor among the citizens. According to the petitioner, unless the respondent authorities take a policy decision to open the retail outlets only between 2.00 pm and 8.00 pm the evil of liquor will ruin the State and its citizens. Further, the fifth respondent has to instruct the vendors not to sell liquor to persons below the age of 21 years. Even though the fifth respondent has issued a Circular dated 05.07.2018 to all the retail outlets not to sell liquor to those below 21 years of age, it is seldom followed and liquor is sold to adolescents in violation of the Circular. Therefore, in order to arrest the present trend and to save the poor families from being ruined any further, it is just and necessary that the respondent authorities be directed to sell liquor only between 2.00 pm and 8.00 pm.

4.4. Along with the writ petition, the petitioner has also filed four miscellaneous petitions seeking interim injunction restraining the fifth respondent, its men and agents from selling any alcoholic beverages to those, who are below 21 years of age at their retail shops, pubs and bars situated in

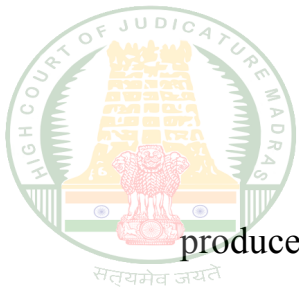


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the state of Tamil Nadu; and interim directions to the respondents 1 and 5 to display in Tamil all evils of consuming alcoholic beverages in all retail shops, pubs and bars of the fifth respondent situated in the state of Tamil Nadu for public view, to display in Tamil, the price list and all contact details of higher officials to submit complaint in case of over pricing, and issue receipts for payment for all alcoholic beverages in all retail shops, pubs and bars of the fifth respondent situated in the State of Tamil Nadu, and to ensure and print name, ingredients and quantity of ingredients of liquor, quality, purity, standard, grade, trade name, brand name, price and address of manufacturer as per the Consumer Protection Act, 1986 on label of bottles of all alcoholic beverages in Tamil language, which are selling in retail shops, pubs and bars of the fifth respondent situated in the state of Tamil Nadu.

4.5. To strengthen his claim, the petitioner filed an additional affidavit, wherein, it is stated that about 1.65 lakh cases were registered in connection with prohibition offences and 2.95 lakh litres of arrack, 75720 litres of rectified spirit and 17.53 lakhs of IMFL bottles, smuggled from other states were seized between April 2020 and March 2021. The quantity of seizure account for less than five per cent of liquor was sold by the fifth respondent TASMAL. A major share of black market liquor could have been





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produced within the state and the liquor is being sold in houses, bars and

other secluded places after 10.00pm. Therefore, if the fifth respondent sells

the liquor bottle in its original shape and design meant for the brand, it would

be extremely difficult to sell liquor in black market. Thus, according to the

petitioner, reduction of business hours of the retail outlet shops run by the

TASMAC would reduce the liquor consumption thereby reducing the crime

rate, commission of offence, etc. The additional affidavit further proceeds to

state that though the fifth respondent has installed electronic billing

machines, the same are not working or not used, resulting in the possibility

of delayed accounting of sales, overpricing, shortage of stock, etc. It is also

stated that as per the provisions of the Tamil Nadu Liquor (Possession for

Personal Consumption) Rules, 1996 amended vide G.O(Ms)No.14 HP&EVI

Department, dated 09.06.2017, an individual can consume a maximum of 1

litre liquor in a day and 2 to 3 litres in case of beer. Hence, the sale of liquor

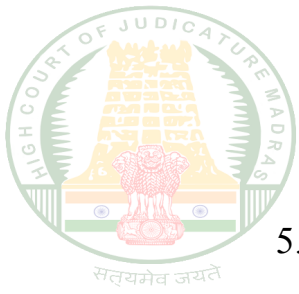
has to be regulated in accordance with law, so as to minimize its adverse

impact. Ultimately, the petitioner prayed that as the consumption of alcohol

is a restricted right, appropriate direction may be issued to the respondent

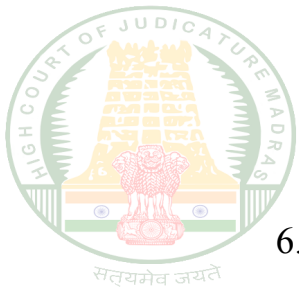
concerned, to regulate the sale of liquor in the 5<sup>th</sup> respondent retail outlet

shops.



5. The learned counsel for the petitioner in WP (MD) No. 2543 of

WEB C 2019 reiterated the averments made in the affidavit as well as additional affidavit filed in support of the writ petition and submitted that the respondent authorities have to take a policy decision in the larger interest of the citizens by opening the liquor outlets only between 2.00pm to 8.00 pm. This would, by and large, reduce the motor accidents, which takes place after 10.00 pm in the night. The learned counsel has also brought to the notice of this court the typed set of papers which contains photographs depicting young children/student consuming alcohol, protests led by women for closure of retail liquor shops and the replies received under the Right to Information Act, 2005 disclosing the revenue of the fifth respondent corporation. The learned counsel further submits that liquor consumption has been malice in our State. The fifth respondent is earning considerably, while the government and its instrumentalities are obligated to improve the health of the citizens. The petitioner has submitted representation on 03.12.2018 to the respondents highlighting the evil of liquor drinking and the need to restrict the time of liquor sales, which yielded no response. Therefore, the learned counsel prayed for appropriate direction to the respondents to restrict the time from 2.00pm to 8.00 pm so as to ensure that the evil of liquor drinking is mitigated to some extent in the State.



6.1. According to the petitioner in WP (MD) No. 5654 of 2019,

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while tracing the origin and history of the habit of liquor drinking among the masses, he has also projected its ill effects. According to him, consumption of liquor is the cause for heinous crimes, such as rape, murder and motor accidents. The petitioner also stated that liquor consumption not only affects an individual's economic condition, but also ruins the whole family rendering them unable to sustain themselves. Further, liquor shops run by the fourth respondent have mushroomed in every nook and corner of the state and are especially spotted amidst schools, hospitals and even in prohibited areas. The petitioner, with remorse, would state that even school going children are seen thronging the liquor shops and it is a sorry state of affairs prevailing in this Country.

6.2. The petitioner would further state that 3 million deaths are occurring every year worldwide due to the consumption of alcohol and it injures and impairs the health of the citizens of this country. According to the petitioner, more than 11 IMFL manufacturers and companies are supplying liquor of bad quality containing poisonous chemicals and these entities are owned by politicians and multi-millionaires. The poor quality of liquor served through TASMAL has not been subjected to any action.

6.3. The petitioner also enumerated the ways which are likely to



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reduce the harmful consumption of alcohol by stating that (i) regulation of marketing of alcoholic beverages and its prohibition among the adolescents by restricting its availability; (ii) formulating appropriate policies to curb drunken-driving and (iii) raising awareness regarding its ill-effects among public. Further, the Government must come forward to provide accessible and affordable treatment and rehabilitation to those suffering from alcohol-use disorders. The petitioner also referred to the response by World Health Organisation (WHO) to curb the menace of alcohol drinking and the consequential health disorders in the country. The petitioner further compared the pattern and manner in which alcohol is sold and consumed in United Arab Emirates (Sharjah), Sudan, Somalia, Saudi Arabia, Pakistan, Mauritania, Maldives, Libya, Kuwait, Iran, Brunei and Bangladesh and submitted that the policy followed in those countries could also be followed and implemented in our state and only those possessing alcohol licence from the Government must be allowed to purchase IMFL. According to the petitioner, alcohol licence should be issued to those who are aged 21 years and the licence holder should not drive vehicle after consuming alcohol. The licence holder should be allowed to buy for his personal consumption and he should not be allowed to sell liquor to others. Even for such licence holder, number of bottles of alcohol sold must be restricted to one or two and it



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should be duly recorded in the licence card/bar code. Even though liquor sale

is a policy decision to be taken by the Government, such policy must be in the larger interest of protecting the health of the citizens. Such policy decision should be taken in such a manner that gradually and in phases, there must be total prohibition of liquor sale and consumption in the coming years. In any event, there must be a reasonable restriction imposed on the part of TASMAL in the matter of sale and consumption of alcoholic liquor by the citizens by bringing in place a licensing system on par with the other countries. The petitioner would also state that his representation dated 04.02.2019 sent to the respondents, did not yield any result and therefore, he has come forward with this Public Interest Litigation with the relief prayed for above.

7. The first respondent in WP (MD) No. 2543 of 2019 has filed a status report specifically stating that the working hours of liquor shops in Tamil Nadu is much less when compared to other neighboring states except Andhra Pradesh which functions for 9 hours. According to the first respondent, originally, the TASMAL shops were functioning for 16 hours during the year 2004 from 8.00 am to 12.00 midnight. Subsequently, the timing was reduced from 10.00 am to 11.00 pm with effect from 01.01.2007. This was further reduced to 12.00 noon to 10.00 pm from the year 2016.



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Thus, the Government has reduced the timing for sale of liquor in the retail outlets set up by TASMAC. However, any further reduction of timing will

increase the rush and in such case, it will be difficult to monitor the profile of each purchaser who throngs the shop. It is also stated that pursuant to an order dated 17.06.2016 passed in WP No. 26563 of 2015, the Managing Director, TASMAC, has issued a Circular dated 05.07.2016 specifically instructing the Regional Managers in all the Districts to ensure that liquor is not sold to those who have not attained 21 years of age. Thus, it is submitted that the Circular dated 05.07.2016 is followed in letter and spirit and liquor is not sold to those who are below the age of 21 years.

8.1. Adding further, the learned Additional Advocate General appearing for the State would submit that the Managing Director of TASMAC has issued a Circular dated 05.07.2016 giving clear guidelines to the Senior Regional Managers/District Managers to ensure that liquor is not sold to those below 21 years of age. They were further directed to erect a board in all the shops informing that liquor shall not be given to those who are below 21 years of age. The Circular also mandates the District Managers/Senior Regional Managers to conduct surprise inspections to ensure that liquor is not sold to those who are below 21 years of age. The learned Additional Advocate General therefore submitted that the circular



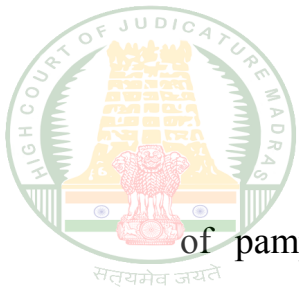
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dated 17.06.2016 is being scrupulously followed in all the shops established

by TASMAC and no one below the age of 21 years could purchase liquor in the shops run by TASMAC. This, according to the learned Additional Advocate General is in accordance with Rule 11-A of the Tamil Nadu Liquor Vending (in shops and Bars) Rules, 2003.

8.2. The learned Additional Advocate General appearing for the State further submitted that the policy of the State as well as TASMAC is to ensure that underage drinking is discouraged and sale of liquor to persons under 21 years of age does not take place. The learned Additional Advocate General also submitted that another Circular dated 19.09.2022 was issued by the Managing Director of TASMAC reiterating the above and to strictly follow the procedure with regard to vending of liquor to persons only above the age of 21 years.

8.3. Above all, it is submitted by the learned Additional Advocate General that sale of liquor and business hours of the shops are purely policy decisions of the Government. The Government has already reduced the timing of the shops from 16 hours to 10 hours at present. Further, to create awareness against the evils of liquor consumption and drunken driving, various activities like rallies, camps, seminars, street plays, skits, elocution competition, essay competition, advertisement in public places, distribution



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of pamphlets, human chains etc., are periodically conducted in select

locations. Such events are organised with the help of students, self help groups and non-governmental organizations to ensure that addiction to liquor consumption is gradually reduced. The learned Additional Advocate General also submitted that the Government has already sanctioned a sum of Rs.4 crores from the funds of TASMAL for creating awareness programmes considering the socio-economic and geographic needs of every district and this will go a long way in streamlining the procedure for sale of the liquor.

8.4. It is also submitted on the side of the Government authorities that in order to curb the menace of drunken driving, the Government of Tamil Nadu had intensified vehicular checks besides enhancing the spot fine for drunken driving. In this context, reference was made to the order passed by the Government in G.O. (Ms) No. 758, Home (Transport-VII) Department dated 19.10.2022, which was also relied on by the Petitioner / party-in-Person in WP (MD) No. 5654 of 2019. The said G.O. noted that the Ministry of Road Transport and Highways, considering the increasing number of vehicles and the number of accidents due to drunken driving, enhanced the fine for certain offences under the Motor Vehicles Act, vide the Motor Vehicles (Amendment) Act, 2019. According to the said amendments to the Act, the spot fines will be levied for traffic violations and the fine will be





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collected electronically through E-challan. By pointing out the same, it is

submitted by the learned Additional Advocate General that stringent measures are in force to prevent drunken driving and it is being strictly implemented across the State without any deviation. He has also submitted that the safety measures to protect the livelihood of the citizens will not be compromised at any cost and all efforts are being taken by the Government in this direction.

9. Adopting the submissions made by the learned Additional Advocate General appearing for the State, the learned standing counsel appearing for the TASMAL submitted that the TASMAL authorities are strictly following the rules / guidelines / circulars issued by the Government and there is no deviation / violation in running the shops and selling liquors. The learned counsel firmly submitted that liquor is not sold to those, who are below the age of 21 years and action is taken against the sales person who sold liquor without proper verification to underage drinkers.

10. We have heard all the parties and also perused the materials placed before us.

11. In both the writ petitions as well as miscellaneous petitions, the



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petitioners have sought the following directions to the respondent

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(i) to curtail the business hours during which liquor is being sold by the retail outlets established by TASMAL,

(ii) to prohibit the sale of liquor to those who are below 21 years of age,

(iii) to print labels on all liquor bottles in Tamil with respect to warnings, etc., display boards in Tamil with price list and contact details of higher officials to submit complaints and issue receipts, and to ensure the compliance of the provisions of the Consumer Protection Act, 2019 *qua* printing the name of liquor, ingredients, quality, purity, standard, grade, etc., on label of the bottles of liquor in Tamil, and

(iv) to bring in place a licensing system for sale of liquor on par with the other countries.

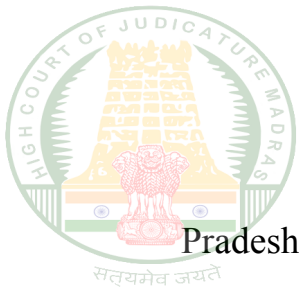
12. According to the petitioners, the TASMAL is a wholly owned company of the Government of Tamil Nadu. It has a monopoly over whole sale and retail vending of alcoholic beverages for the State, as per section 17(C)(1-A)(a) of the Tamil Nadu Prohibition Act, 1937. It has taken over the wholesale distribution of Indian Made Foreign Liquor from the private sector during 1983. It is doing retail business in all the districts of Tamil Nadu, with effect from 29.11.2003. The state government has been earning more revenue by way of licence fee and sale of liquor. The number of retail shops



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is mushrooming throughout the state. As a result, not only the economy of the individuals is affected, but also it ruins the entire family. Even the school children, college goers and women are thronging the liquor shops. The petitioner further stated that only licence holder should be permitted to buy liquor and the staff of the TASMAL should not sell liquor to those, who are below 21 years. That apart, there are various irregularities with respect to liquors' quality, brand, standard, etc., and lapses on the part of the employees in selling the same and that, the statutory regulations have not been strictly adhered to. Therefore, it is just and necessary to restrict the business hours of the retail shops and issue appropriate direction to the respondent authorities, so as to ensure that the evil of liquor consumption is mitigated to some extent.

13. On the other hand, it is the stand of the contesting respondents that the Government has reduced the timing of the Tamil Nadu State Marketing Corporation Liquor Retail Vending Shops periodically from 16 hours to 10 hours and any further reduction of timing will increase the rush in the shops and it will be very difficult to monitor the profile of each purchaser by the shop personnel. Further, the timing of functioning of retail outlets in Tamil Nadu is far lower than that in other States except Andhra



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Pradesh. That apart, the sale of liquor and timing of functioning of the liquor retail vending shops is purely policy decision of the Government. The respondents further stated that the mandatory policy of Tamil Nadu State Marketing Corporation is to ensure that underage drinking is not permitted and/or allowed and no sales is permitted at any outlet to underage persons. In case of any doubt, the personnel at the Liquor Retail Vending Shop are mandated to check the age proof of the consumer and only after verifying the age limit to sell the liquor to such persons. Circulars dated 05.07.2016 and 19.09.2022 have been issued to the District Managers/ Senior Regional managers to ensure that the said rules are displayed in notice board in all the shops. It is also stated that by way of abundant cautions, steps are taken to prevent the sale of liquor to consumers below the age of 21 years and strictly implement Rule 11A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. Denying the allegations raised by the petitioners, the respondents have categorically stated that the authorities are strictly following the regulations and that, in order to create awareness against the evil of liquor consumption and drunken driving, various programmes / activities like rallies, camps, seminars, street plays, advertisement, etc. are being conducted and de-addiction centres are functioning to provide integrated treatment and rehabilitation services for persons addicted to



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alcohol and drugs. Further, the Prohibition Enforcement Wing is functioning

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with the objective of eradicate illicit distillation, transportation, possession, sale of illicit liquor, preventing smuggling of spurious liquor and non-duty paid IMFL from the neighbouring States. Therefore, according to the respondents, all efforts are duly taken to protect the public health and welfare.

14. Before appreciating the rival submissions, it is pertinent to point out that Article 47 of the Constitution of India imposes a duty on the State to raise the level of nutrition and the standard of living and to improve public health, in particular, the State is required take endeavour in bringing about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

15. In Andhra Pradesh, the sale and consumption of liquor was prohibited by the government through the Andhra Pradesh Prohibition Act, 1995 as a result of women's agitation. It was challenged before the Supreme Court in **State of A.P. v. McDowell & Co., [(1996) 3 SCC 709]** on the grounds of infringement of fundamental right under Article 19. The Hon'ble Supreme Court drew strength from Article 47 under the Directive Principles of State Policy, which expressly provides for an obligation of the State to



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prohibit the consumption of intoxicants and held that Article 47 can be treated as a reasonable restriction under Article 19(6). Ultimately, the challenge to the enactment was dismissed.

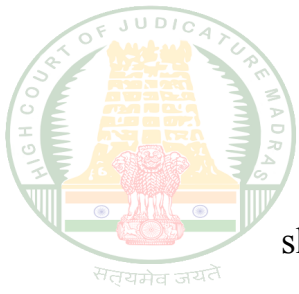
16. Rule 11-A of the Tamil Nadu Liquor Vending (in shops and Bars) Rules, 2003, prohibits underage drinking by providing that liquor is not to be sold to persons who have not completed 21 years of age, which reads as under:

"11-A, Liquor not to be sold to persons not completing 21 years of age :- (a) No liquor shall be sold or served by the licensee to any person who has not completed 21 years of age;

(b) Where any doubt arises in regard to the age of such persons the licensee may require the person concerned to produce any documentary evidence issued by the Central or State Government or Educational Institution or the local authority in proof of the age of such person."

17. As far as labelling requirements are concerned, part 5 of the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 which was brought to force on April 1, 2019 governs the labeling requirements for alcoholic beverages (both distilled and undistilled). These regulations are in addition to the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. Part 5 of the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 provides for the following requirements:

“5.1 Declaration of alcohol content: Alcohol content



shall be expressed as per cent. abv or as proof.

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5.2 Labeling of standard drink: One standard drink is the amount of beverage that contains in it 12.7 ml of abv as measured at 200C. The label may include a statement of the approximate number of standard drinks in the package.

Note: For example in the case of a bottle of 750 ml beverage containing 8 per cent. alcohol, the number of standard drinks, accurate to the first decimal place will be labelled as; “contains approximately 4.8 standard drinks”

5.3 Geographical indicators or names may be used on the label solely for the products originating from that geographical region.

5.4 In case of imported alcoholic beverage, the provisions of the Food Safety and Standards (Import) Regulations, 2017, shall apply.

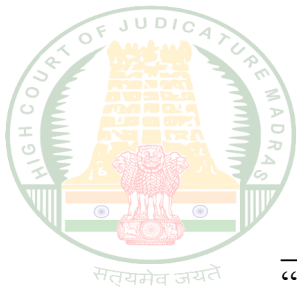
5.5 Alcoholic beverage shall not contain any nutritional information on the label.

5.6 No health claim shall be made on alcoholic beverage.

5.7 The label of a package of a beverage containing more than 0.5 per cent abv shall not use the words ‘non-intoxicating’ or words implying similar meaning.

5.8 Food containing alcohol must not be represented in a form which expressly or by implication suggests that the product is a non-alcoholic confection or non-alcoholic beverage.

5.10 Alcoholic beverage other than wine which contain less than 10 per cent alcohol shall mention the date, month and year of expiry on the label, in that order and shall precede by the words “Expiry date \_\_\_\_\_” or Use by



\_\_\_\_\_”. However, the manufacturer may use the expression “Best before” as optional or additional information.

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#### 5.11 Allergen warning:

5.11.1 If the wine contains more than 10 mg sulfur dioxide per litre, the label must declare “Contains sulfur dioxide or Contains sulfite”.

5.11.2 If egg white or ising glass as fining, clarifying agent or any other processing aid of animal origin is used in wine, it shall be declared on the label with a non-vegetarian logo, if residues of the same are present in the final product.

5.12 There shall be a statutory warning as mentioned below, printed in English language. In case, respective states wish the same to be printed in their local or regional language, the same shall be allowed without the need for repeating the English version. Size of statutory warning shall not be less than 3 mm.

**CONSUMPTION OF ALCOHOL IS INJURIOUS TO  
HEALTH, BE SAFE-DONT DRINK AND DRIVE”**

The aforesaid legal provisions make it clear that no liquor is sold to the persons below the age of 21 years and that, there are certain requirements to be followed with respect to labelling specifications. The central regulations also provide for printing the labels in the local or regional languages and hence, there is no statutory prohibition for the state Government to consider the same.

18. This court is not disputing the steps / measures taken by the Government for reduction of business hours and the awareness programmes





conducted. At the same time, it could be seen from the materials produced

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by the petitioners that the menace of liquor consumption has not been reduced considerably and it increases day by day. The rate of drunken driving fatalities is very high in the state. Even the students and persons under 21 years of age are consuming liquor, which has considerably affected the socio-economic milieu in the state and has resultantly, increased the number of crimes and offences. Though Rule 11-A of the Tamil Nadu Liquor Vending (in shops and Bars) Rules, 2003, mandates that no liquor shall be sold or served by the licensee to any person who has not completed 21 years of age; and that, there is a penal provision under section 188 IPC, for selling liquor to underage drinkers and consumption of alcohol by the underage drinkers, such as, registration of FIR against concerned TASMALC salesman, supervisor and District Manager under section 188 IPC, suspension of licence and closure of particular retail outlet shop, pub, club or any other third party permanently after conducting enquiry, criminal prosecution against those, who are below 21 years and consume alcohol, the photographs enclosed in the typed set of papers clearly demonstrated that liquor is being sold to the underage drinkers and the persons below the age of 21 years, are purchasing liquor from the retail outlet. However, no effective action has been taken by the authorities concerned against such violators, according to



law and no regulations have been strictly followed in respect of sale of liquor, label specification, etc. That apart, the harmful use of alcohol has a direct impact on many health related targets of Sustainable Development Goals (SDGs) specifically those related to maternal and child health, infectious diseases, non-communicable diseases and mental health, which calls for licensing system on par with the other countries.

19. Such being the present scenario, this court is of the opinion that alcohol consumption and its harmful use is a social evil which has led to break down of social framework. Alcohol consumption not only affects the individual, but its behavioural implications affect the immediate family members, colleagues and other strangers in interaction with the consumer. It leads to various physical and mental health problems and has been the major cause for fatal motor vehicle accidents. In today's day and age, the younger population of the country are frequent users of alcohol. No longer do they wait for their legal age to drink. This is extremely harmful to them, to society and to the country in the long run. Therefore, it becomes important to recognize the signs of alcohol abuse and addiction and to seek help immediately. Alcohol disorders are often linked to poverty, illiteracy and unemployment and hence, reducing alcohol dependence and addiction must



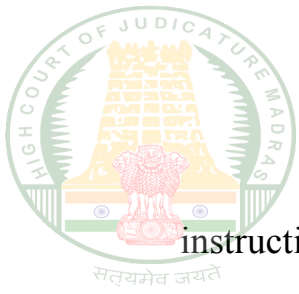
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be considered a socio-economic as well as a public health issue which

requires effective initiatives from the government on diverse levels. It is indispensable for the authorities to take strong steps to educate and enforce rules to reduce the consumption of alcohol. It must launch awareness programs to highlight the evils of alcohol at a personal and societal level and must impose strict laws and regulations on the consumption and distribution of alcohol and to curtail the accessibility of alcohol, especially to the younger generation.

20. Further, it may not be out of place to mention the report of the World Health Organisation, which states that reducing the harmful use of alcohol and its associated health and social burden is a public health priority and which deserves focus by the respective Central and State Governments. Therefore, it is just and necessary that effective steps must be taken to reduce the menace of liquor consumption, in order to safeguard the public health and welfare. Though this court is not oblivious that policy decision of the Government cannot be interfered judicially, considering the larger public interest, the following directions / suggestions are issued in these writ petitions:

(i) The central Government may take into consideration and give



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instructions to the State of Tamil Nadu and Director General of Police to

impose a licensing regime for sale, purchase and usage of Indian Made Foreign Liquor.

(ii) The State Government shall give necessary instructions to the retail outlet shops through TASMAL that only the consumer, who has an alcohol license, can be permitted to buy Indian Made Foreign Liquor.

(iii) The labelling requirements under the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 and the Food Safety and Standards (Packing and Labeling) Regulations, 2011 shall be strictly complied with.

(iv) The state government shall also consider printing the labels, displaying price list and contact details for registering complaints in Tamil.

(v) The state government and TASMAL shall ensure the strict compliance of the regulations relating to management and administration of staff, etc.

(vi) The state Government shall ensure that liquor is not sold to persons below 21 years of age.

(vii) The state government and the TASMAL may consider reducing the business hours i.e., between 2.00 PM and 8.00 P.M. considering the public health and welfare.



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**WEB COPY**21. Both the writ petitions and connected miscellaneous petitions stand disposed of, in the above terms. No costs.

**(R.M.D., J.) (J.S.N.P., J.)**

04.01.2023

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NCC : Yes

Index : Yes / No

Internet : Yes / No

To

1 The Home Secretary, Union of India  
Ministry of Home Affairs  
North Block, New Delhi - 110 001

2. The Home Secretary, State of Tamil Nadu  
Fort St. George, Secretariat  
Chennai - 600 009

3. Additional Chief Secretary  
Prohibition and Excise Department  
Government of Tamil Nadu  
Secretariat, St. George Fort  
Chennai - 600 009

4. Principal Secretary, Health Department  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009



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5. Principal Secretary

Consumer Protection and Price Control Department  
Government of Tamil Nadu  
Secretariat, Fort St. George,  
Chennai - 600 009

6. Director General of Police

Tamil Nadu Police  
Dr. Radhakrishnan Salai  
Mylapore, Chennai - 600 004

7. Managing Director

Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor  
Gandhi Irwin Bridge Road  
Egmore, Chennai - 600 008

8. The Chairman

Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor  
Gandhi Irwin Bridge Road  
Egmore, Chennai - 600 008



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**R.MAHADEVAN, J.**  
and  
**J. SATHYA NARAYANA PRASAD, J.**

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and WMP. (MD) Nos.1949, 1950, 1951 and 1952 of 2019  
and  
Writ Petition (MD) No. 5654 of 2019

04.01.2023