

**പതിനാലാം കേരള നിയമസഭ  
അഞ്ചാം സമ്മേളനം**

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ: 2228

05/05/2017-ൽ മറുപടിയ്ക്ക്

**മദ്യവില്പന കേന്ദ്രങ്ങൾ മാറ്റുന്നത് സംബന്ധിച്ച സുപ്രീംകോടതി വിധി**

ചോദ്യം

ഉത്തരം

ശ്രീ. എ. പി. അനിൽ കുമാർ  
,, കെ. എസ്. ശബരീനാഥൻ  
,, റോജി എം. ജോൺ  
,, വി. ഡി. സതീശൻ

ശ്രീ. ടി. പി. രാമകൃഷ്ണൻ  
(തൊഴിലും, എക്സൈസും  
വകുപ്പ് മന്ത്രി)

(എ) ദേശീയ-സംസ്ഥാന പാതയോരത്തുള്ള മദ്യവില്പന കേന്ദ്രങ്ങൾ മാറ്റി സ്ഥാപിക്കണമെന്ന സുപ്രീംകോടതി വിധി ബിയർ-വൈൻ പാർലറുകൾക്ക് ബാധകമല്ലയെന്ന നിയമോപദേശം അറ്റോർണി ജനറലിൽ നിന്നും ലഭിച്ചിരുന്നോ;

(എ) ലഭിച്ചിരുന്നു.

(ബി) മുൻ സർക്കാരിന്റെ കാലത്ത് 3/4 സ്റ്റാർ ഹോട്ടലിനോടനുബന്ധിച്ചുള്ള ബാറുകൾ പൂട്ടുന്നതിനെതിരെ മദ്യ മുതലാളിമാർ കോടതിയെ സമീപിച്ചപ്പോൾ അറ്റോർണി ജനറൽ അവർക്കു വേണ്ടി ഹാജരായിരുന്നോ;

(ബി) ഹാജരായിരുന്നു.

(സി) എങ്കിൽ പ്രസ്തുത അറ്റോർണി ജനറലിൽ നിന്നും നിയമോപദേശം തേടുന്നതിനുണ്ടായ പ്രത്യേക സാഹചര്യം എന്തായിരുന്നു

(സി) ബഹു. സുപ്രീം കോടതി ഉത്തരവിൽ വ്യക്തത വരുത്തുന്നതിനാണ് അറ്റോർണി ജനറലിന്റെ ഉപദേശം തേടിയത്.

(ഡി) അറ്റോർണി ജനറൽ നൽകിയ നിയമോപദേശത്തിന്റെ പകർപ്പ് ലഭ്യമാക്കുമോ?

(ഡി) അറ്റോർണി ജനറൽ നൽകിയ നിയമോപദേശത്തിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർത്തിരിക്കുന്നു.

*Frederick*  
സെക്ഷൻ ഓഫീസർ



Ref. No. 249/AG/2017  
February 24, 2017

OPINION

Querist: State of Kerala

Sub: Judgment of Supreme Court dt. 15/12/2016 in Civil Appeals 12164-66/2016 (and connected appeals) relating to sale of liquor along National/ State Highways.

1. I have gone through the brief for opinion sent by Shri G. Prakash, Advocate for the State with the note of Shri N. Manoj Kumar, Special Govt. Pleader to Advocate-General of State.

2. I have also gone through the judgment of the Supreme Court in detail. The verdict arose in the appeals against the Madras High Court Judgment and the Judgment of the Punjab & Haryana High Court.

Essentially, PILs were filed in the High Courts stating that a large number of road accidents in India are occurring on account of drunken driving. It has been emphasised in the PILs with proximity of liquor vends along the State and National Highways induce drivers to purchase liquor and consume the same while driving along these highways. The direct result thereof is alarming increase of road accidents. Thousands of deaths occur on a daily basis apart from loss of limb and other lesser injuries.

3. The High Courts gave their verdicts stating that liquor vends/ shops should not be located in close proximity of these highways, since visible liquor vends provide allurements to drivers and other occupants of vehicles to stop and purchase liquor and consume either there itself or while driving. The High Courts have directed removal of liquor vends from close proximity of the highways.

4. The judgment of the Supreme Court makes it clear that it applies to liquor vends which are also called liquor shops which are in close proximity to these highways across the country. In fact the judgment starts by saying "The issue which we address in this case is about the presence of liquor" vends on national and state highways across the country".



सत्यमेव जयते

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5. In various paragraphs of the judgment, reference has been made to the policy of the Union Government to discontinue liquor vends on National Highways and also that existence of liquor vends on highways presents a potent source for easy availability of alcohol. The judgment also records (in para 11):

*"The existence of liquor vends; advertisements and sign boards drawing attention to the availability of liquor coupled with the arduous drives particularly in heavy vehicles makes it abundantly necessary to enforce the policy of the Union government to safeguard human life."*

6. In para 21, the Court has recorded that the restriction suggested by the Punjab & Haryana High Court that prohibition of liquor vends in the proximity should not extend merely to National Highways but also to State Highways. In para 22, the Court has recorded that:

*"For all these reasons, we have come to the conclusion that no licences for liquor shops should be allowed both on the national and state highways. Moreover, in order to ensure that this provision is not defeated by the adoption of subterfuge, it would be necessary to direct that no exception can be carved out for the grant of liquor licences in respect of those stretches of the national or state highways which pass through the limits of any municipality corporation, city, town or local authority. Necessary safeguards must be introduced to ensure that liquor vends are not visible or directly accessible from the highway within a stipulated distance of 500 metres from the outer edge of the highway, or from a service lane along the highway".*

7. Finally, in para 24, the Court has issued certain directions which are reproduced hereinbelow:

*We accordingly hereby direct and order as follows:*

- (i) *All states and union territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;*
- (ii) *The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;*
- (iii) *The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;*
- (iv) *All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;*

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- (v) *No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway.*
- (vi) *All States and Union territories are mandated to strictly enforce the above directions. The Chief Secretaries and Directors General of Police shall within one month chalk out a plan for enforcement in consultation with the state revenue and home departments. Responsibility shall be assigned inter alia to District Collectors and Superintendents of Police and other competent authorities. Compliance shall be strictly monitored by calling for fortnightly reports on action taken.*
- (vii) *These directions issue under Article 142 of the Constitution.*

8. It is clear that the judgment and directions contained therein applies to liquor shops wherein liquor is sold as retail items. The judgment does not bring within its sweep restaurants and hotels who serve liquor within their premises. The idea is to ensure that there are no liquor vends/ shops within close proximity of these roads as per the directions of the Court so that easy source of purchasing and consuming liquor is prohibited.

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I have nothing further to add.

(Mukul Rohatgi)  
Attorney General for India

New Delhi  
24/02/2017

Sreedevi  
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