



सत्यमेव जयते

**RECOMMENDATIONS FOR SUITABLE AMENDMENTS
IN
THE GUJARAT PROHIBITION ACT, 1949**

APRIL, 2016

JUSTICE M. B. SHAH

**FORMER JUDGE,
SUPREME COURT OF INDIA**

AND

**CHAIRMAN,
GUJARAT STATE LAW COMMISSION**

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**RECOMMENDATIONS
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—:OBJECTS AND REASONS:—

Objects and reasons of this report are to introduce the procedure of imposing spot punishment/penalty in case of consumption of liquor as well as driving vehicle after consumption of liquor. Spot punishment/penalty would reduce number of criminal cases pending under the Prohibition Act before the various Courts in the State of Gujarat. It would also reduce the work of investigating agencies. During the trial, in number of cases, it is difficult to serve the summons to the accused or the witnesses after few years which results in acquittal. Further, in addition to breath analyzer, use of advanced scientific breathe testing instruments, such as, Intoximeter EC/IR, the Camic Datamaster or the Lion Intoxylizer 6000UK which are used in U.K. would be of immense help in deciding whether the person has consumed liquor or not. In the alternative, the latest miniature devices (like JK-GC-100 Jingke, manufactured in China) can be obtained. Such instruments would be of utmost use for spot trial. This may also reduce human intervention.

CHAPTER: I

INTRODUCTION

- (i) It is known fact that various interested parties are opposing implementation of Prohibition Act vigorously by all sorts of propaganda. Despite this strong opposition, the Prohibition Act survived in this State because number of persons believed that consumption of liquor, particularly by poor persons, adversely affects their health which invariably damages liver and there is premature death of number of victims who consumed liquor.
- (ii) It is also known fact that rash driving by person who has consumed liquor results into accidents and in number of cases, fatal to the pedestrians or to the other vehicle drivers. Thus, it is one of the reasons for vehicular accidents in the State. On number of occasions, after causing injury, the drivers who have consumed liquor do not stop their vehicles and run away from the spot before they could be caught. That adds to hit and run cases.

- (iii) Now-a-days, trend of some States is to impose Prohibition Act in one way or other, despite the fact that large amount of annual revenue to the State would suffer. It is reported that virtually, all political parties from left, right and centre have raised their peach calling for prohibition.
- (iv) In addition, womenfolk are the worst sufferers because of consumption of liquor by their husbands. It is reported that whatever they earn by their hard work, is snatched away by their husbands, who consume liquor for the day. In many cases, in the process, they are mercilessly beaten by their husbands. This position prevails much more in hilly, tribal and lower strata of the population.
- (v) Apart from the aforesaid aspects, the Prohibition Act which is in force in the State requires to be strictly implemented, more so for drivers who drive the vehicles on the highways and State roads.
- (vi) **It should be kept in mind that there should not be any gap between the law and its execution/implementation. For this, a watch is required to be kept so that the law enforcing agency should not be party for its non implementation for various reasons.**
- (vii) **In addition, it is to be stated that there is unusual delay in disposal of cases filed under the Prohibition Act. The result is – there is increase in the backlog in the Court and finally, there is acquittal of the accused.**
- (viii) The paradox of abundance of liquor in the face of restriction has failed to wake up the Government to the obvious reality. May be, they have tried hard not to wake up. It should be borne in mind that because of prohibition, a number of persons, particularly poor, have been benefited, as they have stopped consuming liquor and harassing the family members. **That social benefit is so important that it cannot be ignored by considering the loss of revenue to the State.**

(ix) Consumption of liquor increases lawlessness:—

On 04.03.2016, news article namely “drunk teens stab to death police constable” was published in the Times of India (Ahmedabad Edition) wherein it is *inter-alia* reported that,

“Rajkot: In another example of increasing lawlessness in the city, four teenagers brutally stabbed to death a police constable near Ranuja temple on Kothariya Road late on Wednesday night. At around 1.45 am, constable Bharat Gadhvi, posted at B-division police station, was going home after duty. When he reached Gokul Park, he noticed a group of youngsters creating a ruckus and asked them to leave. Some seven-eight of them, who were drunk, got into an argument with him. On Wednesday, the youngsters had come for a wedding in Velnathpara. Sources said they consumed liquor there and were creating ruckus on the road. Gadhvi’s uncle has lodged a complaint against the four. Gadhvi had joined the police department in 2008. He got married last year and his wife is pregnant.”

Many such incidents are taking place, due to consumption of liquor. Hence, for controlling—

- (a) harassment to the family;
- (b) driving the family to penury;
- (c) quarrels which may lead to fatal injuries;
- (d) accidents, and
- (e) general health of the poor (rich can avoid its adverse effect by taking nutritious food);

it would be necessary to see that the Act is implemented effectively and in a speedy manner so that persons may be deterred before consumption of liquor or celebrating wet parties.

(x) Driving vehicle after consumption of liquor:—

It is also known fact that in many cases where vehicular accidents take place, drivers of both the vehicles or driver of one vehicle would be under influence of liquor. In such cases, there should be harsh and deterrent punishment so that persons may not think of driving vehicles after consumption of liquor.

CHAPTER: II

IMPLEMENTATION OF THE PROHIBITION ACT IN OTHER COUNTRIES

In other countries, the laws relating to the prohibition are implemented on the spot and the laws as they stand today are as under:—

In various States of United States, the penal provision for drunk driving is imprisonment of one year and fine upto \$ 5000 along with license suspension. Some States of United States are having tough penal provisions, such as, Alabama, Georgia, Illinois, Massachusetts, New York, Oklahoma, Oregon, South Dakota, etc. (upto 30 months imprisonment and fine upto \$ 5000 and one year license suspension in some States).

Australia is having a provision of fine and has an alcohol interlock for a minimum of six months (an alcohol interlock stops a person from starting his vehicle, if he has been drinking).

Annexure: A would reveal to what extent, various States of various countries are imposing penalty for driving vehicle, after consumption of liquor.

The main test for imposing penalty for drunkenness driving depends upon the quantity of **Blood Alcohol Content (BAC)**. In United States, most of the State Laws require to take a breath, blood or urine test, if a person is arrested for **Driving Under the Influence (DUI)**. If any person is lawfully arrested by a police officer who has reasonable grounds to believe that the person was driving under the influence at the time of arrest, the officer informs the person that if he refuses to take the test, his license would be suspended.

CHAPTER: III**PENDENCY OF PROHIBITION CASES**

It is known fact that because of delay in prosecution, witnesses including Panchas would not be available for giving their evidence and if they are available, they would be won over and turned hostile before the Court which is the usual practice in criminal cases. This is the easiest way found out for getting acquittal. The result would be – after long lapse of time, may be four to five years, accused is acquitted.

- (i) As per the information received, as on 30.11.2015, about 2,78,000 prohibition cases are pending before various Courts of Judicial Magistrates in the State, since the year 1979. The break-up position of pendency of such cases, for the period from 2015–1979, is attached herewith at **Annexure: B-Colly**.
- (ii) As per the information received, as on 29.02.2016, total cases filed u/s. 66(1)(b) of the Act are 1,96,118, pending before various Courts of Judicial Magistrates in the State. The said information is attached herewith at **Annexure: C**.
- (iii) As per the information received, as on 01.01.2016, about 2,68,500 prohibition cases are pending before various Courts of Judicial Magistrates in the State. Out of this, 165 cases are pending for the offence punishable u/s. 84 and 47,602 cases are pending for the offence punishable u/s. 85 of the Act. The said information is attached herewith at **Annexure: D**.
- (iv) As per the information regarding H.Q. & taluka-wise pendency of prohibition cases, received as on 31.01.2016, 2,71,261 cases are pending. As against this, the total present strength of Courts of Judicial Magistrate First Class is only 571. The said information is attached herewith at **Annexure: E**.

This would reveal that most of the cases pending before the Trial Courts are under Sections 66(1)(b) [1,96,118 cases]; 84 [165 cases] and 85 [47,602 cases]. These cases could be disposed of scientifically by using breath analyzer and by taking blood sample on the spot with a specific direction that the report of blood sample be given within forty eight hours. This can be done by the Government easily. In addition to blood sample, urine sample should also be collected and sent to forensic laboratory within twenty four hours and for the effective scientific evidence collection, investigation mobile forensic vehicle can be used.

In U.K., further advanced scientific breathe testing instruments are utilized. It is stated that, *“the first generation of Evidential Breath Testing Instruments (EBTIs) were replaced in 1999. All forces are now equipped with the Intoximeter EC/IR, the Camic Datamaster or the Lion Intoxylizer 6000UK. They detect and record a wider range of information when analysing breath samples. These three makes of instrument are a type approved by the Secretary of State for the purposes of the Road Traffic Act.”*

Further, in addition to breath analyzer, use of advanced scientific breathe testing instruments, such as, Intoximeter EC/IR, the Camic Datamaster or the Lion Intoxylizer 6000UK which are used in U.K. would be of immense help in deciding whether the person has consumed liquor or not. In the alternative, the latest miniature devices (like JK-GC-100 Jingke, manufactured in China) can be obtained. Such instruments would be of utmost use for spot trial. This may also reduce human intervention.

In the aforesaid set of circumstances, it is suggested that Sections 66(1)(b), 84 and 85 of the Act be suitably amended so that person who has consumed liquor and as per the breath analyzer report, if it is established that he has consumed liquor, then he must be produced before the Magistrate within one hour of his arrest. **Before producing the person before the Magistrate, his blood sample should be taken for finding out Blood Alcohol Content (BAC).** In addition to blood sample, urine sample should also be collected and sent to forensic laboratory within twenty four hours. The Magistrate may inform him that if he pleads guilty, the punishment would be minimum as per the Act. If he refuses to admit his guilt, immediate steps should be taken so that reports of the blood and urine samples are received. The provision should be made that the reports of blood and urine samples should be made available within forty eight hours and if the reports are positive, then proper punishment should be imposed without delay. For this, appropriate procedure should be provided in the Act/Rules.

CHAPTER: IV**COMPOUNDING OF OFFENCE**

- (i) For the aforesaid objects and reasons, it would be necessary to impose penalty on the spot by producing the person accused of consumption of liquor before the Magistrate at the earliest on the basis of breath analyzer report.

For this purpose, concerned police officers must be given breath analyzer so that the Act can be implemented speedily and on the spot.

In addition, the magistrate should be empowered to compound the offences, if the person pleads guilty of the offence under Sections 66(1)(b), 84 and 85 of the Act.

For compounding of offences punishable under the Act, there is the provision under Section 104. Hence, for empowering of compounding of offences, Section 104 is required to be suitably amended so as to include Sections 66(1)(b), 84 & 85. Section 104 reads:—

“104. Compounding of offences

- (1) *The State Government may sanction the acceptance from any person whose license, permit, pass or authorization is liable to be cancelled or, suspended under the provisions of this Act or who is reasonably suspected of having committed an offence under Sections 69, 70, 77, 82 or 108, of a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be and in all cases in which the property other than the intoxicant, hemp, mhowra flowers or molasses have been seized as liable to confiscation under this act may release the same on payment of the value thereof as estimated by the State Government or such officer as the State Government may authorize in this behalf:*

Provided that where a person who is reasonably suspected of having committed as offence under Sections 69, 70 or 108, is not the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or a person acting with his express or implied permission on his behalf, the sum of money which may be accepted from such person by way of composition shall not exceed five hundred rupees:

Provided further that, in the case of a person who is reasonably suspected of having committed an offence under Section 108, the sum of money which may be accepted from him by way of composition for the offence shall be in addition to the duty or fee required to be paid by him under this Act.

(2) *On the payment by such person of such sum of money, or such value or both, as the case may be, such person, if in custody, shall be set at liberty and the property seized may be released and if any proceedings shall have been instituted against such person in any criminal court, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.”*

(ii) For compounding of offence, suitable amendment in Section 66 of the Act is required:—

Section 66 of the Act provides for “Penalty for illegal cultivation and collection of hemp and other matters.” Relevant part of sub-Section (1) reads:—

“Whoever in contravention of the provisions of this Act, or of any rule, regulation or order made or of any licence, permit, pass or authorization issued, thereunder—

... ..

(b) *consumes, uses, possesses or transports any intoxicant (other than opium) or hemp,*

... ..

shall, on conviction, be punished—

(i) *for a first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees;*

(ii) *for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees;*

(iii) *for a third or subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.”*

Plead guilty:—

Instead of the aforesaid provisions, if a person **pleads guilty** for the consumption of liquor, imprisonment should be waived and for the first offence, fine should be imposed which shall not be less than rupees five hundred and may be extended upto rupees one thousand.

For the second offence, fine should be imposed which shall not be less than rupees one thousand and may be extended upto rupees two thousand.

For the third offence, fine should be imposed which shall not be less than rupees two thousand and may be extended upto rupees five thousand.

If the accused pleads guilty, then the aforesaid suggested punishment should be imposed otherwise regular punishment as provided under the Act shall be imposed.

In case the person is not in a position to pay fine or in any other appropriate case, the Magistrate may issue direction u/s. 92 of the Act for rendering of community services.

For this purpose, Section 66(1)(b) requires to be suitably amended.

(iii) For compounding of offence, suitable amendment in Sections 84 & 85 of the Act is required:—

In addition to Section 66(1)(b), there are provisions for punishing a person found drunk and for disorderly behaviour. For this purpose, Sections 84 and 85 provide “punishment”. Those Sections are required to be suitably amended so that the persons can be dealt with on the spot. Said Sections read:—

“84. Penalty for being found drunk in any drinking house

Whoever is found drunk or drinking in a common drinking house or is found there present for the purpose of drinking shall, on conviction, be punished with fine which may extend to five hundred rupees. Any person found in a common drinking house during any drinking therein shall be presumed, until the contrary is proved, to have been there for the purpose of drinking.

85. Penalty for being drunk and for disorderly behaviour

(1) *Whoever, in any street or throughfare or public place or in any place to which the public have or are permitted to have access—*

- (1) *is drunk and incapable of taking care of himself, or*
- (2) *behaves in a disorderly manner under the influence of drink,*
- (3) *is found drunk but who is not the holder of permit granted under the provisions of this Act or is not eligible to hold a permit under Sections 40, 41, 46 or 46A,*

shall, on conviction, be punished—

- (i) *for an offence under clause (1) or clause (3)*

- (a) *for a first offence, with imprisonment for a term which may extend to one month and with fine which may extend to two thousand rupees,*

- (b) *for subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees, and*

- (ii) *for an offence under clause (2)*

- (a) *for a first offence, with imprisonment of a term which may extend to three months and with fine which may extend to five hundred rupees,*

(b) *for subsequent offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.*

(2) *In prosecution for an offence under sub section (1), it shall be presumed until the contrary is proved that the person accused of the said offence has drunk liquor or consumed any other intoxicant for the purpose of being intoxicated and not for a medicinal purpose.”*

The afore-quoted Sections may be amended so that on the basis of plea-guilty, penalty can be imposed on the spot.

Further, the person who does not plead guilty be tried within fifteen days from the date of receipt of the Blood Alcohol Content (BAC).

There should be specific direction to the laboratory where the blood sample is sent, to submit the report within forty-eight hours from receipt of blood sample. Similarly, there should be specific direction to the forensic laboratory where the urine sample is sent, to submit the report within forty-eight hours from receipt of urine sample.

CHAPTER: V

DRINK AND DRIVING

- (i) In the previous report (27.08.2014) with regard to recommendations for taking immediate actions to amend the Notification for levying composite fees under the Motor Vehicles Act, 1988 and the Rules framed thereunder and for controlling vehicular road accidents in the State, it was reported and suggested as under:—

“DRUNKEN DRIVING:—

This is also well-known fact that many accidents take place because the driver is under influence of alcohol. The Gujarat Prohibition Act is in force. Yet, the same is not properly implemented and a number of persons are driving vehicles after consumption of alcohol. For this purpose, Prohibition Act is required to be strictly implemented.

Now-a-days, a new trend of consumption of alcohol to celebrate any occasion has been common even in cities of Gujarat. It is established that driving after consumption of alcohol, turns celebration into a misfortune of the person using the vehicle or passerby and in many cases, persons sleeping on footpath or in their huts. The reason is that alcohol reduces concentration. It decreases reaction time of a human body. Limbs take more to react to the instructions of brain. It hampers vision due to dizziness. Alcohol dampens fear and incites human-beings to take risks. For every increase of 0.05 blood alcohol concentration, the risk of accident doubles.

All the above factors, while driving, cause accidents and many a times, they prove to be fatal.

Suggestion:—

For appropriately dealing with such cases, blood examination of the driver should be on the spot.

Rule 21(16) of the Central Motor Vehicles Rules, 1989 empowers the licensing authority to disqualify holder of a driving license, if he is driving a vehicle under the influence of drink or drugs. This violation constitutes nuisance or danger to the public.

Section 19(f), *inter-alia*, provides that if a licensing authority is satisfied, after giving the holder of a driving license an opportunity of being heard, that he has committed any such act which is likely to cause nuisance or danger to the public having regard to the objects of the Motor Vehicles Act, then his license can be cancelled/revoked.

The aforesaid provisions require strict implementation because such accidents are increasing.”

- (ii) In addition, Section 185 of the Motor Vehicles Act provides for punishment to a driver who is under influence of alcohol. The said Section reads:—

“185. Driving by a drunken person or by a person under the influence of drugs

Whoever, while driving, or attempting to drive, a motor vehicle,

- (a) *has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or*
- (b) *is under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle,*

shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.

Explanation—

For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.”

(iii) Publicly shame the drunk-driver:—

In the State of Maharashtra and State of Karnataka, the names of the drunk drivers are publicized on website to curb drunk-driving cases and to create some sort of fear among road users so that they will not dare repeat the offence.

In the news article (28.03.2016) published in Deccan Herald (for the State of Karnataka), it is mentioned that,

“According to a list prepared by the Bangalore Police, drunk driving in El Salvador is punishable with execution by firing squad, whereas second conviction for the offence leads to execution in Bulgaria. Poland has jail, fine and attending political lectures! Malaya jails the offender. If married, the spouse is also jailed.

Turkey takes the offender 10 miles out of town and makes them walk back under escort. South Africa has 10 year imprisonment or fine up to \$10,000. In Norway, the offender is jailed for three weeks with hard labour, whereas loss of driving licence attracts one year jail. Second offence ensures revoking of licence for life.

In India, a case is booked under Section 185 of the MV Act. It has a provision for imprisonment of up to six months or fine up to Rs.2,000 for the first offence. The second offence attracts imprisonment up to two years and fine up to Rs.3,000. Judiciary decides the quantum of punishment.”

The copies of the news article published for State of Maharashtra and State of Karnataka, are attached herewith at **Annexure: F-Colly**.

Further, Annexure: G would reveal to what extent, various countries are imposing heavy penalty / punishment for driving vehicle, after consumption of liquor.

(iv) In United States and other countries, on the spot penalty measure for drunk driving is imprisonment as well as fine and suspension of license. The reason is driving by such person is dangerous to life and properties of others. (Re. Annexure: A).

(v) **Hence, it is suggested that:—**

If a person is driving a vehicle after consumption of liquor, his license to drive a vehicle should be suspended.

- (a) For the first offence, it should be suspended at least for six months with a fine which may be extended upto rupees two thousand but shall not be less than rupees one thousand;
- (b) For the second offence, it should be suspended for one year with a fine which may be extended upto rupees five thousand but shall not be less than rupees two thousand; and
- (c) For the third offence, it should be suspended for five years with a fine which may be extended upto rupees ten thousand but shall not be less than rupees five thousand.

CHAPTER: VI

RENDERING OF COMMUNITY SERVICES

In addition, there is other provision which requires implementation. Section 92 of the Prohibition Act requires to be implemented. It provides for “Rendering community service in lieu of imprisonment” which reads:—

“92. Rendering community service in lieu of imprisonment

- (1) *Where the Court, on conviction for the first offence under clause (b) of sub-section (1) of Section 66 for consumption of an intoxicant, or sub-section (1) of Section 85 or both sentences a person to simple imprisonment for certain term, it may, in lieu of such imprisonment, require such person to execute a bond with sureties containing such conditions in such form as may be prescribed, for rendering such community service and subjecting himself to such medical treatment for getting freed from addiction of intoxicant as may be prescribed for the term of such imprisonment.*
- (2) *On execution of the bond under sub-section (1), the sentence shall stand suspended and the person shall be released:*

Provided that if the person commits breach of any condition of the bond, the suspension of sentence shall stand cancelled and the sentence shall revive and the person shall be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence.

Explanation— Nothing in this Section shall be deemed as granting of probation to the offender.”

Similar to the afore-quoted provision, in the State of Mizoram, instead of imposing punishment, it is *inter-alia* provided that, ***“the trying magistrate may, after convicting the accused and in lieu of imprisonment and fine, pass order by which the convict is released and is compelled to do social work for not more than five working days under the supervision of the Excise & Narcotics officer or Police officer as per the terms and conditions as may be passed by the trial court in the order or prescribed in the rules.”***

The afore-quoted Section 92 should be effectively enforced and the attention of the magistrates all over the State should be drawn so that the provision is implemented.

Such direction of rendering social services would be more deterrent to the middle class and upper class persons.

CHAPTER: VII**RECOMMENDATIONS**

- (A)** In case where on the basis of plea-guilty, penalty is levied or the person is directed to render community service, the said punishment shall not be considered for externment under Bombay Police Act or for the purpose of Prevention of Anti-Social Activities (PASA). For this, suitable amendment is required to be made under the Bombay Police Act as well as PASA.
- (B)** As stated above that as per the information as on 31.01.2016, 2,71,261 prohibition cases are pending before the Courts of Judicial Magistrates. The cases are pending since years, as discussed above. In most of the cases, it would be difficult to produce evidence for establishing the offence. Hence, it is recommended that:—
- (i)** Provision should be made so that penalty on the spot can be imposed for the offences punishable under Sections 66(1)(b), 84 and 85 of the Act. The practice of imposing on the spot penalty is prevailing in various States of U.S.A. and in various countries (Australia, Austria, Belgium, France, Germany, Italy, etc.), as mentioned in Annexure: A.
 - (ii)** For this purpose, mobile Courts are required to be established which may take round at evening time, particularly, after 08 p.m. to 10 p.m. or in the early morning or as directed.
 - (iii)** In addition, power may be conferred upon Special Executive Magistrate (as provided u/s. 21 of The Criminal Procedure Code), if it is found that the existing strength of Judicial Magistrate First Class is not in a position to cop-up with the work.

- (iv) (a) For the offences punishable under the Gujarat Prohibition Act, appropriate provision be made for encouraging informants so that immediate action can be taken before consumption of illicit liquor by persons gathered together at particular place/places.
- (b) Suitable provision for punishment of persons who intentionally suppress giving of information regarding probable place of consumption or distribution of liquor or the place where it is sold, be made. (This would include persons from the police force allotted in the area). This will provide deterrence to occurrence of the offences under the Prohibition Act.
- (v) For this purpose, Section 116 of the Gujarat Prohibition Act, 1949 be suitably amended. It provides for the procedure to be followed by the Trial Court. The said Section reads:—

“116. Procedure to be followed by Magistrate

In all trials for offences under this Act, the Magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1898 (V of 1898), for the trial of summary cases in which in appeal lies.”

To the aforesaid Section, sub-section may be added by providing for spot trial by the Magistrate.

Date : th April, 2016

Place : Ahmedabad

JUSTICE M. B. SHAH

Former Judge, Supreme Court of India

AND

Chairman, Gujarat State Law Commission

On-the-spot penalty measures for drunk driving

UNITED STATES

Sr. No.	States	Jail	Fines and Penalties	License Suspension	BAC (Under 21 yr.)	21 year or older	Commercial
1.	Alaska	Min. 72 hours	\$1,500	Min. 90 days	00%	.08%	.04%
2.	Alabama	Up to 1 year	\$600 to \$2,100	90 days	.02%	.08%	.04%
3.	Arizona	Min. 24 hours up to 10 days	\$250 base fine	90 to 360 days	00%	.08%	.04%
4.	Arkansas	24 hours to 1 year	\$150 to \$1,000	6 months	.02%	.08%	.04%
5.	California	4 days to 6 months	Up to \$1,000	30 days to 10 months	.01%	.08%	—
6.	Colorado	Up to 1 year (DUI), or up to 180 days (DWAI)	Up to \$1,000 (DUI), or up to \$500 (DWAI)	9 months (DUI), none for DWAI	.02%	.08% DUI or .05% DWAI	
7.	Connecticut	2 days up to 6 months	\$500 to \$1,000	1 year	.02%	.08%	.04%
8.	Delaware	Max. 6 months	\$500 to \$1,500	12 to 24 months	.02%	.08%	.04%
9.	North Carolina	24 hours (for level 5 offender) (however, if 3 aggravated factors are present — Level 1A — minimum of 12 months)	\$200 (for level 5 offender)	60 days to 1 year	Zero tolerance	.08	.04
10.	Florida	6 to 9 months	\$500 to \$2,000	180 days to 1 year	.02%	.08%	.04%
11.	Georgia	24 hours to 1 year	\$300 to \$1,000	Up to 1 year	.02%	.08%	.04%
12.	Hawaii	None	\$150 to \$1,000	90 days	.02%	.08%	.04%
13.	Idaho	Up to 6 months	Up to \$1,000	90 to 180 days	.02%	.08%	.04%

On-the-spot penalty measures for drunk driving

Sr. No.	States	Jail	Fines and Penalties	License Suspension	BAC (Under 21 yr.)	21 year or older	Commercial
14.	Illinois	Up to 1 year	Up to \$2,500	Min. 1 year	.00% – zero tolerance	.08%	.04%
15.	Indiana	60 days to 1 year	\$500 to \$5,000	Up to 2 years	.02%	.08%	.04%
16.	Iowa	48 hours up to 1 year	\$625 to \$1,200	180 days	.02%	.08%	.04%
17.	Kansas	48 hour min	\$500 to \$1,000	30 days	.02%	.08%	.04%
18.	Kentucky	\$600 to \$2,100	\$600 to \$2,100	90 days	.02%	.08%	
19.	Louisiana	2 days to 6 months	\$1,000	90 days	.02%	.08%	.04%
20.	Maine	30 days	\$500	90 days	.00%	.08%	.08%
21.	Maryland	Up to 1 year (DUI); up to 2 months (DWI)	Up to \$1,000 (DUI); up to \$500 (DWI)	Min 6 months (DUI & DWI)	.02%	.08% or higher (DUI) Between .04% and .08% (DWI)	.04%
22.	Massachusetts	Up to 30 months	\$500 to \$5,000	1 year	.02%	.08%	.04%
23.	Michigan	Up to 93 days	From \$100 to \$500	From \$100 to \$500	.00%	.08%	.04%
24.	Minnesota	Up to 90 days	\$1,000	Up to 90 days	.00%	.08%	—
25.	Mississippi	Up to 48 hours	\$250 to \$1,000	90 days	.02%	.08%	.04%
26.	Missouri	Up to 6 months	Up to \$500	30 days	.02%	.08%	.04%
27.	Montana	2 days to 6 months	\$300 to \$1,000	6 months	00%	.08%	.04%
28.	Nebraska	7 to 60 days	Up to \$500	Up to 60 days	.02%	.08%	.04%
29.	Nevada	2 days to 6 months	\$400 to \$1,000	90 days	.02%	.08%	no minimum

On-the-spot penalty measures for drunk driving

Sr. No.	States	Jail	Fines and Penalties	License Suspension	BAC (Under 21 yr.)	21 year or older	Commercial
30.	New Hampshire	10 days min	\$500 to \$750	9 to 18 months	.02%	.08%	.04%
31.	New Jersey	Up to 30 days	\$250 to \$500	3 months to 1 year	.02%	.08%	.04%
32.	New Mexico	Up to 90 days	Up to \$500	Up to 1 year	.02%	.08%	.04%
33.	New York	Up to 1 year	\$500 to \$1,000	Min. 6 months	.02%	.08%	.04%
34.	North Dakota	None	\$500 to \$750	91 to 180 days	.02%	.08%	.04%
35.	Ohio	3 days to 6 months	\$250 to \$1,000	6 months to 3 years	.02%	.08%	.04%
36.	Oklahoma	5 days to 1 year	Up to \$1,000	30 days	.00%	.08%	.04%
37.	Oregon	48 hours up to 1 year	\$1,000 to \$2,000	1 year	.00%	.08%	.04%
38.	Pennsylvania	No minimum jail time required	\$300	No	.02%	.08%	—
39.	Rhode Island	Up to 1 year	\$100 to \$500	2 to 18 months	.02%	.08%	.04%
40.	South Carolina	48 hours to 90 days	\$400 to \$1,000	6 months	.02%	.08%	.04%
41.	South Dakota	Up to 1 year	\$1,000	30 days to 1 year	.02%	.08%	.04%
42.	Tennessee	48 hours up to 11 months	\$350 to \$1,500	1 year	.02%	.08%	.04%
43.	Texas	3 to 180 days	Up to \$2,000	90 to 365 days	.02	.08	.04
44.	Utah	48 hours min	\$700 min	120 days	.00%	.08%	.04%
45.	Vermont	Up to 2 years	Up to \$750	90 days	.02%	.08%	.04%
46.	Virginia	Min. 5 days	Min. 250	1 year	.02%	.08%	.04%
47.	Washington DC	90 days max	\$300 to \$1,000	6 months	.00%	.08%	.04%
48.	West Virginia	Up to 6 months	\$100 to \$1,000	15 to 45 days	.02%	.08%	.04%
49.	Wisconsin	None	\$150 to \$300	6 to 9 months	.02%	.08%	.04%
50.	Wyoming	Up to 6 months	Up to \$750	90 days	.02%	.08%	.04%

On-the-spot penalty measures for drunk driving**OTHER COUNTRIES**

Drunk driving is measured in blood alcohol in a certain quantity of milligrams of alcohol per 100 millilitres of blood. Initially it is measured with a Breathalyzer test, then a sample of urine, however it can also be checked in the saliva.

Sr. No.	Countries	Fines and Penalties	License Suspension	BAC
1.	Australia (Victoria)	Receives a fine and also have an alcohol interlock for a minimum of 6 months. An alcohol interlock stops a person from starting his vehicle if he has been drinking.	license or permit cancelled and disqualified from driving for 3 months	0 or < 0.05
2.	Austria	fine of € 218,02 to € 3.633,34	confiscation of the driving license	0.5
3.	Belgium	fine depends upon the alcohol in blood	In some cases, the driver's license may be confiscated immediately or for a period of a few hours	0.5
4.	Czech Republic	Imprisonment for up to 3 years and a payment of CZK 25–50,000 (Currency is Czech Koruna)		No minimum limit
5.	Finland	Automatic imprisonment for 1 year with hard labour.		>0.5 –1.2 mg per ml
6.	France	1.135 euros 2. fine up to 4500 euros	1. loss of six points on driving license (if French), and person won't be allowed to take the wheel until < 0.5g/l 2. possible jail time up to 2 years, decided by a judge	1.0.5g/l – 0.8 g/l 2. <0.8 g/l
7.	Germany	finer go from € 500 to € 1500	license suspension of up to three months	50mg
8.	Ireland	fixed penalty notice, receive a fine of €200 and 3 penalty points	Points remain on the license record for a period of three years, Any driver accumulating 12 points in a three year period will be disqualified from driving for a period of 6 months	50mg

On-the-spot penalty measures for drunk driving

Sr. No.	Countries	Fines and Penalties	License Suspension	BAC
9.	Italy	3–6 months prison		< .05%
10.	Netherlands	get on the spot a ticket and may be may be required to leave the vehicle on the spot		0.05 milligrams of alcohol per milliliter of blood
11.	Norway	One and half time of monthly salary with a minimum of 10,000 NOK.	license suspension of up to 2 years	0.1gm/ liter
12.	Portugal	Fines of between €250 and €1,250 And fines of €500 to €2,500	Suspension of license between one month and one year	from 0.5 g/l to 0.8 g/l, And from 0.8 g/l to 1.2 g/l
13.	Spain	fine of between 301 and 600 euros or imprisonment from 3–8 months	Deduction of six points from the driving license Ban on driving from 1–4 years	over 0.5 g/l
14.	Sweden	Fine can depend on money having in the bank.	prison sentence of up to six months	0.02
15.	Switzerland	fine and ban from driving in Switzerland for at least one month		50 to 79 mg/ 100ml
16.	England and Wales	six months imprisonment, £5,000 fine	12–36 month obligatory driving ban	80 milligrams of alcohol per 100 milli liters of blood, 35 micrograms per 100 milli liters of breath or 107 milli grammes per 100 mill iliters of urine
17.	Turkey	513 YTL fine	one month's license suspension	0.5 mg

On-the-spot penalty measures for drunk driving

Sr. No.	Countries	Fines and Penalties	License Suspension	BAC
18.	New Zealand	Fine and 50 demerit point, Prison Up to 10 years And fine Up to \$20,000	for one year or more	for less than 20 years 0, and for above 250 micrograms per liter of breath or 50 milligrams per 100 milli liters of blood
19.	Brazil	arrest on the spot and punished with six months to 3 years in jail		0.06
20.	Canada	3 day roadside license suspension and fine 180\$ And, 7 day roadside license suspension and fine 180\$, mandatory alcohol education program		1. 0.05–0.08 and, 2. over 0.08
21.	China	Fine CHY 500	License suspension for 3 months	0.02
22.	Denmark	One penalty point and fine		0.2
23.	Hong Kong	Fine, prison imprisonment up to 10 transferable points		0.05
24.	Chile	Fine up to US\$410	license suspended for three months	0.08
25.	Japan	maximum prison sentence of three years or a fine of about \$4,400 or less (DUI), maximum jail time five years or a fine not to exceed about \$8,800 (DWI)		.03 to .07999 (DUI), 0.8 or > (DWI)
26.	Russia	RUB30,000–50,000 (about US\$920–1,600)	Or suspension of the driver's license for up to three years.	0
27.	Israel	If refused for test then imprisonment for a year or a fine of NIS 10,000.	on the spot by a police officer for 30 days	0.02

On-the-spot penalty measures for drunk driving

Sr. No.	Countries	Fines and Penalties	License Suspension	BAC
28.	Saudi Arabia	May be lashed publicly or years of imprisonment for driving under influence		0
29.	South Africa	10 year jail term or a fine of up to Rs.120,000 (£6,600) or both		0.05
30.	India	Imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.		alcohol > 30 mg. per 100 ml. of blood detected in a test by a breath analyzer

* * *

Statement showing break-up position of pendency of prohibition cases as on 30.11.2015

NAME OF THE DISTRICT/ COURT	PENDENCY OF PROHIBITION CASES AS ON 30/11/2015	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
AHMEDABAD (RURAL)	12147	4049	2271	1884	1277	868	458	383	344	199	99	98	59
AMRELI	1754	1036	267	166	91	58	24	33	20	10	12	13	4
ANAND	6093	2277	1294	511	456	231	327	117	123	78	101	174	64
BANASKANTHA @ PALANPUR	6347	2078	1154	806	516	380	259	194	159	134	115	91	87
BHARUCH	5401	3379	403	275	320	206	140	129	80	49	56	72	37
BHAVNAGAR	6057	3731	796	470	253	179	120	50	101	156	53	28	20
DAHOD	3662	1364	742	524	316	265	145	80	34	21	19	21	25
GANDHINAGAR	6396	2071	1254	805	529	539	392	217	98	83	40	57	55
JAMNAGAR	11090	2705	1537	1501	1347	1299	431	860	456	160	92	78	129
JUNAGADH	8776	2664	1827	1489	829	567	353	216	122	71	102	301	44
KACHCHH @ BHUJ	6022	1725	980	726	681	439	288	245	173	199	171	87	82
KHEDA @ NADIAD	5410	3245	647	448	244	157	178	45	31	36	33	35	43
MAHESANA	6770	2689	1016	553	542	433	422	192	138	86	61	81	63
NARMADA @ RAJPIPLA	1684	1005	148	128	95	69	72	26	29	16	19	14	9

Statement showing break-up position of pendency of prohibition cases as on 30.11.2015

NAME OF THE DISTRICT/ COURT	PENDENCY OF PROHIBITION CASES AS ON 30/11/2015	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
NAVSARI	4271	1639	1005	449	352	202	166	135	99	42	48	44	43
PANCHMAHALS @ GODHRA	6438	2095	1578	899	419	479	351	167	161	98	36	25	33
PATAN	2544	1159	430	416	191	90	64	45	31	24	14	14	18
PORBANDAR	2602	1232	451	302	185	109	102	41	38	21	16	22	12
RAJKOT	9332	3759	1419	1035	778	642	492	376	201	134	106	95	64
SABARKANTHA @ HIMATNAGAR	4147	1448	719	416	259	165	190	117	89	76	71	73	140
SURAT	72489	20762	14762	9740	6012	4176	4752	3294	2326	2149	1473	1355	684
SURENDRANAGAR	3892	1361	748	343	332	233	195	164	147	75	48	29	48
TAPI @ VYARA	2763	769	418	369	163	141	142	77	50	62	141	50	71
VADODARA	28131	5632	4523	4822	4795	4599	1307	452	389	335	196	180	176
VALSAD	9693	2661	2085	1091	777	677	377	244	250	201	560	137	146
METRO. MAGI. COURT, AHMEDABAD	44163	7497	6265	5590	5145	4317	4462	2762	1836	1265	1223	919	854
TOTAL	278074	84032	48739	35758	26904	21520	16209	10661	7525	5780	4905	4093	3010

Statement showing break-up position of pendency of prohibition cases as on 30.11.2015

NAME OF THE DISTRICT/ COURT	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992
AHMEDABAD (RURAL)	44	22	25	38	6	3	6	4	2	2	3	2
AMRELI	7	7	5	0	1	0	0	0	0	0	0	0
ANAND	71	34	57	36	33	24	14	26	10	12	5	4
BANASKANTHA @ PALANPUR	47	51	30	50	30	26	20	26	19	26	17	13
BHARUCH	27	22	21	16	7	8	3	9	6	2	0	1
BHAVNAGAR	23	16	18	23	7	1	6	5	0	0	1	0
DAHOD	20	21	23	20	9	5	3	3	0	1	0	0
GANDHINAGAR	68	34	37	33	19	10	13	6	9	10	7	5
JAMNAGAR	48	57	28	52	43	33	18	8	8	21	48	45
JUNAGADH	39	31	21	29	16	14	9	13	9	1	1	0
KACHCHH @ BHUJ	71	41	27	16	28	4	2	5	6	5	2	3
KHEDA @ NADIAD	40	28	41	51	31	16	17	15	8	9	3	4
MAHESANA	88	67	49	41	51	34	28	17	28	35	27	11
NARMADA @ RAJPIPLA	10	7	5	6	13	3	5	2	2	0	0	1

Statement showing break-up position of pendency of prohibition cases as on 30.11.2015

NAME OF THE DISTRICT/ COURT	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992
NAVSARI	19	13	7	2	1	2	1	0	2	0	0	0
PANCHMAHALS @ GODHRA	33	11	15	14	2	9	7	3	1	0	2	0
PATAN	14	9	4	4	9	0	2	0	1	2	0	1
PORBANDAR	24	17	13	8	5	1	0	2	0	0	0	0
RAJKOT	55	68	52	18	13	7	2	3	1	2	0	2
SABARKANTHA @ HIMATNAGAR	113	40	43	44	18	18	9	12	25	25	18	10
SURAT	290	207	115	64	61	47	33	63	40	21	20	2
SURENDRANAGAR	26	39	32	19	22	12	9	5	1	0	2	1
TAPI @ VYARA	87	32	35	13	18	32	15	24	31	18	4	1
VADODARA	161	102	119	90	59	26	36	20	26	9	9	22
VALSAD	100	54	78	69	56	26	28	25	22	6	2	3
METRO. MAGI. COURT, AHMEDABAD	622	494	332	290	156	39	24	26	18	3	2	17
TOTAL	2147	1524	1232	1046	714	400	310	322	275	210	173	148

Statement showing break-up position of pendency of prohibition cases as on 30.11.2015

NAME OF THE DISTRICT/ COURT	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979
NAVSARI	0	0	0	0	0	0	0	0	0	0	0	0	0
PANCHMAHALS @ GODHRA	0	0	0	0	0	0	0	0	0	0	0	0	0
PATAN	1	0	0	0	1	0	0	0	0	0	0	0	0
PORBANDAR	1	0	0	0	0	0	0	0	0	0	0	0	0
RAJKOT	0	1	1	1	1	0	0	0	0	2	0	0	2
SABARKANTHA @ HIMATNAGAR	1	0	1	3	0	4	0	0	0	0	0	0	0
SURAT	11	8	2	3	6	2	3	3	0	3	0	0	0
SURENDRANAGAR	0	1	0	0	0	0	0	0	0	0	0	0	0
TAPI @ VYARA	0	0	0	0	0	0	0	0	0	0	0	0	0
VADODARA	18	9	3	8	7	1	0	0	0	0	0	0	0
VALSAD	2	1	2	9	1	1	0	2	0	0	0	0	0
METRO. MAGI. COURT, AHMEDABAD	1	0	1	3	0	0	0	0	0	0	0	0	0
TOTAL	102	54	27	181	39	17	5	5	0	5	0	0	2

**Statement showing pendency of cases filed
under Section 66(1)(b) of the Gujarat Prohibition Act, 1949
in the subordinate Courts of Gujarat State as on 29.02.2016**

SR. NO.	NAME OF THE DISTRICT / COURT	CASES PENDING UNDER SECTION 66(1)(b) AS ON 29.02.2016
1	AHMEDABAD (RURAL)	10668
2	AMRELI	645
3	ANAND	4415
4	B.K. @ PALANPUR	2257
5	BHARUCH	3469
6	BHAVNAGAR	3517
7	DAHOD	1313
8	GANDHINAGAR	3035
9	JAMNAGAR	4086
10	JUNAGADH	4138
11	KACHCHH @ BHUJ	2616
12	KHEDA @ NADIAD	3820
13	MAHESANA	3001
14	NARMADA @ RAJPIPLA	1184
15	NAVSARI	4814
16	PANCHMAHALS @ GODHRA	1100
17	PATAN	1066
18	PORBANDAR	1854
19	RAJKOT	6713
20	S.K. @ HIMMATNAGAR	1149
21	SURAT	68818
22	SURENDRANAGAR	1538
23	TAPI @ VYARA	2220
24	VADODARA	15193
25	VALSAD	1969
26	METROPOLITAN MAGISTRATES COURT, AHMEDABAD	41520
TOTAL		196118

**Statement showing pendency of cases pending
under Sections 84 and 85 of the Gujarat Prohibition Act, 1949
in the subordinate Courts of Gujarat State as on 01.01.2016**

SR. NO.	NAME OF THE DISTRICT/ COURT	CASES FILED UNDER SECTION 84	CASES FILED UNDER SECTION 85	TOTAL CASES FILED UNDER SECTIONS 84 & 85	TOTAL PENDENCY OF PROHIBITION CASES
1	AHMEDABAD (RURAL)	10	1369	1379	12182
2	AMRELI	0	663	663	1719
3	ANAND	0	519	519	5399
4	B.K. @ PALANPUR	0	1650	1650	6265
5	BHARUCH	0	172	172	5572
6	BHAVNAGAR	1	1636	1637	5665
7	DAHOD	6	672	678	3594
8	GANDHINAGAR	1	1012	1013	5446
9	JAMNAGAR	0	4257	4257	11152
10	JUNAGADH	2	2400	2402	8444
11	KACHCHH @ BHUJ	0	611	611	5982
12	KHEDA @ NADIAD	0	468	468	4467
13	MAHESANA	2	1033	1035	6570
14	NARMADA @ RAJPIPLA	0	372	372	1483
15	NAVSARI	6	415	421	4559
16	PANCHMAHALS @ GODHRA	0	1134	1134	6617
17	PATAN	0	337	337	2095
18	PORBANDAR	0	880	880	2403
19	RAJKOT	96	131	227	8705
20	S.K. @ HIMMATNAGAR	0	474	474	4126
21	SURAT	9	10272	10281	72746
22	SURENDRANAGAR	0	861	861	3447
23	TAPI @ VYARA	8	124	132	2516
24	VADODARA	0	4550	4550	24030
25	VALSAD	0	229	229	9211
26	METRO COURT, AHMEDABAD	24	11361	11385	44039
TOTAL		165	47602	47767	268434

**Information regarding H.Q. & Taluka wise pendency of
Prohibition and N.I. Act cases as on 31.01.2016**

Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
1	AHMEDABAD (RURAL) (H.Q.)	7002	36
	BAVLA	538	
	VIRAMGAM	885	
	DHOLKA	902	
	DHANDHUKA	165	
	BARWALA	67	
	SANAND	2717	
	TOTAL:-	12276	
2	AMRELI (H.Q.)	1050	14
	RAJULA	92	
	JAFRABAD	53	
	DHARI	147	
	BAGASARA	29	
	VADIA	20	
	SAVARKUNDLA	149	
	LATHI	63	
	LILIYA	27	
	KHAMBHA	104	
	BABRA	81	
	TOTAL:-	1815	
3	ANAND (H.Q.)	2485	35
	BORSAD	522	
	PETLAD	1032	
	KHAMBHAT	397	
	UMRETH	559	
	ANKLAV	318	
	TARAPUR	79	
	SOJITRA	151	
	TOTAL:-	5543	
4	BANASKANTHA @ PALANPUR (H.Q.)	1290	25
	DEESA	2285	
	DANTA	224	
	AMIRGADH	205	
	DHANERA	170	
	DEODAR	327	
	SHIHORI	79	
	THARAD	430	
	WAV	107	
	VADGAM	357	
	BHABHAR	264	
	DANTIWADA	139	
	TOTAL:-	5877	

**Information regarding H.Q. & Taluka wise pendency of
Prohibition and N.I. Act cases as on 31.01.2016**

Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
5	BHARUCH (H.Q.)	1411	36
	ANKLESHWAR	1899	
	JAMBUSAR	931	
	AMOD	101	
	HANSOT	295	
	WAGRA	322	
	JHAGADIA	422	
	VALIA	191	
	TOTAL:-	5572	
6	BHAVNAGAR (H.Q.) + CAMP @ MAHUVA	3764	21
	SIHOR	240	
	VALLABHIPUR	81	
	PALITANA	93	
	GARIADHAR	39	
	BOTAD	172	
	GADHADA	162	
	MAHUVA	233	
	GHOOGHA	91	
	UMRALA	27	
	TALAJA	954	
	JMFC., RAILWAY, BHAVNAGAR	0	
	SPL. COURT (A.S.B.Y.)	1	
	TOTAL:-	5857	
7	DAHOD (H.Q.)	1281	14
	JHALOD	869	
	DEVGADH-BARIA	311	
	LIMKHEDA	351	
	FATEPURA	439	
	DHANPUR	216	
	GARBADA	273	
	TOTAL:-	3740	
8	GANDHINAGAR (H.Q.)	3303	23
	KALOL	757	
	DEHGAM	1116	
	MANSA	302	
	TOTAL:-	5478	

**Information regarding H.Q. & Taluka wise pendency of
Prohibition and N.I. Act cases as on 31.01.2016**

Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
9	JAMNAGAR (H.Q.)	8780	14
	KHAMBHALIA	721	
	KALYANPUR	303	
	BHANVAD	260	
	LALPUR	231	
	JAMJODHPUR	433	
	DHROL	136	
	JODIYA	131	
	KALAVAD	102	
	DWARKA	388	
	TOTAL:-	11485	
10	JUNAGADH (H.Q.)	3579	24
	VERAVAL	421	
	UNA	2727	
	VANTHLI	167	
	BHESAN	68	
	MALIA-HATINA	66	
	KODINAR	611	
	TALALA	157	
	KESHOD	155	
	MANGROL	228	
	SUTRAPADA	137	
	MANAVADAR	70	
	MENDARDA	67	
	VISAVADAR	28	
	TOTAL:-	8481	
11	KACHCHH @ BHUJ (H.Q.)	886	23
	ANJAR	712	
	GANDHIDHAM	1748	
	MUNDRA	909	
	MANDVI	366	
	BHACHAU	482	
	RAHPAR	271	
	NAKHATRANA	474	
	NALIYA	192	
	DAYAPAR	52	
	CAMP AT KHAVDA	25	
	TOTAL:-	6117	
12	KHEDA @ NADIAD (H.Q.)	1458	28
	DAKOR	168	
	THASRA	502	
	BALASINOR	405	
	KAPADWANJ	934	
	KHEDA	865	
	MAHEMDABAD	68	
	MAHUDHA	28	
	KATHLAL	170	
	MATAR	300	
	TOTAL:-	4898	

**Information regarding H.Q. & Taluka wise pendency of
Prohibition and N.I. Act cases as on 31.01.2016**

Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
13	MAHESANA (H.Q.)	2495	31
	VIJAPUR	648	
	VISNAGAR	738	
	VADNAGAR	107	
	KHERALU	218	
	UNJHA	740	
	KADI	1358	
	SATLASAN	85	
	BAHUCHARAJI	164	
	TOTAL:-	6553	
14	NARMADA @ RAJPIPLA (H.Q.)	832	5
	SAGBARA	143	
	DEDIAPADA	587	
	TILAKWADA	57	
	TOTAL:-	1619	
15	NAVSARI (H.Q.)	2560	6
	GANDEVI	627	
	VANSDA	273	
	AHWA	495	
	CHIKHLI	459	
	TOTAL:-	4414	
16	PANCHMAHALS @ GODHRA (H.Q.)	1464	24
	SANTRAMPUR	791	
	LUNAWADA	730	
	KHANPUR AT BAKOR	330	
	SAHERA	705	
	KALOL	807	
	GHOGHAMBA	150	
	MORVA (HADAF)	475	
	JAMBUGHODA	155	
	HALOL	839	
	KADANA	221	
	TOTAL:-	6667	
17	PATAN (H.Q.)	945	18
	SIDHPUR	443	
	CHANASMA	158	
	HARIJ	118	
	RADHANPUR	162	
	SAMI	176	
	SANTALPUR @ VARAHI	178	
	TOTAL:-	2180	
18	PORBANDAR (H.Q.)	1838	4
	KUTIYANA	16	
	RANAVAV	411	
	TOTAL:-	2265	

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Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
19	RAJKOT (H.Q.)	3534	42
	GONDAL	1241	
	DHORAJI	525	
	MORBI	596	
	SCC., RAJKOT	0	
	JETPUR	897	
	UPLETA	274	
	JASDAN	821	
	PADDHARI	52	
	WANKANER	525	
	MALIYA-MIYANA	45	
	KOTDA SANGANI	149	
	JAM KADORNA	66	
	TANKARA	33	
	TOTAL:-	8758	
20	SABARKANTHA @ HIMATNAGAR (H.Q.)	919	25
	MODASA	502	
	IDAR	301	
	BAYAD	142	
	KHEDBRAHMA	212	
	PRANTIJ	335	
	BHILODA	703	
	VIJAYNAGAR	496	
	MEGHRAJ	151	
	VADALI	51	
	DHANSURA	33	
	MALPUR	223	
	TALOD	127	
	TOTAL:-	4195	
21	SURAT (H.Q.)	65665	44
	BARDOLI	444	
	SMALL CAUSE COURT, SURAT	0	
	KATHOR	595	
	OLPAD	1807	
	MANDVI	400	
	MANGROL	678	
	MAHUVA	714	
	PALSANA	2678	
	UMARPADA	28	
	TOTAL:-	73009	

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Sr. No.	Name of the District / Court	Total pendency of Prohibition cases as on 31.01.2016	Present strength of J.M.F.C. Courts
22	SURENDRANAGAR (H.Q.)	243	17
	DHANGADHRA	361	
	WADHWAN	494	
	LIMBDI	222	
	CHUDA	54	
	MULI	42	
	SAYLA	291	
	CHOTILA	384	
	HALVAD	577	
	PATDI	566	
	LAKHTAR	19	
	THANGADH	184	
	TOTAL:-	3437	
23	TAPI @ VYARA (H.Q.)	1322	7
	VALOD	100	
	UCHCHAL	44	
	NIZAR	131	
	SONGADH	860	
	TOTAL:-	2457	
24	VADODARA (H.Q.)	20065	45
	SMALL CAUSES COURT, VADODARA	0	
	CHHOTAUDEPUR	342	
	DABHOI	817	
	KARJAN	206	
	SINOR	56	
	PADRA	272	
	SANKHEDA	1217	
	SAVLI	309	
	KAWANT	60	
	JETPUR-PAVI	102	
	NASWADI	764	
	WAGHODIA	530	
	DESAR	61	
	TOTAL:-	24801	
25	VALSAD (H.Q.)	2630	20
	DHARMPUR	210	
	KAPRADA	165	
	PARDI	781	
	VAPI	2251	
	UMBERGAON	3136	
	TOTAL:-	9173	
26	METROPOLITAN MAGISTRATES' COURT AHMEDABAD.	44594	0
GRAND TOTAL		271261	571

1. **News article [for State of Karnataka], namely, “City cops to name, shame drunk drivers on website” published on 28.03.2016 in Deccan Herald**

“City cops to name, shame drunk drivers on website

Jagadish Angadi, Bangalore, DHNS:



The website of the Bangalore City Traffic Police will soon have a virtual “hall of shame” that gives names and details of people booked for drunk driving.

The police have decided to implement a similar model followed by their Australian counterparts to curb the increasing number of drunk driving cases. “We will soon follow the Australian model to make road users stay away from liquor before driving,” Additional Commissioner of Police (Traffic and Security) B Dayananda told Deccan Herald.

“The Australian police send the names and pictures of those involved in drunk driving cases to local newspapers. We will publish names and details of offenders on the website (www.bangaloretrafficpolice.gov.in) so that everybody would know them. We believe such a step would create some sort of fear among road users so that they will not dare repeat the offence,” he added.

He said the City has been seeing a rise in drunk driving cases despite special drives and frequent checks. "The liberal provisions of the Motor Vehicle Act are also partly responsible for it. The traffic police have studied legal provisions in different countries and recommended the government for stringent punishment," he added.

According to a list prepared by the Bangalore Police, drunk driving in El Salvador is punishable with execution by firing squad, whereas second conviction for the offence leads to execution in Bulgaria. Poland has jail, fine and attending political lectures! Malaya jails the offender. If married, the spouse is also jailed.

Turkey takes the offender 10 miles out of town and makes them walk back under escort. South Africa has 10-year imprisonment or fine up to \$ 10,000. In Norway, the offender is jailed for three weeks with hard labour, whereas loss of driving licence attracts one-year jail. Second offence ensures revoking of licence for life.

In India, a case is booked under Section 185 of the MV Act. It has a provision for imprisonment of up to six months or fine up to Rs.2,000 for the first offence. The second offence attracts imprisonment up to two years and fine up to Rs.3,000. Judiciary decides the quantum of punishment."

2. News article [for State of Maharashtra], namely, “Shame: Maharashtra’s new weapon against drunken driving” published on 27.03.2016 in Times of India

“Shame: Maharashtra’s new weapon against drunken driving



While more than 1,000 such offenders are caught every day across Maharashtra, the public shaming campaign seems to be making a difference where the initiative has already been launched. (Thinkstock photos/Getty Images)

If you are caught driving under the influence of alcohol in Maharashtra, the state traffic police has said that it will publicly shame the offenders by publishing their name on its website, Maharashtra director general of police Pravin Dixit on Saturday. "At present, the traffic police's top priority is to penalize drunk drivers," he said.

"Drunk drivers need to be publicly shamed to make them realize the gravity of their actions," Dixit said, pointing to the danger posed to other road users by an inebriated driver.

Speaking to TOI, Dixit expressed hope that the initiative would bring down the cases of drunk driving.

"Nobody wants to be on such a list. We hope that the fear of their names being listed on a public platform for committing a crime would put pressure on at least some and they would desist from driving under the influence of alcohol. While drinking is permissible, driving afterwards is not, as it puts at risk not only the driver but also other road users," he said.

Every year, drunk driving accounts for more than half the fatalities due to road accidents, making it one of the most serious road safety concerns across the country. Unrelated and innocent people lose their lives to a blunder committed by someone who chose to drive under the influence of alcohol, say officials.



*While more than 1,000 such offenders are caught every day across Maharashtra, the public shaming campaign seems to be making a difference where the initiative has already been launched. "We are seeing results in some cities like Nagpur, where the number of offenders has declined after names of those caught appeared in newspapers and other publications. Bikers, car drivers and even those driving trucks — everyone is subjected to breath analysers and penalised accordingly. Nabbing drunk drivers is a priority for the traffic division of the state, followed by **wrong-side driving**," Dixit said.*

The public shaming initiative has also got a thumbs-up from activists. Prince Singhal, founder of Community Against Drunk Driving, said, "While the onus on enforcement agencies is prime when it comes to catching those who mix drinking with driving, their scope is limited. Publicly shaming offenders by publishing their names would definitely be a strong deterrent.

Besides uploading the offenders' names on traffic portals, the police can post their details with pictures on on social networking platforms and posters too. Nobody wants their children or friends and family to see their names on such a list, and just the thought of the ensuing shame should stop many from drinking and driving."

The data published on the traffic police's website reveals alarming trends—not only in terms of the blood alcohol content of offenders, which goes up to as much as 487l (legal limit in India is 30 l), but also age bracket. Most of those caught are in 21–45 age group."

Worst Driving Under Influence (DUI) Laws around the world**Worst Driving under Influence (DUI) laws around the world****November 7th, 2012**

“The reasons for not drinking and driving should be easy to understand but that does not stop people from doing it every day all across the world. The warnings for drinking and driving are clear, the punishments and horror stories from DUI’s are public knowledge, yet people do it anyway assuming they will not get caught. Many slip under the radar unless they are speeding or get into an accident. When people do get caught though here are some of the worst DUI laws around the world:

Asia:—

*Asia has strict rules in place surrounding the consumption of alcohol. In regards to driving after drinking most countries in Asia follow a 0.05% or less limit, with only two countries allowing up to a 0.08%. This means that in most of the Asian continent one can only consume one alcohol beverage or less without being at risk for DUI charges. **The punishment for drinking and driving in Asia is normally jail time; however Pakistan visitors will find that drinking at any time can land them behind bars.***

Europe:—

Europe has a high drinking rate, as it is the acceptable thing to do in many social settings, but a low DUI rate. The punishments are not the strictest in the world yet the people seem to frown on DUI and simply do not do it. The BAC limits in the continent vary widely with Romanian allowing zero

Worst Driving Under Influence (DUI) Laws around the world

and Ireland allowing 0.08%. The limits in Ireland were actually lowered to 0.08%. **The exception to the lax drinking views in Europe is Bulgaria, where a second DUI offense is a death sentence. Europe does not condone drinking and driving, and its population seems to know the meaning of moderation better than other continents.**

Central America:—

*El Salvador has the worst DUI law by far. Having a drink and getting behind the wheel is a decision that people there do not have to think long and hard about. **Drinking and driving will lead the offender straight to the firing squad.***

Africa:—

*While there is not a lot of information in regards to Africa as a whole, **South Africa has one of the highest DUI rates in the world, with over 45% of all non-natural deaths occurring from drinking and driving. South Africa does have a 0.08% limit but with members of the police and politicians frequently being found guilty of the crime there seems to be a disregard for the rules. Blood samples must be taken in South Africa for a person to be criminally prosecuted; however a person can still be charged and given community service as a punishment.***

Australia:—

Australia is strict with its DUI laws and frequently conducts sobriety check points and random breathalysers on drivers throughout the continent. Drivers under the age of 25-years—

Worst Driving Under Influence (DUI) Laws around the world

old or drivers of commercial vehicles have a zero tolerance mandate, while other drivers have a 0.05% limit. Victorian officials are allowed to test BAC and charge a person with DUI up to three hours after driving.

North America:—

*Canada, Mexico, and The United States all have a 0.08% BAC limit applying to most drivers. **Jail time, fines, and license revocation are the most popular punishments with jail normally resulting from a repeat offense.** The US also imposes a zero tolerance policy for minors. The law in the US states that a person must willingly submit to a BAC test, however not agreeing to one usually brings about a worse punishment for the offender. North America may not be doing enough to deter drivers from driving under the influence as they have high DUI rates compared to other continents, with South America still holding the lead.*

Antarctica:—

Unless the penguins are having alcohol shipments air dropped in to their recently built DMV alcohol laws here are not necessary.

South America:—

*South America seems to follow its northern counterpart, with the exception of Cuba and Panama where anything over 0.0% is not tolerated. **Some countries even confiscate the offender's license plates to keep them off the road.***

