Undoing the Liquor Ban Verdict

What is the issue?

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- In 2016, the Supreme Court ordered a countrywide ban on the sale of liquor along National and State Highways to check the “menace” of drunken driving.
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- But subsequent appeals seeking exemption on various grounds has considerably diluted the essence of the original ruling.
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How did the ruling evolve?

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- High Courts of Tamil Nadu and Haryana had ruled for the removal of liquor shops along the national and state highways to avoid accidents.
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- The respective state governments took the case to the Supreme Court, which heard these cases together and subsequently upheld the High Court orders.
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- Additionally, restrictions that the liquor shops should not be accessible or visible from the National or State Highways was also placed.
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- Hence, a stipulated distance of 500 metres from the outer edge of the highway was mandated, which caused the closure of multiple outlets throughout India.
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- This ruling also saw some of the governments de-notifying state highways and declaring them as district roads to circumvent the liquor ban.
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- While there are inherent dangers in declassifying highways, a case against this wasn’t substantiated in the court as the states were within their rights to do so.
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How has the verdict withered with time?

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- **Various Appeals -** Subsequent to the original verdict, most states sought exemptions for highway stretches that fell within towns.
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- Based on Tamil Nadu government's plea – offset distance from the highway was relaxed from 500m to 220m in areas populated with over 20,000 people.
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- States like Sikkim argued that 82% of its area was forests, and 92% of liquor shops would have to be shut down if the order was to be implemented.
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- Hence, hilly states of Sikkim, Meghalaya, and Arunachal Pradesh were exempted from this rule, keeping in view their peculiar topography.
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- **Kerala's Case -** Kerala argued that its "geography and settlement pattern" was unique, and asked the court to consider the entire state as a "single city".
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- Notably, Kerala is a densely populated state, consisting of a large number of national and state highways within its narrow east-west spread.
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- Settlements in most parts of the state are continuous stretches with little infrastructure difference between urban and rural areas.
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- Also, as 30% of its land is forested and as its tourism dependent economy will take a hit if liquor ban is strictly enforced, Kerala made a strong case for itself.
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- **Final Order -** Ultimately, the courts comprehensively permitted liquor shops on highways if they fell within the municipal jurisdictions of a town or city.
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- Additionally, it was left to the states to decide whether to permit liquor sales on highways within panchayat limits.
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Source: Indian Express

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