

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.26563 of 2015

Advocate's Forum for Social Justice
rep. by its President, K.Balu,
No.156, Thambu Chetty Street,
Chennai 600 001.

... Petitioner

Versus

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The State of Tamil Nadu
represented by its Secretary
Health Department, Fort St.George,
Chennai 600 009.

3.The Director General of Police,
State of Tamil Nadu,
Mylapore, Chennai 600004.

4.TASMAL Ltd,
represented by its Managing Director,
4th Floor, CMDA Tower,
Gandhi Irwin Bridge,
Egmore, Chennai 600 008.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents, in exercise of their constitutional obligations under Art 21 and Art 47 of the Constitution of India to frame and implement a scheme to give effect to the recommendations and measures as set out in the 'Global Status Report on Alcohol and Health 2014' and as communicated by the petitioner to the

respondents in their letter dated 17.08.2015 to deal with alcohol related health problems.

For Petitioner ::: Mr.K.Balu
For Respondents ::: Mr.A.L.Somayaji
Advocate General
assisted by S.T.S.Murthi
Special Government Pleader
for R.1 to R.3

B.Nedunchezhiyan for R4

O R D E R

(The Order of the Court was made by The Hon'ble
The Chief Justice)

Learned Advocate General has already submitted in WMP.No.17656 of 2016 that a Committee will be formed. We have endeavoured to emphasis to the learned Advocate General that though he has shown to us the various aspects of the ''Global Status Report on Alcohol and Health, 2014'' being implemented in different forms (largely so), the ground reality is quite different. It cannot be disputed that there is large consumption of alcohol and there is need to check this habit especially in two sectors:

(i) The under-aged sector.

(ii) Where essential family means are diverted to purchase of alcohol.

2. We are of the view that mere formation of Committee itself may not suffice to monitor the holistic scheme of how to reduce alcohol consumption, but the assistance from social sector workers is essential for its success. This is so, as lot of private organisation and voluntary agencies worked in these social sectors and may have both information and solution. It is only a co-ordinated effort which can be successful. There has to be a greater sensitivity to various aspects through better training and information, for example when liquor is being sold only through TASMACH shops, on suspicion of being under-aged, Identity Card should be called for. If such measures are strictly followed at the sale point, the younger elements who are prohibited from consuming alcohol, may not be directly able to access the same. This can be simply done by once again issuing circular to such sale point as to what is the check-list before sale of alcohol.

3. The persons working in social sectors may be able to

pinpoint specific location or area of concern where greater implementation is required. They may also encourage rehabilitation measures for persons who are addicted to alcohol.

4. We thus expect the Committee to be constituted within a maximum period of two weeks from today. The Committee to submit a status report on the action taken within two months of its Constitution.

5. No further directions are required, except that it should be a court monitored process at least initially till the system starts working of its own.

6. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected M.P.No.1 of 2015 is closed.

List for compliance on 16th September, 2016.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai 600 009.

2.The Secretary, Health Department, Fort St.George, Chennai 600 009.

3.The Director General of Police,
State of Tamil Nadu, Mylapore, Chennai 600004.

4.The Managing Director,
TASMAC Ltd, 4th Floor, CMDA Tower,
Gandhi Irwin Bridge,
Egmore, Chennai 600 008.

1cc to M/s.M.R.Jothimanian, Advocate, sr.33767

1cc to M/s.B.Nedunchezhiyan, Advocate, sr.33459

W.P.No.26563 of 2015

ctk co

kra 20.06.2016