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'Two for the road not too much'

Confusion Despite Consumer Panel Ruling

Deeksha Chopra & Smriti Singh | TNN

New Delhi: How much is too much? When it comes to alcohol the answer varies depending on who — a doctor, a judge, a traffic cop or an insurance company executive — is answering it.

Moderate drinkers are not the same as alcoholics said a recent judgment of the state consumer commission, adding that if a person has an accident after two drinks, that cannot be the ground for refusing him insurance money. Though the law permits driving till the blood alcohol level is below 30mg/100 ml, for insurance companies, just the mention of smell of alcohol in a medical report is often enough ground for claim refusal. Doctors say more than just an assessment of alcohol content, a person's physical attributes and more importantly how often he or she drinks are the defining factors in whether a person is fit to drive or not. It is a different matter that the legal limit in India is way lower than most foreign countries.

"One bottle of beer, a glass of wine and two small pegs of whisky can be consumed before driving provided you give an hour's time between finishing your drink and sitting at the wheel. Moreover, a habitual drinker will drive better than a first-timer," said Dr Sandeep Budhiraja, chief of internal medicine, Max Health Care.

Even in the Motor Accident Claim Tribunal (MACT), it is the amount of alcohol in blood that decides the compensation amount and not the question whether there is alcohol — as is the case with insurance companies. "The permissible limit is always checked and then the compensation is given. No insurance company can wash its hands off the money if the alcohol content is below the permissible limit," advocate Ajay Dignpaul said.

"In accident cases where victim has had a few drinks, but still the fault was that of the other person, the insurance companies and the accused cannot use this as an excuse for not paying the amount. In such cases, the judicial officer uses his discretion in deciding the amount," said an MACT judge.

Meanwhile, insurance companies stuck to their stand on the plea that under the exception rules of a car insurance policy, companies have the right to reject the insurance cover in case an accident or damage occurs while the insured is driving under the influence of intoxicating liquor or drugs.

Many are completely ignorant that there is a permissible legal limit for alcohol. Sanjeev Mago, executive vice president (customer operations & service delivery) Max New York Life, said, "In an ideal scenario, defining blood alcohol content level would be a good norm to follow, but such a test is not commonly done in India. In India commonly fol-

DRUNKEN DRIVING

- The legal permissible limit of alcohol is 30 ml per 100 millilitres of blood
- The breath analyser test calculates amount of alcohol in the blood
- Level of alcohol in blood depends on the physiology and body fat of a individual. It could be different for two individuals even if they had consumed same amount of alcohol
- Medically, the permissible amount of alcohol that can be consumed daily is one bottle of beer, 2 small pegs of whisky or a glass of wine
- A person cannot be booked for drunken driving simply because his breath is smelling of alcohol
- Drunken driving is an offence under Section 185 of Motor Vehicles Act with a fine of Rs 2000 or imprisonment of 6 months to 2 years



DIFFERENT NORMS

Blood alcohol limits	Countries
80 mg/100ml	Mexico, Ireland, New Zealand, Malaysia, US, Canada & UK
50 mg/100ml	Argentina, Australia, Belgium, Denmark, Finland, France, Germany, Greece, Israel, Italy, Portugal, Switzerland & Turkey
30 mg/100ml	India
25 mg/100ml	Spain
20 mg/100ml	Norway, Sweden, Russia, and Poland

lowed ways to establish whether alcohol has been consumed are hospital treatment records and a postmortem report which will obviously not give the blood alcohol content."

Some though claim to follow the law and not take empirical decisions like in case of the insurance company which was recently pulled up by the consumer commission. Said U V Singh, regional manager, National Insurance Company Limited, "In case a person has failed a breath analyser test after an accident, the claim is liable to be rejected by the insurance company, under the exception clause," he said

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