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DRINKING AGE INCREASED TO 25 YEARS IN SOME PARTS OF INDIA: AN ETHICAL PERSPECTIVE

Every day as dusk settles over the subcontinent, an estimated 70 million Indians reach for the bottle to partake of their regular quota of a few pegs. Many of them gather for the relaxing evening ritual in bars, clubs and restaurants dotted across virtually every small town and metropolis in the country. One survey has suggested that as many as 30 to 35 per cent of adult men and five per cent of women in India are regular drinkers. Not surprisingly, India has emerged as one of the largest producers of liquor in the world. (1)

Drinking age varies from 18 –25 years in India. It is 18 years in Himachal Pradesh, Goa, Sikkim, and Uttar Pradesh & Rajasthan. Most states have fixed the age bar as 21 years.

Recently, the government of some states like Delhi , Maharashtra ,Meghalaya, Punjab and Haryana have increased the alcohol drinking age to 25 years.(2)

Is this decision justified ethically?

ETHICAL ISSUE IN THIS DECISION:

This issue has raised an ethical question as the decision was taken on the basis of social concern & welfare whereas at the same time it disrespects the autonomy and rights of youngsters.

The conflict is between community benefit versus autonomy of the youngsters.

THE ETHICAL POINT OF VIEW:

The decision can be analyzed by the following ethical principles:

BENEFICENCE:

The principle of beneficence guides to "**do good**". This principle stipulates that one's actions should strive to achieve the greatest amount of good because people benefit from the most good. This decision has been taken in terms of social benefit. The notable point is that it

is neither about liberal versus conservative nor about moral versus immoral issues. It is about social concerns and welfare which draws a line above all other issues.

NONMALEFICENCE:

“To do least or no harm”. This is similar to beneficence, but deals with situations in which neither choice is beneficial. In this case, a person should choose to do the least possible harm. Even if complete ban on drinking can't be implemented in its true sense, at least the minimum legal drinking age should be increased to reduce inexperienced careless drinking of the youngsters and prevent the foreseeable harm.

AUTONOMY:

This means that people should have control over their lives as much as possible because they are the only people who completely understand their chosen type of lifestyle. The autonomy of the youngsters below 25 years of age has been neglected by the government by claiming them as incapable and irresponsible. By this decision they have lost their independence and respect as a responsible citizen of the country which is unacceptable.

PATERNALISM:

This decision reflects the paternalistic behavior of the government as it is taking control over the lifestyle of the younger section of the society by overlooking their interests and wishes. If at the age of 18 or 21 years, freedom to vote for the country, to marry, have children and fight for the country such responsibilities are given to the youngsters then this law seems illogical in considering the 18 – 24 age people as irresponsible drinkers and taking away their rights by preventing them from drinks. The Government is tagging this group of people as irresponsible and immature which is ethically wrong.

JUSTICE:

The justice principle states that ethical theories should prescribe actions that are fair to those involved. It seems ethical and justified that if alcohol is injurious to health and a menace for the community then it should be banned totally. Only a certain section of people the youngsters are deprived of it, which is not fair. But in a broader sense it may not be possible or realistic as it may hinder the rights and choice of people in the community. The community may unanimously oppose this decision. It might pave the way for more of illicit drinking practices. A just decision is always not possible and realistic.

Also in the same country, different states have fixed different age bars. Does that mean that a 18 year old in Uttar Pradesh more responsible than a 18 year old in Delhi. The law is same for all and calls for a fair and just decision universal throughout the country. (3)

The Harm Principle (John Stuart Mill):

“The only purpose for which power can rightly be exercised over any member of a civilised community against his will is to prevent harm to others. His own good, both physical and moral is not sufficient warrant”

Libertarian paternalism (Thaler & Sunstein 2003):

Defends interventions by planners (such as public health authorities) in the environmental architecture in which individuals decide and act in order to make it easier for people to behave in ways that are in their best interests (including their health).

The government rather than imposing on the other hand can influence the thinking of the individuals with respect to drinking by means of putting statutory warnings on the beverage bottles or mandating regular alcohol education for the vulnerable population or propagating harmful effects of alcohol through good media coverage. The final decision to make a choice of drinking or not is in the hands of the individual thus respecting his/her autonomy.

What the ethical theories have to say regarding this decision?

TELEOLOGICAL/CONSEQUENTIALIST/UTILITARIAN THEORY:

The purpose of morality is to make world a better place. It is about producing good consequences. This principle considers ones happiness but not more than the happiness of others that is the majority.

The decision of raising the minimum legal age for drinking is based on social welfare and happiness for all. As the risks of alcohol drinking (to the individual and community) outweighs the individual choice or right to freedom of lifestyle thus for the beneficial consequences this decision is appreciated.

COMMUNITARIAN ETHICS:

This theory states that individual is not above the social group or community. It is between the ages of 15 to 25 that people begin to experiment with alcohol and drugs, but it is also the time that recklessness, inexperience and risk-taking can lead to the greatest harm. All of us want to live in a safe and secure society with less of accidents, harassments and violence. Thus community interest and benefits support this decision.

Though there is rejection of individual rights of the youngsters but it can be overlooked by the beneficial consequences that would be achieved.

VIRTUE ETHICS:

It states that we must choose things for the good of it, not for any other reason. It lies in choosing the “golden mean” between extremes of behaviour.

Thus a mid way decision has been taken by raising the drinking age. The teenagers and young adults who are still immature are prohibited from drinking and saved from the adverse effects of the same. So that their future is secured and the world is a safe place to survive. Though, even the fact stays that it's injurious to health, it hasn't been banned completely.

KANTIAN ETHICS:

This theory believes that consequences can never make an action right or wrong. One must treat every person as an end and not as a means to an end. The decision is fully contradicting this theory as it is disrespecting the autonomy and individual rights and interests of the youngsters. The law should be same for every adult individual and not discriminated on the basis of age.

RAWLS SOCIAL CONTRACT THEORY:

Everyone has intrinsic value, all morally equal duty to promote a just society through fair principles. A just society is the one which is safe and secure for its inhabitants. Thus it is the duty of every individual (apart from the government) to act for the good of the community.

This theory follows the principles of LIBERTY and EQUALITY. The unequal distribution here that is prohibiting the youngsters below 25 years from drinking is to everyone's advantage and to some extent securing their future and building a safe society.

CONCLUSION:

It is difficult to arrive at a proper conclusion for this argument. In my opinion this is a right decision and an appropriate step initiated by the Government to curb the reckless and unhealthy lifestyle activities of the alcoholics. The food for thought is that, who is the authority to make any decision on this issue? Is it the paternalistic Government, the angry youngsters or the anyways benefitting middle aged public?

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