

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:7111
ANSWERED ON:18.05.2012
BAN ON SMOKING
Yadav Shri Ranjan Prasad

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the detailed rules framed and measures taken including ban on smoking in public places in order to discourage consumption of cigarettes and other tobacco products across the country;
- (b) the mechanism put in place by the Government for their proper enforcement and compliance in the country;
- (c) the provisions made in respect of fine/penalty to be imposed on the offenders for violation of the above rules indicating the number of such offenders prosecuted and fine collected from them during each of the last three years and the current year so far, State/UT-wise;
- (d) whether the Government proposes to increase the fine for violation of the above rules/measures including ban on smoking in public places; and
- (e) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a) to (c) In exercise of powers conferred under the Anti Tobacco law titled "Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA) 2003", the Government of India has notified "The Prohibition of Smoking in Public Places Rules, 2008" vide GSR No. 417(E) dated 30th May 2008 whereby smoking is strictly prohibited in all public places. These rules came into force from 2nd October 2008 and empower the non-smokers, as also place accountability on the owner/manager/proprietor of a public place. A list of authorized officers has also been notified in schedule III of the aforesaid Rules, 2008, who are competent to impose and collect fines against violation of section 4 of COTPA 2003.

Communications have been addressed to State Governments for ensuring effective implementation of the said Rules, since the onus of implementation lies with them. A letter has been sent to Director Generals of Police in the States with a request to include implementation/ violation of the provisions of COTPA, 2003 in the monthly crime view meetings.

Guidelines under Section-4 of COTPA, 2003 have been sent to all the State/UTs.

More than 25 advocacy workshops have been organized at National, Regional and State level to sensitize the different Stakeholders on implementation of the Rules.

Under the Rules, a fine upto Rs. 200/- may be imposed for violation of the provisions of the said Rules made under Section-4 of COTPA, 2003. An offence under this Section is compoundable and can be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

The information relating to fines collected from the offenders during the last three years and the current year by the State / UTs is not available in the Ministry.

(d) & (e) The fine for violation of the above rules as laid down under section 21 of COTPA 2003 is up to two hundred rupees. At present, there is no proposal under consideration to increase the fine for violation of ban on smoking in public places. However, the Committee on Subordinate Legislation, Rajya Sabha in its 196th report, has recommended that penalty for selling tobacco product within 100 yards from educational Institutions should be increased from the existing Rs 200/- as and when a comprehensive amendment of COTPA 2003 is considered.