

GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

**LOK SABHA**  
**UNSTARRED QUESTION NO. 1775**  
ANSWERED ON 28<sup>TH</sup> DECEMBER, 2017

**SMOKING FREE PUBLIC TRANSPORT**

1775. SHRI RAMDAS C. TADAS

Will the Minister of ROAD TRANSPORT AND HIGHWAYS

सड़क परिवहन और राजमार्ग मंत्री

be pleased to state:

- (a) whether under the provision of COTPA all means of public transport are smoking-free and display the No Smoking signage including private taxi aggregators like OLA, Uber as required by law;
- (b) if so, the details thereof and if not, reasons therefor;
- (c) whether any directions have been given by the Government to all the State Governments to comply with Section 4 and 5 of the COTPA in respect of State transport including bus panels, bus stands and premises, if so, the details thereof and if not, the reason for the same;
- (d) the number of cases that have been reported for non-compliance of COTPA and the action taken against them State-wise during the last three years;
- (e) whether any policy has been made to display anti-tobacco messages on the Transport Department properties including bus panels, bus stands, bus tickets and inside / outside metros and metro stations for the public health and welfare; and
- (f) if so, the details thereof and if not, reasons for the same and the time by which it is likely to be made?

**ANSWER**

THE MINISTER OF STATE IN THE  
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS  
(SHRI MANSUKH L. MANDAVIYA)

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(a) & (b): As per Section-4 read with Section 3(1) of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003), no person shall smoke in any public place which includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, court buildings, educational institutions, libraries, **public conveyances** and the like which are visited by general public but does not include any open space.

(c) & (d): The Ministry of Health & Family Welfare has written to the State Transport Commissioners/Secretaries to ensure compliance with the provisions under COTPA. The onus of enforcing various provisions of COTPA, 2003 lies with the States/Union Territories.

As per the information received from States, the details of the cases reported for non-compliance of various provisions under COTPA and action taken for the same during the last three years are at **Annexures I-III**.

(e) & (f): No such specific policy has been made. However, the stakeholders are being made aware on a regular basis about the adverse effects of tobacco usage on health through various anti-tobacco campaigns vide different modes of communication including TV, Radio, Print media, social media, films and modes of transportation, etc.

**Status of the number of people fined/challaned and amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003) for the period from April 2014 to March 2015**  
**(As per the information received from the States/Union Territories)**

States	Section-4		Section-5		Section-6(a)		Section-6(b)		Section-7	
	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)
Assam	575	106550	-	-	41	5300	29	7050	-	-
Bihar	1107	180830	0	0	176	16110	41	1150	0	0
Goa	1862	212735	-	-	-	-	15	2900	-	-
Gujarat	11360	616205	921	63800	4001	716320	4001	716320	-	-
Karnataka	127163	15972122	177	-	3089	617800	943	188600	378	-
Kerala	90396	16638400	316	43700	1052	718750	2880	1415500	606	289400
Mizoram	586	47,911	0	0	0	0	1	200	83	0
Nagaland	339	64,260	-	-	-	-	-	-	-	-
Uttar Pradesh	657	82572	0	0	0	0	0	0	0	0
Uttarakhand	2650	79230	-	-	-	-	-	-	-	-
Delhi	2677	*298760	-	-	@441	-	-	-	-	-
Punjab	*25247	*1384998	-	-	-	-	-	-	-	-
Odisha #	6385	558660	-	-	-	-	-	-	-	-
Rajasthan #	5330	618419	-	-	-	-	-	-	-	-
Tamil Nadu#	18138	2297890	-	-	-	-	-	-	-	-
<b>Total</b>	294472	39159542	1414	107500	8800	2074280	7910	2331720	1067	289400
<b>Grand Total</b>	<b>No. of Violations:</b>		288416							
	<b>Total Challan Collected (in Rs.):</b>		42278684							

\* Total number of persons fined/amount collected under Section-4 and Section-6 of COTPA, 2003 collectively.

# Total number of persons fined/amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of COTPA, 2003 collectively.

@Total number of persons fined under Section-6(a) and Section-6(b) of COTPA, 2003 collectively.

**Brief details of the above Sections under COTPA, 2003:-**

- ✓ *Section 4: Ban on smoking in public places- to protect the health of non-smokers from harmful effects of tobacco smoke (second hand smoke).*
- ✓ *Section 5: Ban on direct/indirect advertisement of tobacco products including sponsorship and promotion.*
- ✓ *Section – 6a: Ban on sale of tobacco products to and by minors (less than 18 years of age).*
- ✓ *Section – 6b: Ban on sale of tobacco products within 100 yards of educational institutions.*
- ✓ *Section – 7: Display of specified health warnings on tobacco products packages.*

**Status of the number of people fined/challaned and amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003) for the period from April 2015 to March 2016 (As per the information received from the States/Union Territories)**

States	Section-4		Section-5		Section-6(a)		Section-6(b)		Section-7	
	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)
Arunachal Pradesh	11	2200	-	-	-	-	2	400	-	-
Assam	1013	176878	9	5000	333	56780	262	52532	-	-
Bihar	1143	190275	0	0	272	20760	0	20	0	0
Goa	4028	807950	-	-	-	-	46	6300	-	-
Gujarat	27685	1676073	2250	155850	4031	666305	4031	666305	-	-
Jammu and Kashmir	21131	1812610	-	-	-	-	-	-	-	-
Karnataka	149519	20945363	89	-	1616	323200	353	70600	58	-
Kerala	162151	31331300	216	31900	746	708954	3343	1235236	432	20600
Mizoram	745	61,700	0	0	0	0	1	200	79	0
Nagaland	126	26,022	-	-	-	-	-	-	-	-
Uttar Pradesh	9378	1134363	0	0	0	0	0	0	0	0
Uttarakhand	699	53315	-	-	22	2260	-	-	-	-
Delhi	902	*155660	-	-	@141	-	-	-	-	-
Punjab	*20910	*1216314	5	-	-	-	-	-	2	2000
Odisha #	4201	393592	-	-	-	-	-	-	-	-
Andhra Pradesh#	1569	191190	-	-	-	-	-	-	-	-
Sikkim#	215	30700	-	-	-	-	-	-	-	-
<b>Total</b>	405426	60205505	2569	192750	7161	1778259	8038	2031593	571	22600
<b>Grand Total</b>	<b>No. of Violations:</b>		423765							
	<b>Total Challan Collected (in Rs.):</b>		64230707							

\* Total number of persons fined/amount collected under Section-4 and Section-6 of COTPA, 2003 collectively.

# Total number of persons fined/amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of COTPA, 2003 collectively (upto September, 2015, except for Odisha).

@Total number of persons fined under Section-6(a) and Section-6(b) of COTPA, 2003 collectively.

**Brief details of the above Sections under COTPA, 2003:-**

- ✓ *Section 4: Ban on smoking in public places- to protect the health of non-smokers from harmful effects of tobacco smoke (second hand smoke).*
- ✓ *Section 5: Ban on direct/indirect advertisement of tobacco products including sponsorship and promotion.*
- ✓ *Section – 6a: Ban on sale of tobacco products to and by minors (less than 18 years of age).*
- ✓ *Section – 6b: Ban on sale of tobacco products within 100 yards of educational institutions.*
- ✓ *Section – 7: Display of specified health warnings on tobacco products packages.*

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**(As per the information received from the States/Union Territories)**

States	Section-4		Section-5		Section-6(a)		Section-6(b)		Section-7	
	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)	No. of persons fined	Amount collected (in Rs.)
Assam	271	67890	41	12550	58	11500	396	79690	47	15750
Bihar	1847	279435	-	-	505	30450	0	0	0	0
Goa	2459	479300	2	400	-	-	36	4900	-	-
Gujarat	53483	3997025	2669	198900	4906	858120	4906	858120	-	-
Jammu and Kashmir	18136	1503520	-	-	1	150	-	-	-	-
Jharkhand	13	1265	0	0	21	3250	05	800	0	0
Karnataka	146832	16051276	252	-	1858	371600	261	52200	27	-
Kerala	134906	27266600	23	22800	405	259000	1714	768850		
Mizoram	961	66,360	0	0	30	1340	0	0	10	0
Nagaland	154	30,060	-	-	-	-	58	11460	-	-
Puducherry	-	-	-	-	73	17800	-	-	-	-
Uttar Pradesh	2250	198096	121	54500	71	11420	67	10700	865	883700
Uttarakhand	731	99650	-	-	115	20350	2	400	-	-
Delhi	2010	*713150	-	-	@611	-	-	-	-	-
Punjab	*25255	*1386717	-	-	-	-	-	-	-	-
Odisha #	5542	520480	-	-	-	-	-	-	-	-
<b>Total</b>	<b>394850</b>	<b>52660824</b>	<b>3108</b>	<b>289150</b>	<b>8654</b>	<b>1584980</b>	<b>7445</b>	<b>1787120</b>	<b>949</b>	<b>899450</b>

<b>Grand Total</b>	<b>No. of Violations:</b>	415006
	<b>Total Challan Collected (in Rs.):</b>	57221524

\* Total number of persons fined/amount collected under Section-4 and Section-6 of COTPA, 2003 collectively.

# Total number of persons fined/amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of COTPA, 2003 collectively.

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