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 THIS STORY IS FROM NOVEMBER 5, 2013

You can puff in public till cops print fine challans

Madhusoodan M K / TNN / Updated: Nov 5, 2013, 02:33 IST



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BANGALORE: Tasked with implementing the ban on [smoking](#) in public, city police have thrown up their hands. For they have no penalty challans to be issued to violators. Police commissioner Raghavendra H Auradkar confirmed to TOI that policemen across the city have been told not to collect fines from those violating the smoking ban, because of the lack of challans. According to rules framed under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (COTPA) 2003, a police officer not below the rank of sub-inspector can levy a maximum of Rs 200 as fine on those found smoking in public places. Auradkar said challans or receipts to be issued after collecting the fine amount are not yet ready. "We've been asked by the home department to make corrections to the draft receipts prepared by the state government. There was some confusion in the challan content. The corrections have been made and dispatched to the department, which is still examining them. The receipts will be printed once they're approved," he explained. Auradkar categorically asserted that booking of cases against those violating the ban on smoking and collection of fines will begin only after the police department gets the appropriate challans/receipts. Besides the city police, a separate cell has been set up at the Bruhat Bangalore Mahanagara Palike (BBMP) to enforce COTPA provisions. However, this cell is comatose

set up at the Bruhat Bangalore Mahanagara Palike (BBMP) to enforce COTPA provisions. However, this cell is comatose, admit civic officials. "We have no personnel to enforce COTPA sections 6A (ban on selling tobacco to minors), 4 (ban on tobacco consumption in public), 5 (prohibition of brand promotion of all tobacco products), 6B (ban on sale of tobacco within 100 yards of educational institutions) and 7 (mandatory pictorial warnings on tobacco packs). Not a single case has been booked under sections 4, 5, 6B and 7," said an official. Cops make a fast buck City police bosses may claim they've asked their rank and file not to collect fines from those puffing away in public. But every other street corner in the city has a different story to tell. In most instances, constables are found collecting fines from smokers in public places without issuing receipts. This, despite COTPA making it clear that only police officers of the rank of sub-inspector and above can collect fines from violators. Basavaraj, a resident of Sampangirama Nagar, said he had been to the City Market area on Friday to buy fruits and flowers for Diwali, and was casually smoking in a street corner when he was caught by police constables. "I was taken to the City Market police station where I found there were nearly 10 others who'd been brought in for smoking in public and were waiting for the inspector. They told me I could pay Rs200 and go home or wait till late evening when the inspector was expected. With no other alternative, I paid Rs 200 but wasn't issued a receipt, despite insisting," he said. "In some areas, we found policemen fining smokers at police stations without giving receipts. This money is definitely going into the pockets of the station personnel. This is wrong," admitted a senior police officer. Police commissioner Raghavendra H Auradkar claimed that as far as he knew, no policeman was collecting fines from those violating the smoking ban. Besides individuals, small shops selling cigarettes, too, complain about lower-rung policemen arriving at their doorstep and collecting Rs 500 as fine, but decline to go on record. 50 cases in city Gadag district has created a record of sorts by booking 2,250 cases for smoking in public this year, while Bangalore city has recorded only 50 cases.

Times View

All good intentions of controlling smoking in public appear to have gone up in smoke, with the police department ill-equipped to handle the campaign. Though the smoking ban is in force, implementation leaves a lot to be desired -- that challans are not available has given constables a free hand to fleece the public. There is also little clarity and awareness about the ban: like who can impose a fine, and what are the norms governing a fine. The entire issue deserves a relook. The power to fine smokers at random is bound to be misused by a police force not known for its honesty. Hafta is anyway collected from petty shops, the ban only gives cops the cloak of legitimacy.

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