

Smoking in buses: Complain and you may get compensation! | रसरंग में आपके अधिकार: बसों में धूम्रपान: करें शिकायत, मिल सकता है मुआवजा!

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Your rights in Rasrang: Smoking in buses: complain, you may get compensation!

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Bus service is the largest mode of public transport in India. Millions of passengers travel daily in buses run by state transport corporations alone. Although smoking is prohibited by law in public places, including buses, passengers still face the problem of smoking by drivers and conductors during travel. Recent consumer court judgments have clarified the rights of passengers in such situations and put the responsibility on transport corporations to ensure a smoke-free environment.

The passenger is also a consumer When a passenger purchases a bus ticket, he enters into a service contract with the transport corporation. Under Section 2(7)(ii) of the Consumer Protection Act, 2019, he becomes a consumer by paying for the service. Courts have held that this gives the passenger the right to expect a smoke-free environment (which is mandated by law) during the journey. This relationship between the passenger and the transport corporation falls squarely under the consumer-service provider framework.

What is the legal framework?

The Cigarettes and Other Tobacco Products Act (COTPA), 2003 completely prohibits smoking in public places and includes public transport as well. In a landmark case of *Murli S. Deora vs Union of India* (2001), the Supreme Court directed that smoking in public places be prohibited so that non-smokers could be protected from passive smoking. The court emphasised that non-smokers cannot be forced to become helpless victims of air pollution. This ban also applies to all public transport vehicles.

In the case of deficiency in service, *Ashok Kumar Prajapat vs Director General State Transport* (2024), the Chandigarh State Commission ordered a bus driver to pay a compensation of Rs 5,000 to a passenger for smoking. The Commission held that allowing smoking in buses is not only illegal but also poses serious health risks through passive smoking, especially in enclosed spaces like buses. The Commission also noted that imposing petty fines on drivers is not enough and stressed the need for strict action.

Transport corporation's responsibility If its employees smoke in buses, the corporation itself will be responsible for deficiency in service. Courts have said that when a passenger buys a ticket, it includes an implied guarantee of a smoke-free environment. The National Consumer Disputes Redressal Commission has directed state transport departments to implement "effective and stringent measures" to ensure a total ban on smoking in buses and bus stands. This includes setting up proper monitoring mechanisms and taking disciplinary action against erring employees.

What are the remedies available? Aggrieved passengers can file complaints in consumer courts under the Consumer Protection Act, 2019. They have to prove that smoking took place during the journey and it caused them discomfort. In such cases, the courts have awarded compensation ranging from Rs 5,000 to Rs 10,000. The passenger should retain the video recording and the acknowledgement of the complaint lodged with the authorities as evidence. Protecting passengers from passive smoking is very important for public health. Although there are laws, their effective implementation requires vigilance on the part of both the authorities and passengers. As consumer courts have repeatedly emphasised, the right to a smoke-free environment is part of the services for which passengers pay and its violation amounts to deficiency in service, which can be prosecuted under the Consumer Protection Act, 2019.