

Delhi HC refuses to entertain plea challenging prohibition of e-cigarettes on flights

ANI | Nov 6, 2023

NEW DELHI: The Delhi High Court on Monday refused to entertain a plea challenging the prohibition on carrying e-cigarettes on flights. This petition was filed by a public health professional. Justice Subramonium Prasad refused to entertain the plea and hinted at dismissing it with heavy cost. Thereafter, the counsel appearing for petitioner Sutirtha Dutta sought to withdraw the plea.



The Court allowed them to withdraw the plea with the liberty to the petitioner to make a representation to the central government.

"The Counsel seeks to withdraw the petition and give representation to the Government of India. Leave and liberty granted. The Petition is accordingly disposed of," Justice Prasad said.

The Petitioner challenged an order issued by the Bureau of Civil Aviation Security (BCAS) in March last year prohibiting the use of e-cigarettes on flights. He also challenged a clarification issued by the Ministry of Health and Family Welfare by which a ban was imposed on e-cigarette devices.

Sutirtha Dutta's plea submitted that he is a frequent flyer and a user of vaping devices. He further said that he is affected by the order prohibiting the e-cigarettes on aircraft. The vaping devices of air travellers were confiscated at various airports after the said order. The plea said that the petitioner is a user of e-cigarettes, a former smoker, having successfully quit combustible cigarettes with the air of e-cigarettes as a safer alternative. Being a frequent traveller, the petitioner is apprehensive that he might relapse and start smoking as a result of the unavailability of his e-cigarette device due to the said order issued by BCAS.

Advocate Farrukh Khan, counsel for the petitioner, argued that a myth has been created that they are more harmful than real cigarettes. However, e-cigarettes are a less harmful alternative to real cigarettes. Justice Prasad, after hearing the submissions, said that he is inclined to impose a cost of not less than Rs. 50,000. "You are doing so good for society to promote e-cigarettes. Then you please contribute for other good also, cost for the society. I don't know how much costs I will be imposing, but definitely above Rs. 50,000. Tell me, should it be a five or six-figure cost? Justice Prasad asked the counsel for the petitioner.

Dutta had claimed that the e-cigarettes are not a danger or threat to the aircraft and their personal use is not expressly banned under any law.

Source: <https://timesofindia.indiatimes.com/india/delhi-hc-refuses-to-entertain-plea-challenging-prohibition-of-e-cigarettes-on-flights/articleshow/105015194.cms?from=mdr>