

# Karnataka HC upholds ban on all types of hookah products

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**Bengaluru, April 23, 2024:** In a significant ruling, the Karnataka High Court has affirmed the state government's decree prohibiting the sale, consumption, storage, advertisement, and promotion of all hookah products within its jurisdiction.

This ruling follows the dismissal of a series of petitions contesting the government's ban, which was enacted to address concerns regarding fire hazards, public health, and safety.

Justice M Nagaprasanna, presiding over a single judge bench, reserved judgment on March 11 after hearing arguments from both sides.

The government's notification identifies hookah bars as potential fire hazards and violators of state fire control and safety regulations. Moreover, it highlights the risks to food safety and public health associated with hookah consumption in establishments such as hotels, bars, and restaurants.

Advocate General K Shashi Kiran Shetty emphasized that the ban was enacted in the public interest and is supported by various pertinent legislations, including the Cigarette and Tobacco Products Act (COTPA) 2003, Child Care and Protection Act 2015, Food Safety and Quality Act 2006, Karnataka Poisons (Possession and Sale) Rules 2015, Indian Penal Code, and Fire Control and Fire Protection Act.

Shetty argued against the existence of designated areas for hookah service in establishments, contending that such areas should only be allocated for dining purposes, not smoking activities.

However, the petitioners argued that the COTPA Act permits designated smoking areas and does not warrant a complete ban on hookah products, asserting that with proper regulations, hookah consumption can be conducted safely without endangering public health.

One petitioner raised concerns about herbal hookah, citing Section 3(b) of the COTPA Act, which defines cigarettes as containing tobacco. They questioned the rationale behind banning herbal hookah products that do not contain tobacco or nicotine, arguing against a blanket prohibition.

Furthermore, the petitioners challenged the ban on constitutional grounds, alleging violations of Article 14, which guarantees equality before the law, and Article 19(1)(g), which protects the right to conduct business activities.

Despite these arguments, the High Court upheld the ban on hookah products, rejecting the petitions challenging its validity.

**Source:** <https://www.mangaloretoday.com/main/Karnataka-HC-upholds-ban-on-all-types-of-hookah-products.html#:~:text=Bengaluru%2C%20April%2023%2C%202024%3A,hookah%20products%20within%20its%20jurisdiction.>