

PIL AGAINST VAPE BAN ADMITTED BY KARNATAKA HIGH COURT

The Karnataka High Court on August 22, 2017, admitted a PIL challenging the state government's ban on electronic cigarettes. The PIL contests the grounds on which the ban was imposed and demands establishment of rules and regulations governing the use of electronic nicotine delivery systems (ENDS). The PIL has been filed by the Council for Harm Reduced Alternatives, the Petitioner, represented by their advocates Mr. Pingal Khan and Mr. Harish Sasikumar, Ashlar Law.

On August 15, 2016, the Karnataka government imposed a ban on sale and distribution of ENDS after citing the dangers nicotine poses to public health. The state health minister, Mr UT Khader, explained the ban was enforced after studies had concluded ENDS pose a health risk.

A subsequent RTI plea revealed no such studies have been conducted, which became the ground for filing the PIL. The petition states e-cigarettes are not only 95% safer than smoking, but are also the most effective smoking cessation method, with success rates many times those of NRTs like nicotine gums and patches. Hence, instead of a ban that denies smokers access to harm-reduced products, the government should regulate their use to ensure compliance with safety norms.

Karnataka has a major tobacco health burden, with a smoking population numbering in lakhs, of which 30% die of tobacco-linked diseases. The state government has taken laudable steps in combating the rise of tobacco use by strictly imposing the norms of the Cigarettes and Other Tobacco Prohibitions Act (COTPA). However, it missed a step by prohibiting ENDS, since denying the role of harm reduction and insisting solely on cessation can be acutely detrimental to public health.

It is well-known that in cigarettes, while nicotine creates the addiction, it is the tar, produced by combustion of tobacco, that kills. With ENDS, there is no tar since there is no combustion, making them far safer. Besides, the butt has proven notoriously difficult to kick, with only 5% of quit attempts succeeding, while nicotine gums and patches have a success rate of a measly 7%. Compared to these, ENDS have helped over 50% who have tried them to quit smoking since they mimic the smoking experience. These make ENDS a key tool in the fight against tobacco use.

Not surprising then that e-cigarettes have been embraced in this role in European nations, with medical professionals in the UK prescribing them to heavy smokers, while the US recently announced a decision to shift smokers to vaping. Countries across Asia and the Americas are also revising existing laws to allow the regulated use of these products, with encouraging results—smoking rates in some countries have declined historically since their introduction.

To know more about the PIL, speak to vapers about their personal experiences, or to be put in touch with scientists, medical professionals and international vaping organisations, please mail or call us. A link to the PIL along with its annexures is included below.

For,
Council For Harm Reduced Alternatives

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