

A Study on Violation of Sections 4 and 6 of the Cigarettes and Other Tobacco Products Act (COTPA) 2003 in Chennai, Tamil Nadu.

Sathishkumar.E

Ph.D. Research Scholar,

Department of Politics and Public Administration

University of Madras, Chennai - 600005.

Abstract

According to the World Health Organization (WHO), there are 246 million smokers and 290 million smokeless tobacco users in the South-East Asian region, which is considered one of the largest tobacco consuming regions. India is the second-largest consumer and third largest producer of tobacco. Nearly twenty-eight percent of adults in India consume smoke or smokeless form of tobacco. Tobacco consumption is a major cause of non-communicable diseases like lung diseases, cancer, and cardiovascular diseases. In India, “The Cigarettes and Other Tobacco Products Act (COTPA) 2003” are implemented throughout the country, which contains a smoke-free environment, the prohibition of advertising, bans the promotion of tobacco products, the prohibition of sales of tobacco to minors and statutory warnings. Tamil Nadu government has taken various health policy initiatives to control the use of tobacco products and create awareness among the users. However, still people are tried to violate the laws. The nature of the study is to analyze the number of violations of Sections 4 and 6 of Cigarettes and Other Tobacco Products Act 2003, from 2016 to 2019 in Tamil Nadu. Also, examine the violation of Sections 4 and 6 of COTPA 2003 in Chennai from 2008 to 2019.

Keywords:

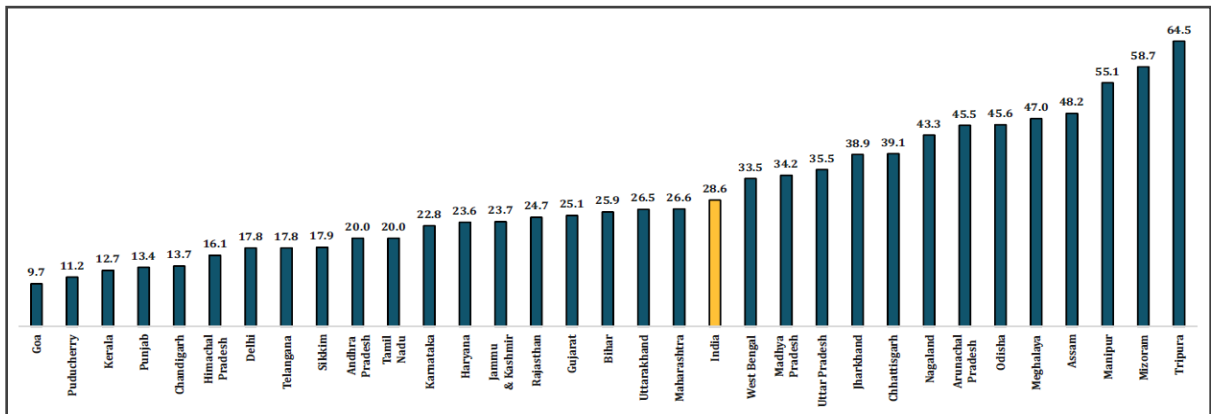
Cigarettes, Policy, Prohibition, Smoking, Tobacco, Violation, World Health Organization.

Introduction

In India, tobacco consumption is the major public health issue, with 275 million adults consuming different forms of tobacco products.¹The Government has taken various measures to control the use of tobacco products through the National laws like Cigarettes and other Tobacco

¹<http://www.searo.who.int/india/topics/tobacco/en/>

Products Act (COTPA) and International ratification of Framework Convention of Tobacco Control WHO (FCTC). According to the World Health Organization (WHO), there are 246 million smokers and 290 million smokeless tobacco users in the South-East Asian region, which is considered one of the largest tobacco consuming regions.² India is the second-largest consumer and third largest producer of tobacco products in the world. Nearly 28.6 percent of adults in the Indian population consume smoke or smokeless form of tobacco, and it includes 42.4 percent of men, 14.2 percent of women.



Source: GATS report on Tobacco use (Smoking and Smokeless) among adult Indian population during 2016-2017

The smoking forms of tobacco in use are Beedies, Cigarettes, Cigars, Cheroots, Chuttas, Dhumti, Pipe, Hooklis, Chillum, Hookah, and the smokeless form of tobacco is Gutka, Zarda, Paan, Paan masala, Mawa, Khaini. In India, Beedi and Cigarette is the most significant form of smoking tobacco consumption, and the Cigarette contains more than 7000 chemicals,³ many of which are cancer-causing substance (carcinogenic), which can cause various diseases and premature death in children and adults. It can cause non-communicable diseases like lung cancer, heart disease, and cardiovascular diseases such as bronchitis, asthma, and sudden infant death syndrome, etc.

The Government has taken necessary regulatory action towards tobacco control through the enactment of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act, 2003 (COTPA). The act contains a smoke-free environment, the prohibition of advertising, banning of promoting tobacco products, the prohibition of sales of tobacco to minors, and statutory warnings.

²<http://www.searo.who.int/mediacentre/features/2015/global-tobacco-report/en/>

³<https://www.lung.org/stop-smoking/smoking-facts/whats-in-a-cigarette.html>

According to the Global Adult Tobacco Survey (GATS) In Tamil Nadu, 20.0 Percent of all adults consume either smoking tobacco /smokeless tobacco, and nearly 10.5 percent of all adults currently smoke tobacco.

The Tamil Nadu government also framed a regulatory policy regarding tobacco smoking tobacco and splitting in public places, but the concerned department does not adequately do the monitoring process of tobacco rules and regulations. In 2009, the ministry of family and welfare report said the highest number of violations and people fine in public places, reported on the state is Tamil Nadu. Among the districts in Tamil Nadu, the Chennai Metropolitan city stated as the highest tobacco consumer. In Chennai, a large number of people are still practicing smoking cigarettes in public places due to the lack of awareness and ineffective policy implementation.

Research Objectives

- To analyze the number of people fined and the amount collected for a violation of Sections 4 and 6 of Cigarettes and Other Tobacco Products Act 2003, from 2016 to 2019 in Tamil Nadu.
- To examine the violation of Sections 4 and 6 of Cigarettes and Other Tobacco Products Act 2003, in Chennai from 2008 to 2019.

Methodology

The study design of the research is descriptive, and the secondary form of data has used in this research, i.e., government reports, survey reports, newspapers, online journals, and articles. The simple percentage analysis has used for data interpretation.

Tobacco Control Policies in India

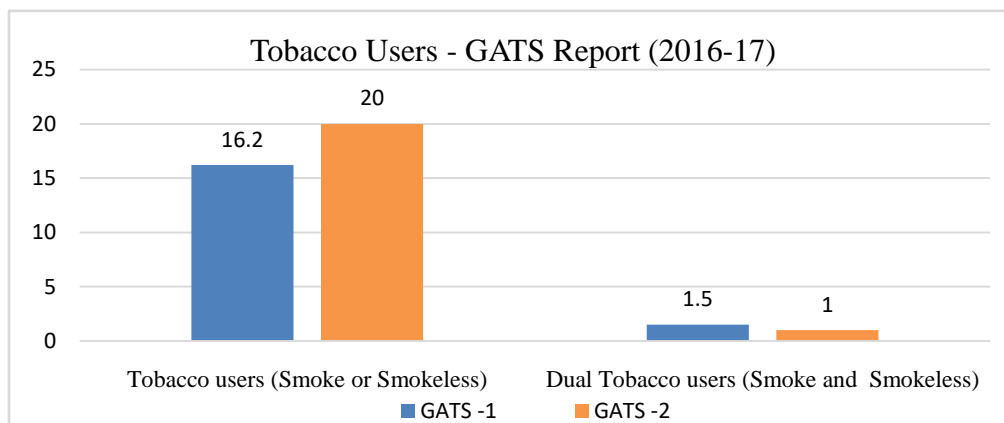
United Nations (UN) Agenda on Sustainable Development Goals (SDGs), tobacco control is an important part, and it has mentioned in the third goal on good health and well-being. The World Health Organization Framework Convention on Tobacco Control is a legally structured and first global public health treaty. The Government of India also ratified the WHO Framework Convention on Tobacco Control (WHO FCTC) in 2004.

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Bill was passed in the Indian

Parliament in April 2003 and 18 May 2003, and the bill becomes an Act. The COTPA Act, (2003) rules are formulated and enforced from 1 May 2004. The primary provision of the COTPA Act is (1) Prohibition on smoking in a public place (2) Prohibition on advertisements of cigarettes and other tobacco products (3) Prohibition on the sale of cigarettes or other tobacco products to a person below the age of 18 years and in an area within a radius of one hundred yards of educational institution (4) Prohibition on the sale of cigarettes and other tobacco products without specified health warnings. The Ministry of Health & Family Welfare mandated to enlarge in the size of pictorial warnings from 40 percent to 85 percent with effect from 1 April 2016.

The National Tobacco Control Programme launched by the Ministry of Health and Family Welfare, Government of India, in 2007- 08, during the 11th five-year plan. The NTCP implemented by three-tiered structure, i.e., (i) National Tobacco Control Cell, (ii) State Tobacco Control Cell and (iii) District Tobacco Control Cell. The main aim of the program was the effective implementation of the Tobacco Control Laws and creates greater awareness about the harmful effects of tobacco use throughout the nation.

The Global Adult Tobacco Survey (GATS)



The Global Adult Tobacco Survey (GATS) is an international standard for systematically monitoring adult smoking and smokeless form of tobacco use and tracking key of tobacco control indicators. Nearly 31 percent of men, 9.3 percent of women, and 20 percent of all adults either

smoke tobacco or use smokeless tobacco in the findings of the Global Adult Tobacco Survey report 2016 – 2017 in Tamil Nadu.⁴

Violation of Sections 4 and 6 of (COTPA, 2003) in Chennai, Tamil Nadu

In Tamil Nadu, the enforcement of the provisions of the COTPA, 2003 is implementation at a decentralized level with the help of concern authorized officers from various Departments. The Ministry of health and family Welfare regulates the tobacco policy at consecutive periods. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act, 2003 Section 4 is about “Prohibition of smoking in a public place.” The particular Section says that no persons shall smoke in any public places includes educational institutions, public offices, public transport, a cinema theater hall, restaurants, hospital buildings, government offices, railway stations, court buildings, libraries, workplaces, shopping malls, and any other public gathering places. In some areas contain a separate provision for the smoking area (i.e., airport) with certain limitation. Section 6 (a) is about “Prohibition on sale of cigarette or any other tobacco products to a person below the age of 18 years” this Section denotes no one shall sell or offer for sale any tobacco products by any person who is under 18 years of age. Section 6 (b) is about “Prohibition on sale of cigarette or any other tobacco products in an area within a radius of 100 yards of any educational institutions.” No person shall sell cigarettes and any tobacco product or permit to sell within the specified limits of one hundred yards of any educational institution. The offences and penalties of the violation of the provision of Section 4 and 6 are;



| Act | Section | Offence | Penalties |
|---------------|---------------|--|------------------------------------|
| COTPA 2003 | Section 4 | Smoking in Public Places | Fine up to Rs.200 under section 21 |
| | Section 6 (a) | Sale of tobacco products to or by minors | Fine up to Rs.200 under section 24 |
| | Section 6 (b) | Sale of tobacco products within 100 yards of any Educational Institution | Fine up to Rs.200 under section 24 |

Source : Guidelines for Tobacco Free Educational Institution (Revised), MoHFW, Government of India.

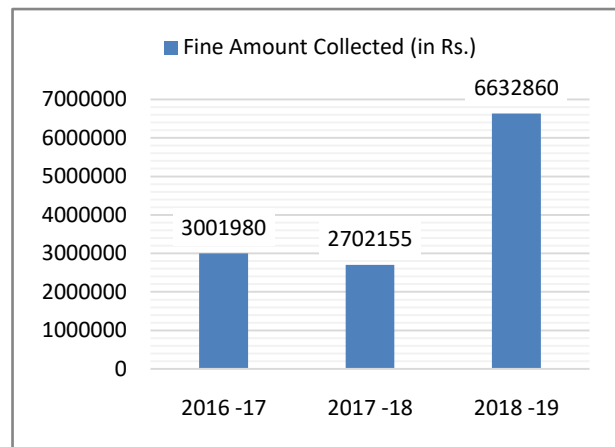
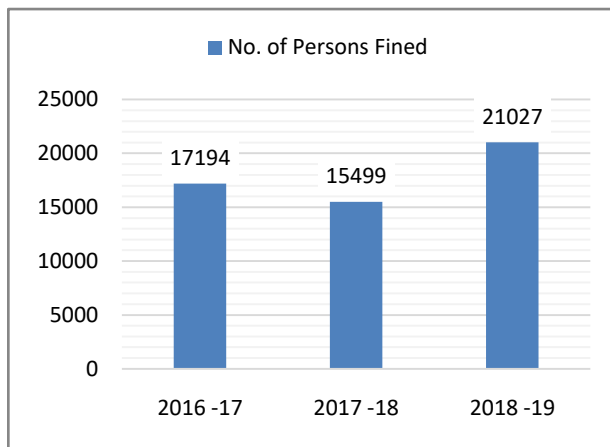
⁴https://tiss.edu/uploads/files/31_TN.pdf

The Violation of Sections 4 & 6 of COTPA, 2003 in Tamil Nadu from 2016 to 2019 and Chennai From 2008 to 2019 has given below:

The following table - 1 represents that the violation of the provisions of Section - 4 of Cigarettes and Other Tobacco Products Act 2003, in Tamil Nadu from 2016 - 2019.

| Year | Name of the State | Section – 4 | |
|-----------|-------------------|----------------------|---------------------------|
| | | No. of Persons Fined | Amount Collected (in Rs.) |
| 2016 - 17 | Tamil Nadu | 17194 | 3001980 |
| 2017 - 18 | Tamil Nadu | 15499 | 2702155 |
| 2018 - 19 | Tamil Nadu | 21027 | 6632860 |

Source: Press Information Bureau, Government of India, Ministry of Health and Family Welfare, Implementation of Smoking Ban at Public Places, December, 2019.

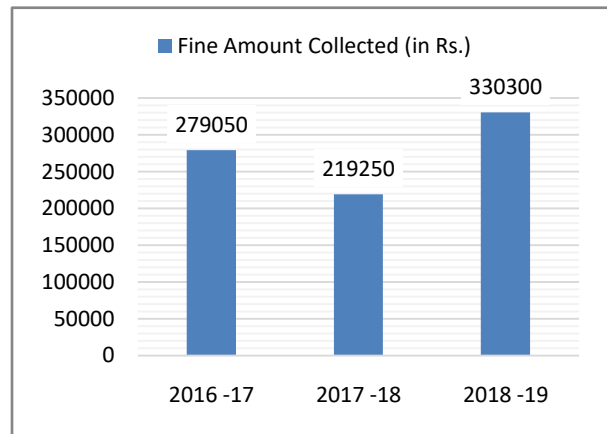
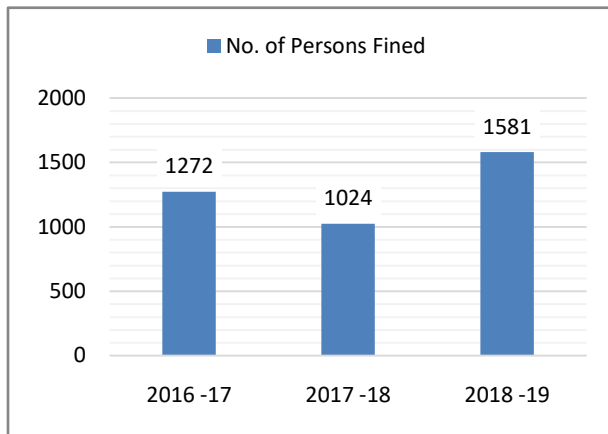


Therefore, 53,720 persons fined in Tamil Nadu for the violation of the COTPA, 2003 provisions of Section - 4 (prohibition of smoking in any public place) and Rs. 12,336,995 fine amount collected for the violation from 2016 to 2019. Comparatively last three years in Tamil Nadu, the highest number of violations held in the year 2018 - 19.

The following table - 2 represents that the violation of the provisions of Section – 6 (a) of Cigarettes and Other Tobacco Products Act 2003, in Tamil Nadu from 2016 - 2019.

| Year | Name of the State | Section-6(a) | |
|-----------|-------------------|----------------------|---------------------------|
| | | No. of Persons Fined | Amount Collected (in Rs.) |
| 2016 - 17 | Tamil Nadu | 1272 | 279050 |
| 2017 - 18 | Tamil Nadu | 1024 | 219250 |
| 2018 - 19 | Tamil Nadu | 1581 | 330300 |

Source: Press Information Bureau, Government of India, Ministry of Health and Family Welfare, Implementation of Smoking Ban at Public Places, December, 2019.

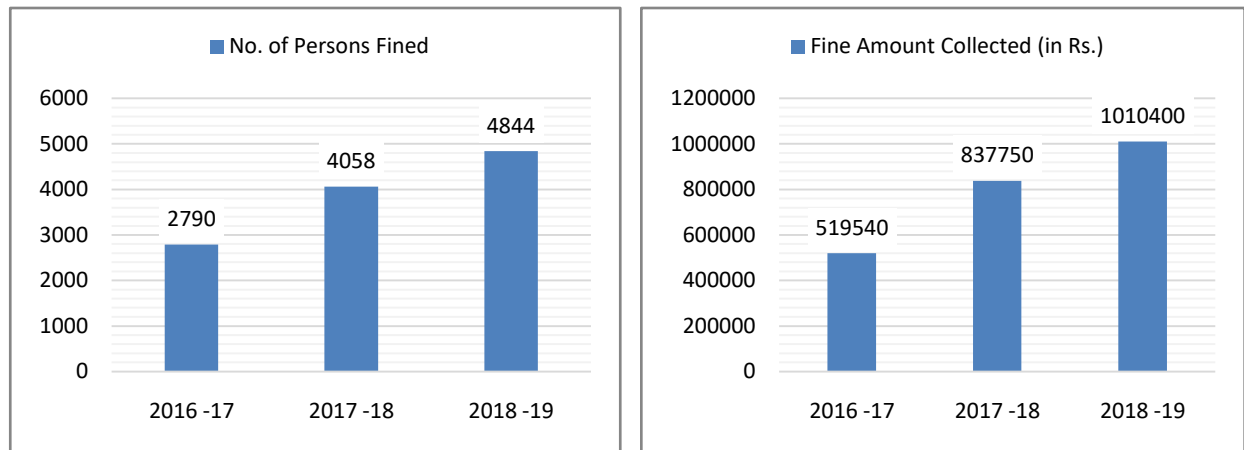


Therefore, 3,877 persons fined in Tamil Nadu for the violation of the COTPA, 2003 provisions of Section - 6 (a) (Prohibition on sale of cigarettes or other tobacco products to any person below the age of eighteen years) and Rs. 8,28,600 fine amount collected for the violation from 2016 to 2019. Comparatively last three years in Tamil Nadu, the highest number of violations held in the year 2018 - 19.

The following table - 3 represents that the violation of the provisions of Section – 6 (b) of Cigarettes and Other Tobacco Products Act 2003, in Tamil Nadu from 2016 - 2019.

| Year | Name of the State | Section-6(b) | |
|-----------|-------------------|----------------------|---------------------------|
| | | No. of Persons Fined | Amount Collected (in Rs.) |
| 2016 - 17 | Tamil Nadu | 2790 | 519540 |
| 2017 - 18 | Tamil Nadu | 4058 | 837750 |
| 2018 - 19 | Tamil Nadu | 4844 | 1010400 |

Source: Press Information Bureau, Government of India, Ministry of Health and Family Welfare, Implementation of Smoking Ban at Public Places, December, 2019.

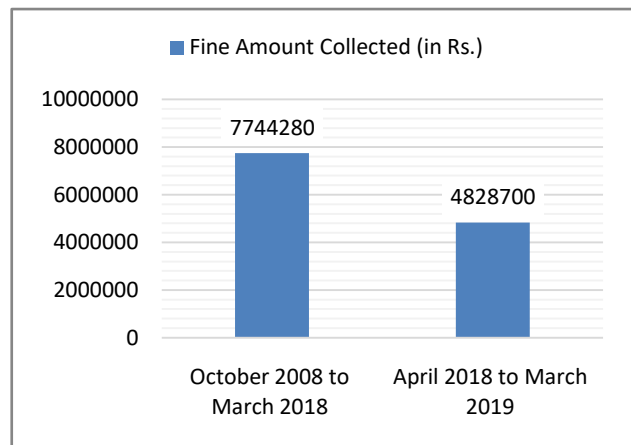
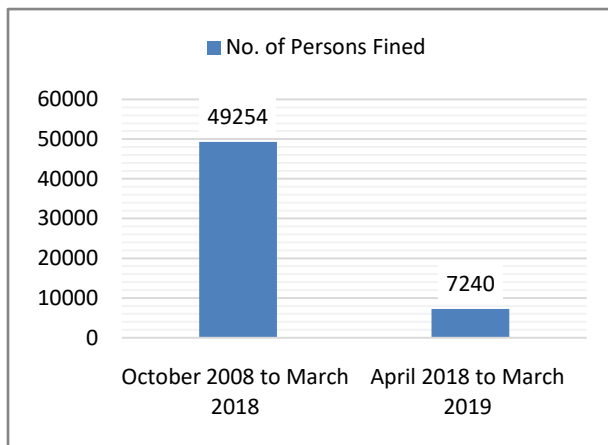


Therefore, 11,692 persons fined in Tamil Nadu for the violation of the COTPA, 2003 provisions of Section - 6 (b) (Prohibition on sale of cigarettes or other tobacco products in an area within a radius of one hundred yards of any educational institution) and Rs. 2,367,690 fine amount collected for the violation from 2016 to 2019. Comparatively last three years in Tamil Nadu, the highest number of violations held in the year 2018 - 19.

The following table - 4 represents that the violation of the provisions of Section- 4 of Cigarettes and Other Tobacco Products Act 2003, in Chennai from 2008 - 2019.

| Year | Name of the District | Section - 4 | |
|----------------------------|----------------------|----------------------|--------------------------------|
| | | No. of Persons Fined | Fine Amount Collected (in Rs.) |
| October 2008 to March 2018 | Chennai | 49254 | 7744280 |
| April 2018 to March 2019 | Chennai | 7240 | 4828700 |

Source: State Tobacco Control Cell, Tamil Nadu.

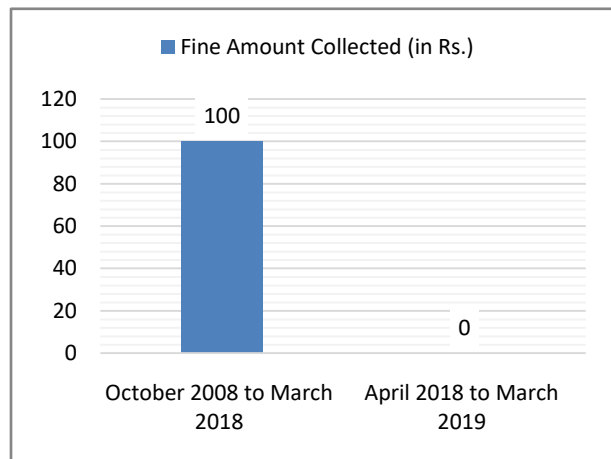
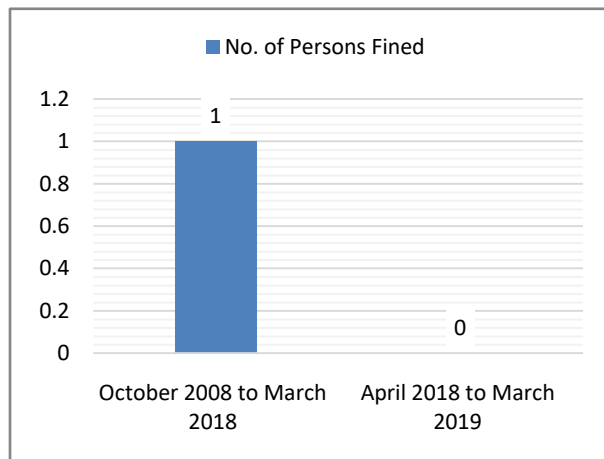


Therefore, 56,494 persons fined in Chennai for the violation of Section 4 of COTPA 2003, and Rs. 12,572,980 fine amount collected for the violation from October 2008 to March 2019. In Tamil Nadu, Chennai itself almost 34.43 percent of persons fined and 72.79 percent of fine amount collected and from April 2018 to March 2019.

The following table - 5 represents that the violation of the provisions of Section – 6 (a) of Cigarettes and Other Tobacco Products Act 2003, in Chennai from 2008 - 2019.

| Year | Name of the District | Section - 6 (a) | |
|----------------------------|----------------------|----------------------|--------------------------------|
| | | No. of Persons Fined | Fine Amount Collected (in Rs.) |
| October 2008 to March 2018 | Chennai | 1 | 100 |
| April 2018 to March 2019 | Chennai | 0 | 0 |

Source: State Tobacco Control Cell, Tamil Nadu.

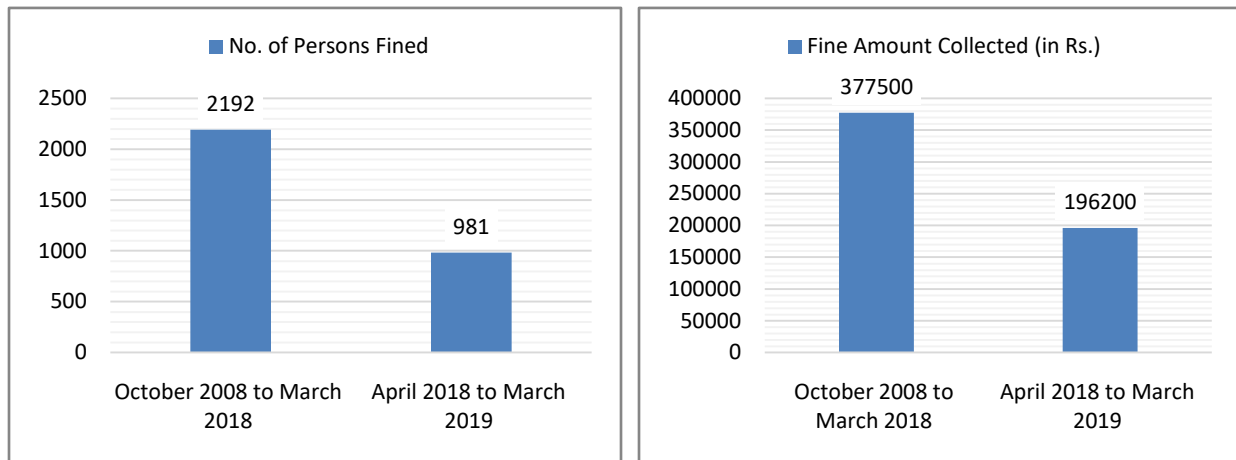


Therefore, only one person fined in Chennai for the violation of the COTPA, 2003 provision of Section - 6 (a) Prohibition on sale of cigarettes or other tobacco products to any person below the age of eighteen years from October 2008 to March 2019.

The following table - 6 represents that the violation of the provisions of Section – 6 (b) of Cigarettes and Other Tobacco Products Act 2003, in Chennai from 2008 - 2019.

| Year | Name of the District | Section - 6 (b) | |
|----------------------------|----------------------|----------------------|--------------------------------|
| | | No. of Persons Fined | Fine Amount Collected (in Rs.) |
| October 2008 to March 2018 | Chennai | 2192 | 377500 |
| April 2018 to March 2019 | Chennai | 981 | 196200 |

Source: State Tobacco Control Cell, Tamil Nadu.



Therefore, 3,173 persons fined in Chennai for the violation of Section 6 (b) of COTPA 2003, and Rs. 5,73,700 fine amount collected for the violation from October 2008 to March 2019. In Tamil Nadu, Chennai itself almost 20.25 percent of the persons fined and 19.41 percent of fine amount collected and from April 2018 to March 2019.

Conclusion

In Tamil Nadu, there is a considerable need for strengthening the implementation of the provisions of the Cigarettes and Other Tobacco Products Act (COTPA) 2003, especially on the provision of Sections 4 and 6. The Ministry of Health and Family Welfare of the state regulates the Implementation gap at the district level. Also, they focus on coordination with the other sectoral like educational, police, medical, and legal officers should be enforced and

sensitized the provisions. The Ministry of Health and Family Welfare consecutively regulates the tobacco act provisions like increasing the taxes and controlling illegal imports of cigarettes banned production and sale of e-cigarettes and other similar products. However, there is a need for creating public awareness about the violation of the Provision and the harmful effects of cigarette smoking and usage of other tobacco products. The study shows that the number of violations of the Provision of Sections 4 and 6 of COTPA, 2003 at Tamil Nadu is higher in India. However, Compare to Kerala, Karnataka, Gujarat, Rajasthan, Punjab, and Himachal Pradesh. In Tamil Nadu, Chennai has more number of violations noted from 2018 to 2019. The State Government needs to improve the advertisement of toll - free helpline number for voluntary compliance and take necessary action against the violators. The Government should encourage and coordinate with the non- governmental organization, association, and voluntary organization to increased public health awareness for the harmful effects of tobacco and campaign to control the violation. Finally, the State tobacco cell needs to appoint more government officials to monitor and enforce the provisions.

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