



School of Public Health
AIIMS Jodhpur

COMPLIANCE STUDY FOR CIGARETTE AND OTHER TOBACCO PRODUCTS ACT (COTPA) IN RAJASTHAN

SCHOOL OF PUBLIC HEALTH, AIIMS JODHPUR

ASSESSMENT REPORT
JANUARY 2024





HOW TO CITE

Compliance Study for Cigarette and other Tobacco Products Act (COTPA) in Rajasthan: School of Public Health, AIIMS Jodhpur, India; 2024 January. Available from: <http://treesphaiimsjdj.org/reports>

AIIMS Jodhpur acknowledges that this document has been produced with the help of SRKPS, Rajasthan.

CONTRIBUTORS

SCHOOL OF PUBLIC HEALTH

ALL INDIA INSTITUTE OF MEDICAL SCIENCES, JODHPUR

Dr. Pankaj Bhardwaj

School of Public Health & Community Medicine and Family Medicine
AIIMS Jodhpur

Dr. Nitin Kumar Joshi

School of Public Health
AIIMS Jodhpur

Dr. Yogesh Kumar Jain

School of Public Health & Community Medicine and Family Medicine
AIIMS Jodhpur

Mr. Amandeep Parmar

School of Public Health
AIIMS Jodhpur




TABLE OF CONTENT

| | <i>Page No.</i> |
|---|-----------------|
| <i>Background</i> | 02 |
| <i>Objectives</i> | 02 |
| <i>Methodology</i> | |
| <i>Section 4 (Prohibition on public smoking)</i> | 03 |
| <i>Section 5 (Prohibition of advertisement of cigarettes and other tobacco products).</i> | 04 |
| <i>Section 6 (prohibition of sale to minors and near educational institutions).....</i> | 05 |
| <i>Section 7 (Health warnings and loose sale of tobacco products)</i> | 06 |
| <i>Results and Inferences</i> | |
| <i>Section 4 (Prohibition on public smoking)</i> | 07 |
| <i>Section 5 (Prohibition of advertisement of cigarettes and other tobacco products).</i> | 07 |
| <i>Section 6 (Prohibition of sale to minors and near educational institutions).....</i> | 08 |
| <i>Section 7 (Health warnings and loose sale of tobacco products)</i> | 09 |
| <i>Table 1: District-wise findings for Compliance of COTPA Sections 4, 5, 6 and 7</i> | 10 |
| <i>Limitations</i> | 12 |
| <i>Annexures</i> | |
| <i>Annexure A</i> | 13 |
| <i>Annexure B</i> | 14 |
| <i>Annexure C</i> | 15 |
| <i>Annexure D</i> | 16 |

BACKGROUND

Tobacco consumption is the single largest preventable cause of death and disability worldwide and is a recognised public health concern of global proportions. More than 80% of the tobacco users live in low- and middle-income countries contributing to over two-thirds of the global mortality and morbidity.

The Government of India enacted the Cigarettes and Other Tobacco Products Act (COTPA), 2003, with specific objectives to prohibit the advertising, trade and commerce, manufacture, supply, and distribution of tobacco products in the country. This act contains various sections stating prohibition of smoking in public places, prohibition the advertisement of tobacco products sale to anyone under the age of 18 as well as restriction of sale in specified areas and trade and commerce restrictions including inclusion of graphic health warnings. While promulgation of a law is usually a onetime process, its implementation is a continuous and ongoing process with monitoring of compliance an integral component to ensure enforcement.

Rajasthan is a state known for a low age of initiation amongst the tobacco users and a higher consumption prevalence than the national average. Nevertheless, the state has been recognised for its novel and groundbreaking initiatives towards tobacco control including the excellence in tobacco control awarded by the WHO.

In this context, School of Public Health in collaboration with Shikshit Rojgar Kendra Prabandhak Samiti (SRKPS), conducted a field-based survey to assess the compliance towards COTPA across 13 districts of Rajasthan, namely, Alwar, Baran, Bundi, Chittorgarh, Dausa, Jaipur, Jalore, Jhalawar Jodhpur, Kota, Nagaur, Pali and Sikar.

STUDY OBJECTIVES

- To assess the district-wide compliance of section 4, prohibiting the public use of tobacco products.
- To assess district-wide compliance of Section 5, ensuring Tobacco Advertising, Promotion, and Sponsorship (TAPS) free environment.
- To validate compliance of educational institutions with Section 6, with special attention to the accessibility in and around the educational institutions and sale to minors at points of sale.
- To evaluate adherence to Section 7, ensuring that tobacco products comply fully with pack warning rules.

METHODOLOGY

An observational cross-sectional study was conducted survey to assess the compliance towards COTPA across 13 districts of Rajasthan, namely:

1. Alwar
2. Baran
3. Bundi
4. Chittorgarh
5. Dausa
6. Jaipur
7. Jalore
8. Jhalawar
9. Jodhpur
10. Kota
11. Nagaur
12. Pali
13. Sikar

A checklist of indicators for assessment of compliance towards COTPA sections 4, 5, 6 and 7 was developed from the enacted law and provisions under COTPA for the purpose of compliance assessment. Cluster sampling was done to ensure generalisability and representativeness from the rural and urban wards of the identified priority districts.

For each section of COTPA, hotspots were identified and following checklist was considered for observational data collection to assess compliance:

Section 4 (Prohibition on public smoking)

Location: Public places such as Railway Station, Airport, Bus Station, Public Park, Street Food (Eating) Place, Market, Restaurant, Hotel and Government Offices.

- Any evidence of public smoking
- Display of no smoking signage at entrances and in format prescribed under COPTA:
 - o Size (minimum size of 60×30 cm)
 - o Text ("tobacco smoking is harmful to your health and the health of non-smokers" in English and Indian Language)
 - o Design (15cm outer diameter circle with a 3cm wide red perimeter, featuring a black smoke-filled cigarette or beedi, crossed by a red band)
 - o Contact details of reporting person written

- o Text ("tobacco smoking is harmful to your health and the health of non-smokers" in English and Indian Language)
- Anyone found smoking at the time of visit and smoking evidences (ash, ashtrays, smell etc)
- In case of restaurants and hotels, designated smoking areas present with proper specifications.
 - o Exhaust to outside
 - o Automatic closing door
 - o Isolated from the rest of the public
 - o Not utilized for any other purpose
 - o Distinctively marked as "Smoking Room" in English
 - o Distinctively marked as "Smoking Room" in local language

Section 5 (Prohibition of advertisement of cigarettes and other tobacco products)

Location: Tea Stalls, Local Shop, Street Vendor, Market, Bus Station, Railway Station

- Whether any tobacco product advertisements
- Type and number of advertisements and any violations to specifications
 - o Size exceeding 60X45 cm
 - o Board is illuminated or backlit
 - o Board displays brand pack shot or brand name of tobacco products
 - o Board shows any promotional message or picture
- Health warning in prescribed format as mentioned in COTPA
 - o White Board with black letters
 - o Print on Uppermost Portion
 - o Local Indian Language
- Any sponsorship or promotion of events, gifts, coupons, activities, or competitions by tobacco product manufacturers observed

Section 6 (Prohibition of sale to minors and near educational institutions)

Subsection 6a conducted along with section 7

- Display of signage stating no sale of tobacco to minors
- Display signage as per the specifications
 - o Size i.e. 30cms x 60cms
 - o Indian Language
 - o Size of picture area (50% of the board)
 - o Size of text Size (50% of the board)
 - o Text as per law ("sale of tobacco products to a person below the age of eighteen years is a punishable offence")
- Sale of tobacco products by a minor and to a minor
- Enquire made by vendors to see age-proof in under-age/youth borderline cases
- Tobacco products are prominently displayed and visible

Location: 6b to be conducted in and around educational institution

- Sale of tobacco products within 100 meters of radial distance from the institute's main gate
- No smoking sign in the institute, and in prescribed format
 - o Text ("Sale of cigarettes and other tobacco products in an area within a radius of 100 yards of an educational institution is strictly prohibited and that it is an offence punishable")
 - o Fine (upto 200 rupees)
 - o Reporting Officer name
- Sale inside campus
- Anyone found smoking in the campus, along with any smoking aids/evidences

Section 7 (Health warnings and loose sale of tobacco products)

Location: Tobacco Points of Sale – Local Shops, Tea Stalls, Street Vendors, Bus Station, Railway Station, Market

- Health warnings present
- Health warnings in prescribed manner as per COTPA
 - o Clearly visible and not concealed or distorted
 - o Warning covered 85% of the package are on both sides
 - o Latest picture is available on packages as per the government
 - o Quit line no. & text warning covered 25% of the package on both sides
- No misleading or false claims about the benefits of tobacco use are present in any advertisements
- Sale of loose bidi or cigarette sticks observed
- Sale of Zarda with Pan masala (twin packs) observed

Surveyors were provided trainings and instructed to collect google-form based observational data in a non-inquisitive manner (no interviews with any individuals) and solely based on observations at specified locations and in case any observer was asked any question regarding the activity, they were advised to describe the study objectives in clear and concise manner. Along with the observational checklists, photographs were taken from each observational site featuring compliance, violation or any other specific findings. Quantitative assessment of the results was performed to determine the status of smoke free compliance, TAPS free environment, ToFEI implementation and PHW conformity.

RESULTS AND INFERENCES

The quantitative analysis as per the observational checklists have been summarised as per the study objectives into sections 4-7 of COTPA.

Section 4 (Prohibition on public smoking)

A total of 10 locations (5 rural and 5 urban) in each of the 13 districts were visited.

From each district, 1 railway station, 1 bus stand, 2 public parks, 2 tea stalls, 2 government offices, 2 restaurant/hotel and 1 airport (optional) were targeted for the visits.

- 93 visited sites (72%) places had a display of prescribed “No-smoking signage”.
- Out of all 27 railway stations (13), bus stands (13) and airport (1), 26 (96.3%) had signages. One of the bus stands did have a warning mentioned, but not in the prescribed format.
- All 26 government offices (100%) had compliant signages, and of the observed 26 restaurants, 24 (92.3%) had prescribed warnings.
- Of the observed 26 public parks, 9 (34.6%) did not have any signs prohibiting public use of tobacco, neither did any of the tea stalls were found to have any such displays.
- Public smoking was observed at 21 locations (16%), including 3 incidents at bus stand, while evidence of past smoking through cigarette butts or bidi stubs were found at 11 (8%) other places, including 1 incident of a bus stand. However, these places were mostly market places and tea stalls.
- No violation in terms of smoking designated areas in under 30 persons capacity were observed.

(Annexure A)

Section 5: (Prohibition of advertisement of cigarettes and other tobacco products)

Total of 10 location from each district, (5 rural and 5 urban) were targeted for the visits, including tea stalls, local shop selling groceries, street vendors, market areas, bus station and railway station.

- Advertisement of tobacco products observed at 14 locations (11%). Violation of advertisement norms were observed in all 14 locations.
- Of the 14 advertisements, only 6 (42.9%) had specified health warnings while amongst those, only 5 (35.7%) had health warnings as per the norms.
- No promotion, sponsorship, events or activities were observed in any of the districts.
- It may be noted, that surrogate advertisements of similar brands with and without health warnings were observed in most of the districts in billboards as well as wall posters.

(Annexure B)

Section 6 (Prohibition of sale to minors and near educational institutions)

The compliance of Sub-section 6a was carried out along with section 7 at tobacco points of sale, while for sub-section 6b, visits were made to 4 educational institutions, 2 each in rural and urban regions of the district.

Sub-Section 6a

- Display of the mandated warnings stating no sale to minors were observed in 125 locations (96%).
- While no event of sale by the minors was observed, two locations in two separate districts were observed to be selling to a minor.
- Although no borderline cases were observed, the surveyors from 2 districts reported vendor not bothered to check the age proofs.
- No vending machines selling tobacco products were observed in any of the districts.
- Additionally, hazy and unclear warning (but in the government mandated format) were observed in 1 district and general stores were also observed selling smokeless tobacco products in most of the districts.

Sub-Section 6b

- Sale of tobacco products were found within the 100 yards radius of 11 (21%) (out of 52) institutions.
- No smoking signage were displayed at the entrance of 31 (60%) institutions. All the signages that were present were as per the mandate of the COTPA.
- None of the districts had any point of tobacco sale within the educational institutions.
- One of the institutions was reported to have someone smoking at the time of visit within the premises of the institute, while evidences related to smoking done recently were found in 9 (17%) institutions.

(Annexure C)

Section 7 (Health warnings and loose sale of tobacco products)

10 location (5 rural and 5 urban) from each district were selected to include tobacco Points of Sale such as Pan shops, Local Shops, Tea Stalls and Street Vendors.

- 5 shops (4%) were observed to have tobacco advertisements within 1 meter of the cashier's counter.
- Health warnings were observed on products seen at 125 locations (96%) while 121 out of those had health warnings mandated by the government (93%).
- Tobacco advertisements with misleading claims such as related to the sold products were observed at 6 spots (5%)
- Sale of loose bidi and cigarettes were observed at 20 points of observations (15%) while sale of twin packs including guthkha were observed at 8 locations (6%).

(Annexure D)

Detailed district-wise findings as per the observational checklists are enumerated in Table 1.

Table 1: District-wise findings as per the observational checklists for COIPA Sections 4, 5, 6 and 7

| | Consolidated | Alwar | Baran | Bundi | Chittorgarh | Dausa | Jajpur | Jalore | Jhalawar | Jodhpur | Kota | Nagaur | Pah | Sikar |
|--|--------------|---------|----------|----------|-------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) | N (%) |
| Section 4 | | | | | | | | | | | | | | |
| Display of prescribed No Smoking Signage | 93 (72%) | 8 (80%) | 5 (50%) | 6 (60%) | 7 (70%) | 6 (60%) | 7 (70%) | 7 (70%) | 8 (80%) | 8 (80%) | 8 (80%) | 7 (70%) | 8 (80%) | 8 (80%) |
| Display of signages (locations excluding parks and tea stalls) | 78 (99%) | 5 (83%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) | 6 (100%) |
| Public smoking observed | 21 (16%) | 2 (20%) | 1 (10%) | 0 (0%) | 5 (50%) | 0 (0%) | 2 (20%) | 2 (20%) | 5 (50%) | 1 (10%) | 0 (0%) | 1 (10%) | 0 (0%) | 2 (20%) |
| Smoking evidences seen (smell/cigarette butts and bidi stubs) | 11 (8%) | 2 (20%) | 2 (20%) | 0 (0%) | 0 (0%) | 1 (10%) | 2 (20%) | 0 (0%) | 2 (20%) | 0 (0%) | 1 (10%) | 1 (10%) | 0 (0%) | 0 (0%) |
| Non-compliance of 30 person limit for restaurant/hotel smoking area | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Section 5 | | | | | | | | | | | | | | |
| Advertisement of tobacco products | 14 (11%) | 1 (10%) | 2 (20%) | 0 (0%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 2 (20%) | 2 (20%) | 1 (10%) | 2 (20%) | 0 (0%) | 1 (10%) |
| Violation of Tobacco Advertisement Norms (Size/warnings/pack shot) | 14 (11%) | 1 (10%) | 2 (20%) | 0 (0%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 2 (20%) | 2 (20%) | 1 (10%) | 2 (20%) | 0 (0%) | 1 (10%) |
| Health warnings mentioned | 6 (5%) | 1 (10%) | 0 (0%) | 0 (0%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 1 (10%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 1 (10%) |
| Health warnings as per norms | 5 (4%) | 1 (10%) | 0 (0%) | 0 (0%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 1 (10%) |
| Any promotion, sponsorship, events observed | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Advertisements featuring celebrities or minors | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |

| | | | | | | | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Section 6a | | | | | | | | | | | | |
| Display of mandated signage prohibiting sale to minors | 125 (96%) | 8 (80%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) |
| Sale of products by minors | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Sale of products to minors | 2 (2%) | 1 (10%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 10 (10%) | 0 (0%) |
| Tobacco products sold through vending machines | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Section 6b | | | | | | | | | | | | |
| Sale within 100 meters of EI | 11 (21%) | 2 (50%) | 1 (25%) | 2 (50%) | 2 (50%) | 2 (50%) | 2 (50%) | 1 (25%) | 1 (25%) | 0 (0%) | 1 (25%) | 1 (25%) |
| Display of No Smoking sign at the entrance | 31 (60%) | 4 (100%) | 2 (50%) | 2 (50%) | 4 (100%) | 3 (75%) | 2 (50%) | 2 (50%) | 3 (75%) | 2 (50%) | 2 (50%) | 2 (50%) |
| No smoking sign as mandated under COTPA | 31 (60%) | 4 (100%) | 2 (50%) | 2 (50%) | 4 (100%) | 3 (75%) | 2 (50%) | 1 (25%) | 2 (50%) | 2 (50%) | 2 (50%) | 2 (50%) |
| Sale within campus | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Someone found smoking within campus | 1 (2%) | 0 (0%) | 0 (0%) | 1 (25%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Smoking evidences within campus | 9 (17%) | 2 (50%) | 1 (25%) | 1 (25%) | 2 (50%) | 0 (0%) | 1 (25%) | 1 (25%) | 0 (0%) | 0 (0%) | 0 (0%) | 1 (25%) |
| Section 7 | | | | | | | | | | | | |
| Advertisement within 1 meter of cashier counter | 5 (4%) | 2 (20%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 1 (10%) | 0 (0%) |
| Products with health warning found | 125 (96%) | 10 (100%) | 8 (80%) | 10 (100%) | 10 (100%) | 10 (100%) | 9 (90%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 8 (80%) |
| Prescribed health warning observed (size/picture/text/outline) | 121 (93%) | 10 (100%) | 7 (70%) | 9 (90%) | 10 (100%) | 10 (100%) | 9 (90%) | 10 (100%) | 10 (100%) | 10 (100%) | 10 (100%) | 8 (80%) |
| Misleading claims or benefits found | 6 (5%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 1 (10%) | 1 (10%) |
| Sale of loose bidi/cigarettes | 20 (15%) | 2 (20%) | 2 (20%) | 3 (30%) | 2 (20%) | 2 (20%) | 3 (30%) | 2 (20%) | 1 (10%) | 1 (10%) | 2 (20%) | 0 (0%) |
| Sale of twin packs (guthkha) observed | 8 (6%) | 1 (10%) | 1 (10%) | 1 (10%) | 1 (10%) | 2 (20%) | 1 (10%) | 0 (0%) | 0 (0%) | 1 (10%) | 0 (0%) | 0 (0%) |

LIMITATIONS

- All the observations were conducted during afternoon office hours and may over represent the compliance levels owing to the violations in absence of law enforcers, especially during early morning and late-night hours.
- The observation of section 6 (sub section b) may be a slightly skewed and an underestimation of compliance as the observations were taken from a mix of professional level academic institutions as well as schools from various districts. While majority of schools were ToFEI complaint, many of the professional institutions had tobacco stalls near the periphery or lack of no tobacco signages.
- Few of the compliances such as sale to minors, sale of twin packs and loose cigarettes could not be reported with photographic evidences due to potential safety concerns for the surveyors and rely on the verbatim reporting by the observers.

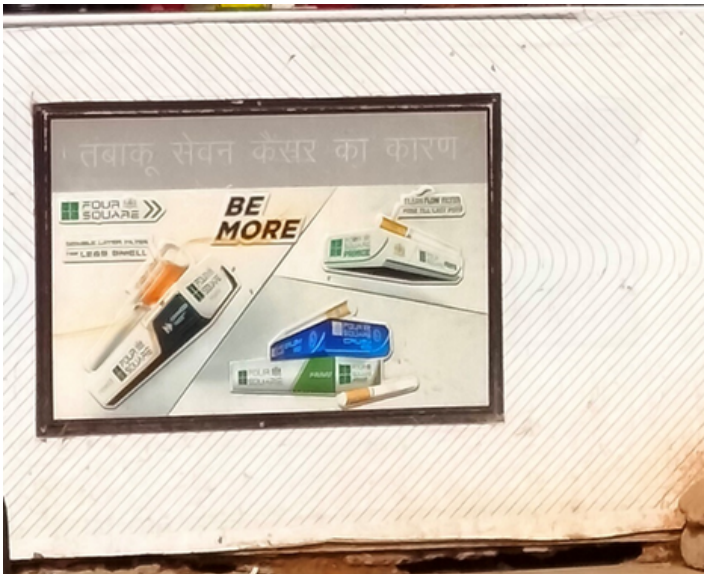
ANNEXURE A

Photographs for in con text to the compliance assessment of COTPA Section 4



ANNEXURE B

Photographs for in context to the compliance assessment of COTPA Section 5



ANNEXURE C

Photographs for in context to the compliance assessment of COTPA Section 6



ANNEXURE D

Photographs for in context to the compliance assessment of COTPA Section 7





