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Original Article

Compliance of Cigarettes and Other Tobacco Products Act among Tobacco Vendors, Educational Institutions, and Public Places in Bengaluru City

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Abstract

Background: Tobacco has been the arch criminal of most head-and-neck cancers in the world. Many laws have been implemented to control this menace, but still this slow poison persists. Effectiveness of these laws has always been a matter of concern to the authorities. The present study was conducted to observe the compliance of Cigarettes and Other Tobacco Products Act (COTPA) among public places, educational institutions, and tobacco vendors in Bengaluru city. **Methodology:** A cross-sectional, observational study was done to assess the violations at public places, educational institutions, and tobacco vendors. Violations for Sections 4, 5, 6, and 7 of COTPA were assessed from 25 each of these places in the eight zones of Bengaluru city. The study areas were chosen by convenience sampling method, and using a questionnaire, the violations were recorded. Data were analyzed in Microsoft Excel to find out the percentage of violations. **Results:** The COTPA Sections 4 and 5 violation was 134 (67%) and 94 (47%), respectively. A total of 124 (62%) of the educational institutions had tobacco vendors within 100 yards, and only 30 (15%) had signboard for the prohibition of tobacco use. Around 14 tobacco vendors had beedis without proper pictorial warning with them which violated Section 7 of COTPA. **Conclusion:** For proper implementation of COTPA laws, we should create awareness about the laws, what amounts to violations and also the health hazards to tobacco use among general population. The law enforcing personnel should act on those who violate the law. There is a need for a sensitization workshop and advocacy for all the stakeholders.

Keywords: *Compliance, jurisprudence, tobacco*

Introduction

Tobacco is a major risk factor for cancer and other noncommunicable diseases.[1,2] India is the second largest consumer and the third largest producer of tobacco in the world.[3] Tobacco cultivation leads loss of fertility of the land, where other crops cannot be grown, and is also associated with the environmental damage.[4-6] Tobacco is a cash-rich crop and contributes roughly to 2% of central tax revenue. Many individuals are employed in the tobacco industry, beginning from cultivation, processing, manufacturing, and marketing. Around 7 million workers are directly or indirectly involved in it.[7] Hence, the cultivation and use of tobacco cannot be banned suddenly but have to be done in a phased manner, providing alternative cash-rich crops to farmers and alternate employment to workers employed in tobacco industry.

There are various laws and legislation for tobacco control in India.[8] The Cigarettes and Other Tobacco Products Act (COTPA) was formed in 2003. This Act includes (a) Section 4: prohibition of smoking in public places; (b) Section 5: prohibition of advertisement of cigarettes and other tobacco products; (c) Section 6: prohibition of sale of cigarette or other tobacco products below the age of 18 years and in a particular area; and (d) Section 7: prohibition on trade and commerce in and production, supply, and distribution of cigarettes and other tobacco products.[9]

Even with the presence of laws and penalty for violations, the tobacco consumption is increasing in India. About 34.6% of Indian population consume tobacco.[10] It is seen that the laws are not implemented properly in many cities and there are a lot of violations happening.

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This study was designed to find out the violations of COTPA at public places, near educational institutional, and at source of sale (vendors) in Bengaluru city.

Methodology

This is a cross-sectional, observational study conducted in Bengaluru city at three places as follows: (1) in and around educational institution, (2) among the vendors, and (3) in public places.

In this study, "public place" was defined according to the COTPA 2003 as "places" which have public access, whether as of right or not, and includes railway waiting rooms, hospital buildings, restaurants, court buildings, public offices, cinema halls, amusement centers, workplaces, shopping malls, libraries, educational institutions, and public conveyances.

Bengaluru city was divided into eight zones as per Bruhat Bengaluru Mahanagara Palike, and from each zone, 25 vendors, educational institution, and public places were observed by convenient sampling for any violations of COTPA laws. Hence, a total of 200 public places, vendors, and educational institutions each were selected from Bengaluru city. The educational institution was manually mapped, and all the tobacco products selling vendors within 100 yards distance were listed and observed for any violation of COTPA laws. The following were considered as violations of COTPA 2003.

Section 4

a. Smoking in public places
b. No signage in public places.

Section 5

- Advertisements in tobacco shops
- Presence of hoarding advertising tobacco products, larger than (60 cm × 45 cm) at point of sale and more than two boards at point of sale
- Illuminated or backlit board at the point of sale
- Advertisements of tobacco products.

Section 6

a. Sale of any tobacco products by any person who is under 18 years of age
b. Shops not displaying the specified signage to prohibit sale
c. Sale of tobacco in any form around educational institutions
d. Absence of appropriate signage in educational institutions.

Section 7

a. Absence of pictorial warning messages in locally made and sold retail packages of any tobacco product
b. Health warnings do not cover 85% of the principal display area in the front panel of the tobacco pack
c. None of the elements of the specified warning are covered or hidden in any manner when the package is sealed or opened
d. Use of misleading terms on packs such as mild/lights/low tar so as to mislead the consumer about the sale of tobacco.

Ethical approval was obtained from the Institutional Ethics Committee, and the vendors signed informed consent for the participation in the study after receiving explanation of the study protocols. All vendors' identity is kept confidential, and no data regarding the vendor's identity were shared with other persons.

Inclusion criteria

- Shop vendors selling tobacco and tobacco-related products
- Shop vendors around educational institutions
- Public places as per the COTPA law
- Educational institutions in Bengaluru city.

Exclusion criteria

- Shop vendors not willing to participate in the study.

Results

A total of 200 educational institutions, 200 public places, and 200 vendors were observed for COTPA laws violations.

Based on this study, we found that Sections 4, 5, 6, and 7 of COTPA were violated in Bengaluru city. Violations of COTPA found in and around educational institutions, at tobacco vendors and in Public places are mentioned in Tables 1-3 respectively. Around 67% of the public places observed had violation of Section 4 of COTPA in the form of use of tobacco in those areas. Most of the tobacco vendors were aware that there are laws for tobacco, but many of them were unaware of the sections of COTPA. Almost 83.5% of the public places had signboard of no smoking, but 25.74% of those did not have a mention on whom to contact in case of violation of Section 4. Violation of Section 5 was seen in 47% of tobacco retail outlets. Sixty-two percent of the educational institution had tobacco vendors within 100 yards, and 85% of educational institutions did not have boards, suggesting that tobacco use is prohibited within 100 yards in violation with Section 6 of COTPA. Many of the tobacco vendors agreed to have sold tobacco to minors <18 years age. Around 14 tobacco vendors had beedis without proper pictorial warning with them which violated Section 7 of COTPA.

Discussion

In spite of the stringent laws against tobacco and penalty for violations, there is rampant violation of COTPA laws due to poor implementation. In this study, we found that the overall compliance rate of Section 4 of COTPA was 33%; similar studies were conducted by Tripathy *et al.*,

who found a mere 23% compliance of Section 4 of COTPA at a tertiary health-care institution in a smoke-free city of India.[11] In another study done by Goel *et al*. found a very high compliance rate of 92.3% for Section 4 of COTPA in a district of North India.[12] The compliance with Section 4 of COTPA was better in health-care facility and educational institution and was worse in bus stands, railway station, and markets.

In this study, the advertisement at the point of sale had only 53% compliance in accordance with Section 5 of COTPA. Almost 22.5% of tobacco vendors had exhibited more than two display boards; 39.5% of the boards were illuminated, and 42.5% of the boards were larger than the prescribed size as per the Section 5 of COTPA. In similar studies conducted by Chaudhry *et al*., they found that the most common violation of point of sale was the advertisement boards that were larger in size than permitted by law.[13] In another study conducted by Pimple *et al*., they noted that there was only 25.2% compliance for display of health warning boards at the point of sale and nearly 48.6% tobacco vendors exhibited more than two display boards.[14] In a study conducted by Goel *et al*., they found that more than 25% were violating Section 5 of COTPA.[15]

Violation of Section 6 (b) of COTPA was seen around 124 educational institutions. There were 524 tobacco vendors within 100 yards of the educational institution which was a violation of Section 6 (b) of COTPA law. Of these 524 tobacco vendors, 460 (87.78%) of tobacco vendors were aware of the COTPA Section 6 law. Only 30 (15%) educational institutions had a board prohibiting the sale of tobacco within radius of 100 yards; similar study was done by Pimple *et al*., where they found 22 tobacco retail outlets within 100 yards of six educational institutions and none of these six educational institutions had boards displaying sale of tobacco products are prohibited within 100 yards of educational institution.[14] In a study done in Odisha by Panda *et al*., 24.8% of respondents had very often seen tobacco products being sold within 100 yards of educational institution.

Only 14 vendors had tobacco products which were not in accordance with Section 7 of COTPA. All these tobacco products were beedis.

The above findings suggest that the compliance to COTPA is very poor in Bengaluru city.

Table 1: Violations found in and around educational institution (total=200)

Type of violations	COTPA section	*n* (%)
Signboard violation for tobacco use within 100 yards	Section 6 (b)	170 (85)
Signs of tobacco use in campus	Section 4	21 (10.5)
Tobacco vendors within 100 yards of the educational institution		
Nil		76 (38)
1-5 vendors	Section 6 (b)	86 (43)
6-10 vendors		35 (17.5)
>10		3 (1.5)

COTPA – Cigarettes and other Tobacco Products Act

Table 2: Violations of Cigarettes and other Tobacco Products Act laws found at tobacco vendors (total=200)

Type of violations	COTPA section	*n* (%)
Advertisement board violations		
Size violation	Section 5	85 (42.5)
Number violation	Section 5	45 (22.5)
Boards illuminated	Section 5	79 (39.5)
Signage for prohibition of sale of tobacco below 18 years of age	Section 6a	10 (5)
Violations in pictorial warnings seen at tobacco vendors	Section 7	14 (7)

COTPA – Cigarettes and other Tobacco Products Act

Table 3: Violations of Cigarettes and other Tobacco Products Act laws in public places (total=200)

Type of violations	COTPA section	*n* (%)
Active smoking seen	Section 4	122 (61)
Recent smell of tobacco smoke present	Section 4	40 (20)
Cigarette buds/smoked beedis/ tobacco sachets in public places	Section 4	134 (67)
Signage for no smoking area	Section 4	
No		33 (16.5)
Yes		167 (83.5)
Not prominently visible to public		76 (45.50)
Dimensions of signboard not proper		0
In case of violation, no mention of person whom to compliant		43 (25.74)

COTPA – Cigarettes and other Tobacco Products Act

Conclusion

Most of the residents are still not aware of the COTPA laws, what amount for violations and the penalty for it. Even many are unaware about whom to contact or complain in case of there is any violations. Personnel's in law enforcing agencies are also using tobacco. The only way for the proper implementation of COTPA laws would be creating awareness about the laws, what amounts to violations and also the health hazards to tobacco use among general population. The law enforcing personnel should act on those who violate the law with any pressure from anyone. There is a need for a sensitization workshop and advocacy for all the stakeholders. The limitation for this study was that as we chose convenience sampling method, the results could be biased and may not represent the actual percentage of COTPA violation in Bengaluru city, but all efforts were made to reduce such bias.

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Conflicts of interest

There are no conflicts of interest.

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