

COMPLIANCE ASSESSMENT STUDY OF SECTION 4 OF COTPA ACT 2003 AT UDAIPUR CITY, RAJASTHAN

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ABSTRACT

Tobacco use has emerged as one of the foremost causes of preventable death and disease today. Tobacco kills nearly 6 million people globally every year including 600,000 non-smokers through exposure to second-hand tobacco smoke. It poses a greater public health challenge for India. Every day, nearly, 2,200 Indians die due to tobacco. About 8-10 lakh Indians die every year due to Tobacco use. 40 out of 100 cancer cases in India are tobacco related.

The Government of India enacted a comprehensive legislation “Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, supply and Distribution) Act, 2003 to protect the public from harmful effects of tobacco use, especially youth and children.

The objective of the study is to - assess the level of compliance of sections 4 (prohibition of smoking in public places) of COTPA Act with respect to Public places. It is an observational study .Around 160 public places, were observed in Udaipur city of Rajasthan

Keywords Tobacco, smoke, Health, Government, Public place, Youth

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Introduction

Tobacco use is the single most preventable cause of death in the world. Tobacco use kills over 8-10 lakh Indians every year but about 5500 youth take up tobacco consumption every day. Tobacco consumption imposes high health-care and productivity costs across India. Smoking bans (or smoke-free laws) are public policies, including criminal laws and occupational safety and health regulations, which prohibit tobacco smoking in workplaces and other public spaces. Legislation may also define smoking as more generally being the carrying or possessing of any lit tobacco product. The rationale for smoking bans posits that smoking is optional, whereas breathing is not. Therefore, proponents say, smoking bans exist to protect breathing people from the effects of second-hand smoke, which include an increased risk of heart disease, cancer, emphysema, and other diseases.

In the interest of public health, The Ministry of Health & Family welfare had issued a detailed notification dated 30th May, 2008 making rules under the Cigarettes and other Tobacco products (prohibition of Advertisement and Regulation of Trade and Commerce, production, supply and Distribution) Act, 2003 for the prohibition of smoking cigarettes and other tobacco products.

Table 1 Prevalence of Tobacco Use in Rajasthan (Source: GATS 2009:10)

Indicators	Rajasthan	India
Tobacco Use		
Current tobacco use in any Form	32.3	34.6
Current Tobacco Smoking	18.8	14.0
Cigarette smoking	2.8	5.7
Bidi Smoking	16.0	9.2
Current Users of smokeless tobacco	18.9	25.9
Average age at daily initiation of tobacco use	17.3 years	17.9 years
Second Hand Smoke		
% of Adults were exposed to second- hand smoke at home	74.3	52.3
% of adults were exposed to second-hand smoke in public places	40.2	29.0
Media		
Adults who noticed any advertisement or promotion		

For Cigarettes	36.2	28.4
For Bidis	47.4	47.0
For smokeless tobacco	60.7	54.7

Cigarette and Other Tobacco Product Act, 2003 & Prohibition of Smoking in Public Places Rules, 2008

On October 2, 2008, the Indian Government expanded the prohibition on smoking in public places and workplaces to protect individuals from the hazards of second-hand tobacco smoke. Salient features of the rule:

- Restrictions with regard to smoking apply clearly to hotels, restaurants, refreshments rooms, public places etc which would also include workplaces among other places as defined in each category. Section 4 of the act envisage separately ventilated smoking room termed as “Smoking Area”
- The rules provide that the owner, proprietor or the manager of all the public places shall ensure that no person smokes in the prohibited area under his jurisdiction. It also calls for sign board to be displayed at the entrance of the premises on each floor including the staircase and the lift.
- Detailed provisions have been incorporated for strict implementation of the prohibitory orders.
- The manager of the establishment is liable to be fined for any violation by any person of the above prohibition.
- The head of the institution/HR manager/Head of administration has to be designated/authorised to prohibit smoking at offices and workplaces.
- Ashtray, match boxes, lighters or other things designed to facilitate smoking should not be provided at the workplace.

It will be necessary for the managers to display in the establishment prominently, the name of the person to whom complaints can be made in case of violation of the provision of these rules

Profile of Udaipur District

Rulers of Udaipur - The Sisodia dynasty

In 1568, Chittor was attacked by the Mughal emperor, Akbar and to ward off this danger, Udai Singh shifted the whole kingdom to Udaipur. Udaipur was naturally safe under the fortifications made by Aravalli Hills. Since that time, Udaipur developed into a full-fledged city. Slowly when the Mughal Empire undermined, the Sisodias reasserted their freedom. They recaptured most of the parts of Mewar with the exception of the Chittorgarh Fort.

Udaipur continued to be the capital of Mewar, till it became the princely state of British India in 1818. When India got independent in 1947, the Maharaja of Udaipur granted the place to the Government of India. At that time, Mewar was merged into the state of Rajasthan. In the present date, Udaipur enjoys a favorable position on the maps of Rajasthan. Udaipur is known for its picturesque surroundings and its royal past. Various ancient monuments, massive palaces, architectural temples and beautiful lakes fascinate people to visit the ancient land of the Royalty.

The valour and honour of the Sisodia clan is known everywhere - from the pages of history books to the folklore of Rajasthan. "O mother, give me only unto the house of the Sisodias, if you must" says the lines of a popular folk song. The Mewar dynasty is the world's oldest surviving dynasty with a time span of 1,500 years and 26 generations and has outlived eight centuries of foreign domination. Extremely possessive about their culture, tradition and honour, the Sisodias have played an important role in medieval Indian history as tireless upholders of Hindu traditions.

It was in Udaipur that legendary Maharana Pratap was born. Rana Pratap who fought against Emperor Akbar in 1576 is remembered throughout India for his bravery on the battlefield. The rulers of Udaipur never gave any of their women in marriage to the Mughals unlike some of the other royal houses of Rajputana. Maharana Pratap Singh once refused lunch with Raja Man Singh because he had given away his sister in marriage to Prince Salim, later Mughal Emperor Jahangir. Man Singh avenged this insult by defeating Pratap at the battle of Haldighati. Pratap's son Amar Singh made peace with the Mughals but unable to accept his humiliation, he gave up his title in favour of his son Maharana Karan Singh. Amar Singh left Udaipur never to see its landscape again.

Maharana means Great Warrior, and the one from Udaipur is the acclaimed head of all the 36 Rajput clans. The title of Rana was adopted in the 12th century when the Parihara prince of Mandore awarded it to the Prince of Mewar. The Mewar dynasty descends from the sun family and

is hence known as Suryavanshi (descendents of the Sun) with the sun as its insignia. The central shield on the coat of arms depicts a Bhil tribal, the sun, Chittor Fort and a Rajput warrior with a line from the Gita saying 'God helps those who do their duty'. The Maharana of Udaipur is crowned only after being annointed with blood drawn from the palm of a Bhil chieftain, who then leads the Maharana to the throne of Mewar.

Population Statistics of District Udaipur

1. Total population: 30,68,420 (Men: 15,66,801 and Women: 15,01,619): 2011 census
 - Rural: 24,59,994
 - Urban: 06, 08, 426
2. Sex Ratio: Women per 1000 men is 958
3. Total Literacy : 59.77 (Men-84.66 & Women-44.49)

Source:- Udaipur.nic.in

Goal of the study

The main goal of the study is to find out the level of compliance among people and entities such as public places and workplaces with the COTPA act, so as to guide enforcement and public health agencies about where to target enforcement and public education resources to gain the status of “Smoke Free and compliant with COTPA act” city.

Objective of the study

- To measure the level of compliance to Section 4 of COTPA in public places across Udaipur city, Rajasthan.

Purpose of the study

This study shall helps to find out the behaviour abidance of people in different areas like public places, govt offices, private offices, hospitals, educational institutes, bars and pubs, auditoriums, cinema halls, public transport facilities etc in accordance with the COTPA -. This study will also be able to find out the level of compliance of the above mentioned entities with section 4 of COTPA .The results of this study could be used to plan an intervention and for proper implementation of COTPA by enforcement.

Compliance of Section 4 of COTPA: Prohibition of Smoking in Public Places

No person shall smoke in a public place

- Provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.”

A warning board “No Smoking area” has to be displayed by the owner/in charge of the public place. There is certain exemption to this rule; a hotel having thirty rooms can have smoking rooms and designated smoking zone or area whereas in a restaurant having seating capacity of thirty persons or more and in the airports, a separate provisions for smoking area or space may be made.

What are public places?

Section (4) of the COTPA 2003 prohibits smoking in all public places. ‘Public Place’ is defined as any place to which the public has access whether as of right or not and includes all places visited by general public namely auditorium, hospital building, railway waiting room, amusement centers, public offices, court buildings, educational institutions, libraries, coffee houses, canteens, banks, clubs and also open spaces surrounding hotels/restaurants etc .

What are public places supposed to do?

1. Display the signage as per the specification given in the Figure below:

- The board shall be of minimum size of 60 cm x 30 cm of white background;
- It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band;
- The width of the red band across the cigarette shall equal the width of the red perimeter;
- The board shall contain the warning “No Smoking Area- Smoking Here is an Offence”, in English or one Indian language, as applicable;



- e) The board shall be prominently displayed at each entrance of the public place and a conspicuous place(s) inside the building. If there are more than one entrance then at all entrances and exits. If there is more than one floor, at each floor including the stair-case and entrance to the lift at each floor.
- f) Notify and display the name of a person (designated officer) to whom a complaint may be made, in case someone is found violating the law.

2. Ensure that no ashtrays, matches, lighters or other things designed to facilitate smoking are provided.

3. Assigning a responsible officer to whom complaint may be lodged in case anybody is spotted smoking.

Can public places have a separate smoking area?

All public places have to be smoke-free. However, hotels having 30 or more rooms and restaurants having seating capacity of 30 or more and airports may provide a separate designated smoking area.

A smoking area / space

1. Should be used only for the purpose of smoking and no other service(s) shall be allowed.
2. Shall not be established at the entrance or exit of the hotel, restaurant or airport and shall be distinctly marked as 'smoking area' in English and one Indian language as applicable.
3. Physically separated and surrounded by full height walls on all four sides. Having an entrance with automatically closing doors, and is fitted with an exhaust ventilation system which is non re-circulating in nature or an air cleaning system or a combination of two, in such a manner that air does not permeate into non smoking areas. The Smoking area has a negative air pressure in comparison with the remainder of the building.

What constitutes violation of Sec 4?

- If public places do not put up specified signage
- Presence of ashtrays and lighters, matches or any other device to facilitate smoking.

- Smoking area established at the entrance or exit of an establishment as specified in the law.
- Smoking room with improper air flow system.
- Presence of a separate smoking room in a public place which is NOT an airport , hotel with more than 30 rooms or a restaurant with a 30 seating capacity.
- Designated officer for reporting of violations is not mentioned.

What happens if Sec 4 is violated?

- Any violation of any Provision in this section is a punishable offence with fine extending up to Rs. 200.
- An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in Code of Criminal Procedure, 1973.”
- If the owner, proprietor, manager or supervisor, or in-charge of affairs of the public place fails to act on the report of such violation, he shall be fined equivalent to the number of individual offences.

Research Methodology

Study area : The study area included public places Udaipur city–.

Study Design-Cross-sectional Study (Formative research)

Survey type- Observational survey

Geographical scope (Venues of visit) – For the purpose of study, all the potential public places were divided into **7 broad categories for Section 4:**

1. **Accommodation facilities** (Hotels, rest houses, sarai, guest house, Dharamshala, rain basera etc.)
2. **Eating facilities** (standalone restaurants, standalone canteens, bars, dhabas, ahata, street food vendors, food court etc.)
3. **Offices and workplaces** (Both in Government and private sector)
4. **Educational institutions** (Both in public and private sector)
5. **Health care facilities** (Both in public and private sector)
6. **Most frequently visited places** (Railway stations, market, bus stations, shopping mall, parks and tourist places etc.)
7. **Public Transport service** (Bus/Taxi/Maxi/Auto Rickshaws)

Sampling Framework

The sample for the study was taken from Udaipur city. The sample size were selected by 360 degree approach.

Table.2 Section wise and total sample size in Udaipur district

Types of Formats		Total Sample
Survey form on Section 4	For public place	160

Observation Methodology

The field investigators visited Udaipur city area and observed each of the sampled units (public places) one by one during peak business hours as per the prefixed schedule. During the study, an unobtrusive observation was made and a structured checklist was filled.

Tools

Section 4 Survey checklist was used in the survey

Quality Control

- Back check or cross check of the filled checklist of the field investigators. was done by supervisor
- While making an observation, adequate coverage of place and adequate time spent was ensured.
- The survey was done strictly during peak business hours as per the pre-fixed schedule.
- Questions were designed and were asked in such a way to minimize the biases.

Ethical Consideration

The research proposal and tools for data collections were ethically approved by the Institutional Ethical Review Board of Udaipur School Social Work. Prior informed consent was obtained from designated authorities by USSW, UDAIPUR and verbal consent was obtained from retailers who have been interviewed in the study. The consent was read to illiterate and then interview was taken by the team.

Study findings

The criteria for evaluation (the core indicators) and decision criteria for a district to qualify for the 'Smoke free' status include six parameters. The study team observed more than 90% compliance in Udaipur city. The color coding in the following table depicts result.

Table 3- Number of public places visited

N=160								
Type of Public Place								
Places	Accommodation Facilities	Eateries	Educational establishments	Offices and Workplaces	Health care facility	Most frequently visited places (Mall, Park etc)	Public Transport Facility	Total
Udaipur City	18	13	29	42	26	22	8	160

Total 160 public places visited during the study, out of which 18 were accommodation facilities, 13 were eateries, 29 were educational institutions, 42 were offices and work places, 26 were health care facilities, 22 were most frequent visited places and 8 were public transport facilities in Udaipur city.

Table-4 Status of Compliance

Compliance achieved Above 80 %	Need improvement- 61-79 %	Need strict action Below 60 %
Indicators		Total N=160
Availability of No Smoking signage's		149 (93%)
No Smoking" Signage displayed as per COTPA		131 (82%)

From total 160 places visited, 93% places displayed the NO smoking signage and out of total 160 places, 82% were as per COTPA specification. It shows in Udaipur city COTPA Act Section-4 compliances is very good.

Table- 5 Status of Indicators

Indicators	Total N=160
No active Smoking noticed	149 (93%)
Cigarettes or Beedi stubs or ash not found	144 (90%)
No Evidence of smell /ashes of recent smoking	152 (95%)
Smoking aids (ashtray, matchboxes, and lighters) not visible	149 (93%)

From the above table it was observed that Udaipur city follows compliance of Section 4. Active smoking not found is more than 93% and no recent smoking evidence found is 95%. The district administration can declare Udaipur city as smoke free looking at the results.

Conclusion

Implementation of Tobacco control law is very difficult as there are many departments coordination is requires. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, enacted in 2003, has section which address smoke-free environment (under Section-4 of COTPA Act). Bringing behaviour change i.e. effective implementation of law which prohibits smoking in public places is not easier task. The current compliance monitoring survey indicates that the sincere effort of Udaipur administrations and Health Department along with its partners like PSI have played a major role in effective implementation of Section 4 of COTPA act.

From total 160 public places visited, no smoking signage's were displayed in 93% (149) of the places, out of which 82% (131) were as per COTPA. Active smoking was not seen in 93% (149) of the total places visited. This shows the effective implementation of the Compliance of Section 4 in Udaipur city

Udaipur is one of the tourist destinations for national and international travellers, for which the administration should implement section 4 (prohibition of smoking in public places) in Hotels, Restaurants and Lodges very strictly. All the In-charge of hotels, restaurants and lodges should be sensitized about prohibition of smoking in public place and harmful effect of tobacco.

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