



“Comparative Compliance Assessment Study regarding Sections 5&6 of Cigarettes and Other Tobacco Products Act (COTPA), 2003 and Section 77 of Juvenile Justice Act at Points of Sale (POS) in Three Jurisdictions of North India”

Preeti Arora¹, Sapna Dalal², Kiran Pande³, Parmal Singh⁴, Vikrant Prabhakar⁵

^{1,2} Assistant Professor, Department of Community Medicine, Adesh Medical College & Hospital, Mohri (Kurukshehra)

³ Associate Professor, Department of Obstetrics & Gynecology, Adesh Medical College & Hospital, Mohri (Kurukshehra)

^{4*} Professor, Department of Community Medicine, Adesh Medical College & Hospital, Mohri (Kurukshehra)

⁵ Professor & Head, Department of Community Medicine, Adesh Medical College & Hospital, Mohri (Kurukshehra)

*Corresponding Author:- Dr. Parmal Singh, Professor-Community Medicine, Adesh Medical College & Hospital, Mohri (Kurukshehra)

(Received: 25 October 2025 Revised: 27 November 2025 Accepted: 04 December 2025)

KEYWORDS

Tobacco use, COTPA (Cigarettes and Other Tobacco Products Act), Compliance, enforcement, anti-tobacco regulations, FSSAI

ABSTRACT

Background: Tobacco use, fueled by highly addictive nicotine, poses a global health risk with 8 million annual deaths and economic repercussions. The WHO's FCTC and India's COTPA aim to combat this crisis.

Methods: In June 2022, a cross-sectional study assessed 753 Points of Sale (POS) in Shahabad, Sri Muktsar Sahib, and Chandigarh. The data was collected using WHO's Survey of Tobacco POS Violations tool, addressing variables like smoking aids, loose tobacco sales, and FSSAI license. Analysis employed SPSS version 27.

Results: Compliance varied across POS, with 51.13% providing smoking aids. Active smoking around POS ranged from 20.29% in Sri Muktsar Sahib to 87.24% in Chandigarh. Compliance with COTPA Section 7 was 70.78%, while 62.15% sold loose tobacco. Only 11% had an FSSAI license, and 80% were non-compliant, with Shahabad at 93% non-compliance. Additionally, 67.3% violated FSSAI.

Conclusion: Shahabad and Sri Muktsar Sahib exhibited higher awareness and enforcement of COTPA Sections 4 and 7, contrasting with poor FSSAI compliance in all three jurisdictions. Findings underscore the imperative for improved law enforcement, heightened awareness, and potential measures such as Tobacco Vendor Licensing to enhance anti-tobacco regulations.

Introduction:

Tobacco use, in all its forms, kills up to half of its users. More than 8 million people die every year due to tobacco consumption among which about 7 million of these deaths are due to direct consumption while about 1.2 million deaths are due to exposure to second hand smoke. WHO has clearly stated that comprehensive bans on advertisement, promotion and sponsorship of tobacco can significantly reduce its consumption.

^[1]Also, there is an enormous amount of proof present worldwide to suggest that the early age of consumption of tobacco use navigates the tobacco epidemic, which is actually preventable.^[2]

To counteract this ever-growing pandemic of tobacco, WHO launched its Framework Convention on Tobacco Control (FCTC) protocol and parallel to this treaty, India adopted a comprehensive anti-tobacco law i.e. the Cigarettes and Other Tobacco Products Act, 2003 (COTPA) which tends to prohibit advertising of tobacco and regulate its trade & commerce, production, supply and distribution.^[3]

As per COTPA Section 5, direct or indirect advertisement, promotion and sponsorship of cigarettes and other tobacco products are strictly prohibited. Any violation pertaining to it is liable for fine of up to Rs 1000 or imprisonment of up to 2 years or both. Section



6 of COTPA prohibits sale of cigarettes and other tobacco products to a minor (6a), and sale within 100 yards radius of any educational institution (6b). In case of violation of either section 6a/6b, the perpetrator is liable to a fine of up to Rs 200. [4] Additionally, as per Juvenile Justice Act, 2015 (JJ Act) Section 77; whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.[5]

In India, all kinds of tobacco products are accessible with great ease via the vendors at POS. Time and again, studies to monitor the compliance of anti tobacco laws have been conducted, and the findings have been almost always dismal, the primary reason for which is gross unawareness about laws and paucity of action taken on their violation. [6]

One such study, carried out in the national capital, showed great non-compliance pertaining to section 5 and 6. It reported the failure of about 95% vendors to show compliance particularly in the arena of product advertisements display. Parallel to this, not even a single POS displayed COTPA 6(a) signage while 6% of these outlets were found selling tobacco products within 100 yards of educational institutes. [7] Sharma P et al., 2019, found that almost 42% of vendors were not aware of the clause of penalty on violating the COTPA. When asked further about Section 6 provisions within the COTPA, majority of vendors did not know that selling tobacco products within the radius of 100 yards of educational institutions is a punishable offence. Only one-fifth of the vendors were aware of ban on selling tobacco products to minors. [8]

Furthermore, it is estimated that the current level of usage of tobacco would result in mortality of about 250 million children and adolescents with time, mostly being from developing countries. [9] Thus, it is highly important to keep a strict check on sale of tobacco to minors.

Keeping these facts in hindsight, the present study aims to assess the compliance and spread awareness about provisions of COTPA section 5 and 6 as well as about

Section 77 of JJ Act, 2015 among the tobacco vendors of Chandigarh, Shahabad & Sri Muktsar Sahib at Points Of Sale (POS).

Materials and methods:

- Study design and Study sample - It is a cross-sectional study which was carried out at 149 Points Of Sale (POS) in Chandigarh, 200 infield practice area of a North Indian Medical College - Shahabad & 404 in Sri Muktsar Sahib district of Punjab, in the month of June 2022. Equal numbers of these POS were selected randomly irrespective of their type, age of owner & types of tobacco products sold.

- Data Collection Tool- The data was obtained in Chandigarh & Shahabad by the MBBS Interns of a North Indian Medical College and in Sri Muktsar Sahib by the Interns of a Public Health Institute, using a well-structured questionnaire made available by Survey of Tobacco POS Violations WNTD Campaign 2022, a WHO SEARO & SIPHER initiative (Annexure 1 attached in English and applicable Hindi language) and/or via keen observation of the POS by them. For e.g. some data like the basic details (name, address, contact no.) was asked and filled accordingly in the questionnaire, while certain data like tobacco products advertisement or their display in a manner that enabled easy access of tobacco to minors (i.e. below 18 years of age) or presence of signages displaying ban on sale of tobacco products to minors, was keenly observed by the interviewing official. On the other hand, certain details regarding the sale of tobacco products to minors was asked from the vendors as well as was observed by the interviewing official in and around the POS. For section 6b of COTPA, the POS owners were initially questioned about the presence of any educational institution nearby, if found, its distance from the POS was estimated by the interviewer roughly. The questionnaire was used in printed form as well as in the form of a soft copy through Google forms. All the interviewers were trained about the study protocol and compliance assessment beforehand by the study supervisor and the same was explained briefly to every POS owner by them, with a promise of data confidentiality. The POS owners were also assured about not having any intention to impose fine upon them. A verbal informed consent was obtained and those unwilling to participate were excluded. The study



proposal was approved by the Institutional Ethics committee for Biomedical & Health Research (**IEC-BHR**) **Vide Ref. No. AMCH/IEC-BHR/2022/08/02**. Apart from the basic information including name & address of POS, contact number of the owner and date & time of visit by the official, a total of 18 variables were assessed through the questionnaire. Of these, the ones significant to the current study were:

1. Advertising of Tobacco/Pan Masala products, direct or indirect
2. Tobacco products are displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years
3. Signage displayed regarding “No Sale to Minors”
4. Whether POS located within 100 yards of any educational institution
5. Tobacco products being served to minors.

To create awareness among the tobacco vendors, all of them were given pamphlets enlisting laws applicable at POS. For their comprehension, pamphlets were made available in Hindi language. They were informed separately about the laws being violated by them and the repercussions they would face for it, as there was no surety of the pamphlets being read by each one of them. Name, contact no., email & place of posting of the official conducting the survey were also included in the forms to keep a track of their activity.

- **Statistical Analysis** - Data was entered into MS Excel sheet by a data entry operator and analyzed through SPSS version 27. Results were calculated in the form of percentage of POS complying with the above-mentioned variable no. 1, 2, 3, 4 & 5 in all three jurisdictions taken under study and a comparison of results among them was drawn out.

Results: Out of the 753 randomly selected POS in all three Jurisdictions combined, 22.97% (173) were found to be noncompliant with major compliance indicator of Section 5 of COTPA, 2003 i.e. tobacco products advertisements display, be it direct or indirect. Among these non-compliant POS, 77.45% (134) were located in the Union Territory of Chandigarh & 22.55% (39) were in the Tehsil of Shahabad, Haryana. A striking 100% compliance to the above provision of Section 5 of COTPA was witnessed in the district of Sri Muktsar Sahib, Punjab. [Table 1] About

89.93% (134) of the total POS in Chandigarh, 30% (60) of the total POS in Shahabad & only 7.92% (32) of the total POS in Sri Muktsar Sahib displayed tobacco products in a manner that could enable their easy access to persons below 18 years of age. [Table 2]

The display of signages regarding “ban on sale of tobacco products to minors” was highest in Sri Muktsar Sahib – 79.20% (320) among the total 404 POS, while it was 32.88% (49) in Chandigarh and only a mere fraction of 3.5% (7) in Shahabad. [Table 3]

The proportion of POS located within 100 yards of any educational institution (school, college, coaching institutes) was as low as 7.92% (32) in Sri Muktsar Sahib, while Shahabad & Chandigarh showed comparative non-compliance of 19.5% (39) & 22.81% (34) respectively to this component. [Table 4]

Among the total Points of Sale, 11.02% (83) were found to be non-compliant with section 77 of Juvenile justice act, majority of which belonged to Shahabad (n=41, 5.44%), followed by Sri Muktsar Sahib (n=32, 4.24%) and the least in Chandigarh (n=10, 1.32%). [Table 5]

Discussion: The present study assessed the compliance of tobacco selling vendors to Section 5&6 of COTPA as well as to Section 77 of JJ Act in three jurisdictions of North India. While an overall better compliance of COTPA sections 5&6 was seen in the district of Sri Muktsar Sahib, Chandigarh showed the best compliance of JJ Act among all three jurisdictions.

It clearly shows the effective implementation of ban on tobacco advertisement in Sri Muktsar Sahib which reported a complete 100% compliance to it and this was also equally reported in a robust survey conducted by School of Public Health, PGIMER, Chandigarh in collaboration with Department of Health and Family Welfare, Government of Punjab and The Union South-East Asia (The Union) in May 2017 in Sri Muktsar Sahib^[7], thus showing the effectiveness of anti tobacco legislation in this district of Punjab over the past few years. Sharma P et al., (2019) in their study in the Ludhiana district of Punjab stated that, almost half of the total POS taken under study, displayed products with easy access to minors.^[6] Whereas, non-compliance to this provision in the present study is only 7.92% in Sri Muktsar Sahib of Punjab, indicating the need for



effective anti tobacco legislation in other districts of Punjab too. The mean compliance, according to the findings of survey done by School of Public Health, PGIMER, Chandigarh in May 2017 in Sri Muktsar Sahib, for section 6A and 6B was reported as 66.8% and 86.4% respectively.^[10]

In a study done by Goel S et al., (2016) in Chandigarh, 42.3% of the POS were involved in tobacco advertisement, contrary to the present study where conditions seem to have worsened over the years despite being one of the first smoke-free cities of India. Similarly, for Section 6a, 26.9% of the POS were found to be compliant in the same study and the overall adherence for Section 6B for educational institutions was reported 37.5%.^[11]

Compliance to almost all provisions of section 5 and 6 of COTPA has been uniformly poor in Haryana. Taking section-5 into consideration for Shahabad, Haryana; it was almost similar to that of a study done in Haryana in 2018 (23.6%). In the same study, for section 6A the compliance was a sheer 0.4% and for section 6B, it was 10.4%.^[12]

Not much research has yet been done regarding the effective enforcement of Section 77 of Juvenile Justice Act and this study is a novel attempt to find out the compliance of this Act among the tobacco vendors in North-India. Furthermore, more time and money should be invested in the research of this subject in order to provide a clearer picture about the trend of compliance regarding this section of JJ Act.

Based on the above results and discussion, it can be evidently concluded that a fair number of tobacco vendors were found to be non-compliant to the laws undertaken in study in all the three Jurisdictions. Although district Sri Muktsar Sahib showed higher rates of compliance to Sections 5&6 of COTPA, highest degree of compliance to Section 77 of JJ Act was observed in Chandigarh.

The aforementioned compliance findings also confirm that awareness of tobacco vendors about anti-tobacco laws and uniform Tobacco Vendors Licensing (TVL) are effective methods by which the governments can improve enforcement of anti-tobacco legislation and manage to protect youth from the impact of misleading direct and surrogate tobacco products

advertisements and sale of tobacco by & to the minors. Uniform Tobacco Vendors Licensing (TVL) will facilitate a check on the supply chain and will simultaneously keep all vendors in a network easing progress analysis, in terms of adherence to provisions of COTPA, 2003. Frequent organization of awareness campaigns, involving the key stakeholders, is equally essential for effective implementation of anti-tobacco laws.

References:

1. World Health Organization Tobacco Key Facts & Tobacco Advertising. Available from: <https://www.who.int/news-room/fact-sheets/detail/tobacco> (last visited on 28 June,2022)
2. National Center for Chronic Disease Prevention and Health Promotion office on smoking and health(US) Atlanta, GA: Public Health Service, Centers for Disease Control and Prevention, preventing Tobacco Use Among Youth and young adults. A Report of the Surgeon General, 2012. <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/>
3. Implementation of the Framework Convention on Tobacco Control (FCTC) in India- A Shadow Report 2010. Available from: ftc.org/wp-content/uploads/2018/05/FCTC-implementation-India-2010.pdf (last visited on 28 June, 2022)
4. National Health Mission (NHM)-Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 [COTPA, 2003] and rules made thereunder. Available from: nhm.gov.in/index4.php?lang=1&level=0&linkid=459&lid=692. (Last visited on 28 June 2022)
5. India Code- Digital repository of all state and central acts. Available from: https://www.indiacode.nic.in/handle/123456789/2148?sam_handle=123456789/1362 (Last visited on 27 March, 2023)



6. Sharma RS, Aroor B, Patel N, Narendrakumar R, Dave A. Compliance Assessment of Cigarettes and Other Tobacco Products Act (COTPA) At Point Of Sale in Ahmedabad. *Natl J Community Med.* 2020; 11(8):335-38
7. Kumar S, Kapoor S, Sharma R, Pandey A, Singh R. Compliance assessment with tobacco control regulations at wheelchair-based tobacco Point of sale in Delhi, India. *Int J Non-Commun Dis.* 2021; 6(1):38-45
8. Sharma P, Singh S, Satija M, Kaushal P, Chaudhary A, Sharma S, et al. Compliance and awareness of Cigarettes and Other Tobacco Products Act among tobacco sellers in urban Ludhiana. *Int J Med Sci Public Health.* 2019; 8(11):902-5
9. Peto, R, Lopez, AD, Boreham, J, et al. Developing populations: the future health effects of current smoking patterns. In: Peto, R, ed. *Mortality From Smoking in Developed Countries, 1950-2000.* Oxford: Oxford University Press, 1994: A101-A103
10. Fact Sheet: Sri Muktsar Sahib district is High Compliant to COTPA, Survey conducted by School of Public Health, PGIMER, Chandigarh in collaboration with Department of Health and Family Welfare, Government of Punjab and The Union South-East Asia (The Union) in May, 2017 in district Sri Muktsar Sahib covering both urban and rural areas of the district. Available from-<http://www.gsa.org.in/factsheets/> (last visited on 28 June,2022)
11. Goel S, Sardana M, Jain N, Bakshi D. Descriptive evaluation of cigarettes and other tobacco products act in a North Indian city. *Indian J Public Health.* 2016; 60(4):273-79
12. Rath R, Krishnan A, Nongkynrih B, Misra P. Assessment of implementation status of Cigarettes and Other Tobacco Products Act (COTPA) and its awareness among residents in a block of Haryana. *Indian J Public Health.* 2018; 62(2):100-3

TABLE 1. Comparative distribution of POS advertising tobacco/pan masala products (direct or indirect)

S no.	JURISDICTION	FREQUENCY (n)	PERCENTAGE (%)
1	Sri Muktsar Sahib	0	0
2	Chandigarh	134	89.93
3	Shahabad	39	19.5

TABLE 2. Comparative distribution of POS displaying tobacco products in a manner that enables their easy to persons below the age of 18 years

S no.	JURISDICTION	FREQUENCY (n)	PERCENTAGE (%)
1	Sri Muktsar Sahib	32	7.92
2	Chandigarh	134	89.93
3	Shahabad	60	30



TABLE 3. Comparative distribution of POS displaying signages regarding “No Sale to Minors”

S no.	JURISDICTION	FREQUENCY (<i>n</i>)	PERCENTAGE (%)
1	Sri Muktsar Sahib	320	79.20
2	Chandigarh	49	32.88
3	Shahabad	7	3.5

TABLE 4. Comparative distribution of POS located within 100 yards of any educational institution

S no.	JURISDICTION	FREQUENCY (<i>n</i>)	PERCENTAGE (%)
1	Sri Muktsar Sahib	32	7.92
2	Chandigarh	34	22.81
3	Shahabad	39	19.5

TABLE 5. Comparative distribution of POS selling tobacco products to minors

S no.	JURISDICTION	FREQUENCY (<i>n</i>)	PERCENTAGE (%)
1	Sri Muktsar Sahib	32	7.92
2	Chandigarh	10	6.71
3	Shahabad	41	20.5