

## Policy Perspectives

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### The Need and Implications of a Tobacco Awareness Programme:

*Under the directives of the COTPA (Cigarette and Other Tobacco Product Act) of 2003 and the Tobacco Free Youth Campaign of 2023.*

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#### Abstract

*Tobacco consumption is one of the leading causes of preventable diseases and deaths across the world with 5.4 million deaths reported every year, 80% of which occur in third-world countries like India. The consumption of tobacco brings not only health issues but also monetary and economic as well. In this paper we discuss, the various ways as suggested by the National Tobacco Control Program (NTCP) and the Directorate General of Health Services to understand the harms of tobacco consumption, the steps to raise awareness against the use; and strategies for the enforcement of Cigarettes and Other Tobacco Product Act's (COTPA) sections.*

**Keywords:** GATS (Global Adult Tobacco Survey) NTCP (National Tobacco Control Program), FCTC (Framework Convention on Tobacco Control), SLT (Smokeless Tobacco), ToFEI (Tobacco Free Education Institutions)

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#### Background

India is the second largest producer and consumer of tobacco in the world after China, with an estimated one-third of the adults (aged 15 and above) in the country consuming tobacco through some form or the other according to the *Global Adult Tobacco Survey (GATS)* conducted in 2010.

Breaking this survey further down gives us a better insight into how extensive the issue is not just among adults but also the youth in the country. According to GATS\*, tobacco consumption in India among adults in urban areas was 21.2%, in rural areas was 32.5% and overall was 28.9%. According to the *Global Youth Tobacco Survey* of 2019, 8.5% of the youth consumed tobacco in some form. What is even more

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troubling is the statistic that indicates the large number of children who are exposed to secondhand smoke - 21.9% at home and 36.6% in public places.

This high percentage of use or exposure to tobacco raises alarming public health concerns. Tobacco consumption is one of the leading causes of preventable diseases and deaths across the world with 5.4 million deaths reported every year, 80% of which occur in third-world countries like India.

The consumption of tobacco brings not just health issues but monetary and economic as well. In 2019, tobacco-related health treatment for people above the age of 35 in India cost 27.5 billion USD in 2019.

To curb the use of tobacco and protect nonsmokers from tobacco use, the COTPA or Cigarettes and Other Tobacco Products (Prohibition of Advertisement, Regulation of Trade, Commerce, Production, Supply, and Distribution) Act of 2003 was introduced by the Government of India.

In this paper we discuss, the various ways as suggested by the National Tobacco Control Program (NTCP) and the Directorate General of Health Services to understand the harms of tobacco consumption, the steps to raise awareness against the use; and the strategies for enforcement of COTPA's sections.

### Harms of Tobacco Consumption

According to WHO, India reports around 1.35 million deaths every year due to tobacco (smoking, smokeless tobacco products, and SHS) causing diseases like Cancer, Coronary artery disease, Chronic obstructive lung disease, Tuberculosis, stroke, cataracts, peripheral vascular diseases, and disorders like impotence among men and use by pregnant women leads to low birth weight babies, stillbirths and birth defects.

The use of tobacco raises the risks of cancer by such magnitude that of all cancers reported in India, 33.3% (48.7% in men and 16.5% in women) were associated with tobacco. Consumption of tobacco in any form exposes the human body to a plethora (in the number of thousands) of toxic chemicals, many of which are **carcinogenic**. For a better look at the harms caused by tobacco consumption, we refer to the below table:

*Table 1 Table: Damages caused by various components of Cigarettes and their use<sup>13</sup> (Pradhan, 2020)*

S. No	Content	Description	Organs damaged
1	<u>Nicotine</u>	Drug is more addictive than cocaine and heroin, increases heart rate, raise blood pressure, and constrict small blood vessels.  1000 times more potent than alcohol.	Nervous system, Heart

2	<u>Tar</u>	The sticky black residue left after the burning process contains hundreds of carcinogenic*/toxic chemicals. It's the main cause of lung and throat cancer and leaves strains on smoker's teeth, fingers, and lung tissue.	Teeth, Skin, Lungs, Throat
3	<u>Benzopyrene</u>	Formed after the incomplete burning of fuels, found in cigarette smoke and is one of the most potent cancer-causing chemicals. Also found in car exhaust and smoke from oil and gas products.	Lungs, Bladder, Colon
4	<u>Carbon Monoxide</u>	Produced as a result of the burning of tobacco and reduces the ability of red blood cells to deliver oxygen to tissues causing damage to the heart, brain, and skeletal muscles.	Heart, brain, Skeletal muscles
5	<u>Formaldehyde</u>	Is an embalming fluid that is used to preserve dead bodies. Is carcinogenic and damages the lungs, skin, and digestive system.	Lungs, Skin, Digestive System
6	<u>Benzene</u>	Used to make pesticides, detergent, and gasoline. Classified as a group 1 carcinogenic.	
7	<u>Hydrogen Cyanide</u>	One of the most toxic agents of the smoke released and was used in the Nazi Gas chambers during WWII. It damages the hair-like structures of the bronchial tubes whose function is to clean the lungs, as a result, the toxic substances build up in the lungs.	Lungs
8	<u>Arsenic</u>	A deadly poison used in pesticides (kills pests)	
9	<u>Cadmium</u>	A heavy metal found in car batteries causes damage to the liver, kidneys, and brain and stays in the body for years.	Liver, Kidneys, Brain
10	<u>Ammonia</u>	Chemicals used in cleaning products such as glass and toilet bowl cleaners. Claimed by the tobacco industry that it is used to add flavour but as found by scientists, it helps the body absorb more nicotine, thereby aiding the addiction process.	

11	<u>Turpentine</u>	Common paint stripper which is very toxic	
12	<u>Methoprene</u>	Found in tobacco smoke and is used to kill fleas on pests	
13	<u>Acetone</u>	Commonly used in nail polish removers.	
14	<u>Lead</u>	Stunts growth and causes vomiting	Brain
15	<u>Propylene Glycol</u>	An ingredient in antifreeze. Claimed by the tobacco industry that it is used to prevent tobacco from drying out but as found by scientists, it aids the delivery of nicotine to the brain.	

### Steps taken by the government

Since the passing of the COPTA, the government of India has taken significant steps to curb the growing demand for tobacco and strengthen tobacco control efforts. The government ratified WHO's Framework Convention on Tobacco Control in 2004 which asks to regulate tobacco demand through taxation and other methods, ultimately reducing the demand and supply of tobacco in the country; and initiated the National Tobacco Control Program in 2007 to "raise awareness about the harmful effects of tobacco, reduce the production and supply of tobacco products, ensure effective implementation of the provisions under COTPA 2003, help the people quit tobacco use, and facilitate implementation of strategies for prevention and control of tobacco advocated by WHO Framework Convention of Tobacco Control ."

### COTPA - 2003

One could argue that the implementation of COTPA has been one of the biggest steps taken by the government in the fight against tobacco. Its 33 sections meticulously specify the manner in which cigarettes and tobacco are to be regulated and prohibited along with the punishments for committing the offenses labeled and explicated in the Act. Listed below are the important sections of the Act which explain the government's efforts against Tobacco consumption.

*Table 2 Dissecting Sections of COTPA -20032 (COTPA 2003 and Rules made thereunder: National Health Mission)*

Section	Description
<u>Section 1-3</u>	Title, Authority, Extent, and Definitions
<u>Section 4</u>	Prohibition of smoking in public places

<u>Section 5</u>	Prohibition of advertisement, promotion, and sponsorships of cigarettes and other tobacco products
<u>Section 6</u>	Prohibition on the sale of cigarette or other tobacco products to persons below the age of eighteen years and in and around (within a radius of 100 yards) of any educational institution
<u>Section 7</u>	Requirement of text and pictorial warning as is prescribed on all forms of tobacco product packages
<u>Section 8</u>	The manner in which specified warning shall be made, such that it is legible and prominent
<u>Section 9</u>	Language in which the specified warning shall be expressed (English and/or Hindi)
<u>Section 10</u>	Size of letters and figures of the warning
<u>Section 11</u>	Testing laboratories recognized by the Central Government to test nicotine and tar contents
<u>Section 12</u>	Power/Authority of entry and search given to any officer not below the rank of sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank
<u>Section 13</u>	Power to seize any packages of cigarettes or any other tobacco product or advertisement material shall they contravene any provisions of the act, for a period of 90 days from the date of the seizure
<u>Section 14</u>	Confiscation of packages of cigarettes or any other tobacco product or advertisement material shall they contravene any provisions of the act
<u>Section 15</u>	<p>Power of the court to give option to the owner to pay costs in lieu of confiscation which shall be equal to the value of goods post confiscation.</p> <p>Post-return of the seized packages, the owner must ensure that before making any distribution, sale or supply of such packages of cigarette or any other tobacco product they have the specified warning and indication of nicotine and tar contents incorporated.</p>
<u>Section 16</u>	Confiscation not to infer with other punishments

<u>Section 20 (1)</u>	<p>Punishment for any person who produces or manufactures cigarettes or tobacco products which fail to give specified warning and nicotine and tar contents:</p> <p><b>1st Conviction:</b> Imprisonment for a term which may extend to 2 years or with a fine which may extend to Rupees 5000 or with both</p> <p><b>2nd Conviction:</b> Imprisonment for a term which may extend to 5 years or with a fine which may extend to Rupees 10000 or with both</p>
<u>Section 20 (2)</u>	<p>Punishment for any person who <u>sells or distributes</u> cigarettes or tobacco products which fail to give specified warning and nicotine and tar contents:</p> <p><b>1st Conviction:</b> Imprisonment for a term which may extend to 1 year or with a fine which may extend to Rupees 1000 or with both</p> <p><b>2nd Conviction:</b> Imprisonment for a term which may extend to 2 years or with a fine which may extend to Rupees 3000 or with both</p>
<u>Section 21</u>	<p>Punishment for those contravening the provisions of section 4 (smoking in public places): Fine which may extend to Rupees 2000.</p>
<u>Section 22</u>	<p>Punishment for contravening the provisions of section 5 (advertisement of cigarettes and tobacco products):</p> <p><b>1st Conviction:</b> Imprisonment for a term which may extend to 2 years or with a fine which may extend to Rupees 1000 or with both</p> <p><b>2nd Conviction:</b> Imprisonment for a term which may extend to 5 years or with a fine which may extend to Rupees 5000 or with both</p>
<u>Section 23</u>	<p>Forfeiture of advertisement and advertisement material for contravention of section 5 to the government and disposal of them</p>
<u>Section 24</u>	<p>Any person who contravenes the provision of article 6 (sale of cigarette or other tobacco products to persons below the age of eighteen years) shall be guilty of the act and be punished with a fine which may extend to Rupees 200</p>
<u>Section 26</u>	<p>When an offense under this Act has been committed by a company. Every person who, at the time of the offense was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offense and shall be liable to be proceeded against and punished accordingly</p>
<u>Section 27</u>	<p>Offenses punishable under this act shall be bailable</p>

Sections 30 & 31	Power of the Central Government to add any tobacco products to the schedule and make new rules
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To further carry forward the efforts of COTPA, the center launched the NTCP. The program has been substantial in the efforts against tobacco consumption through its methods of training health and social workers, NGOs, school teachers, and enforcement officers; information, education, and communication (IEC) activities; school programs; monitoring of tobacco control laws; coordination with Panchayati Raj Institutions for village level activities and setting-up and strengthening of cessation facilities including the provision of pharmacological treatment facilities at the district level.

Moreover, steps like placing tobacco products in the highest tax bracket slab i.e., 28% as suggested by WHO's Framework Convention on Tobacco Control (FCTC), setting up National Tobacco Testing Laboratories (NTLLS), and banning Gutka and/or other smokeless tobacco (SLT) along with Electronic Nicotine Delivery Systems (ENDS) have been implemented to achieve the goal of curbing tobacco consumption in the Union.

### Rapid and Immediate Actions Possible

With tobacco consumption contributing to higher than-ever mortality and morbidity rates and more young adolescents getting addicted than ever before because of increased influence on social media, glamorization of Tobacco on OTT/Streaming Media, and increased Tobacco Industry Initiatives, the call for immediate actions at all levels is urgent.

Hence the NTCP has instructed the formation of the following organization overseeing and enforcing **COTPA** and discouraging the use of tobacco products at their respective levels.

1. National Tobacco Control Cell (NTCC)
2. State Tobacco Control Cell (STCC)
3. District Tobacco Control Cell (DTCC)

Several CSOs or Civil Society Organizations take forward this work at the block and grass root levels, making sure all sections of society can be contacted and helped. Moreover, there is a requirement for multiple fields to work together as shown in the below partnership cycle.

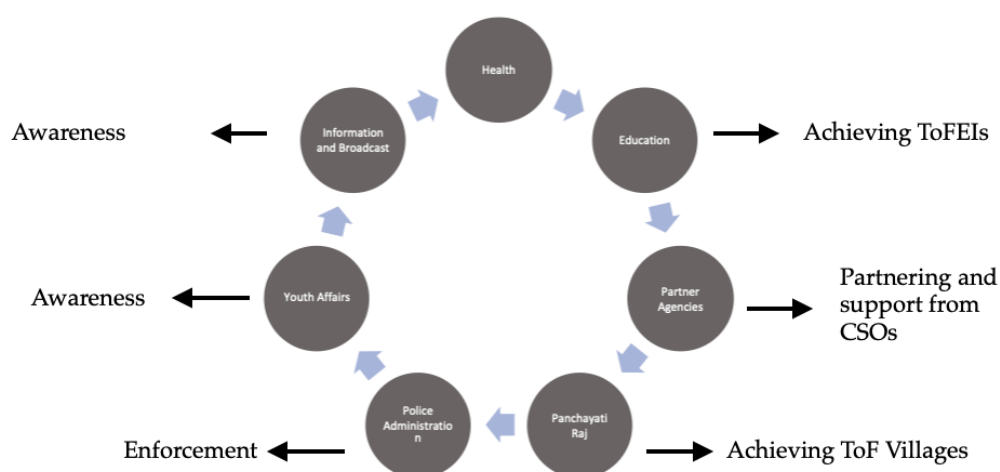


Figure 1: Partnership Cycle showing collaboration between various sectors

With the support and collaborative help of organizations from all these sectors, it is possible for us to draw up a strategic plan for a Tobacco Free Campaign which has the potential to have a serious impact on Tobacco consumption down to the grassroots levels.



Figure 2: 4 Level Strategies to achieve COTPA Objectives

### Strategy 1: Public Awareness

- The first course of action of the drive is centered around public awareness with a goal to bring to light the potent education relating to tobacco and its consumption which currently is barely existent among the general public.
- The most basic of laws under COTPA 2003, the legality and **prohibition** of certain products and harms of tobacco consumption are relatively unknown to most of the Indian population. Unbeknownst to these facts, they continue the consumption of tobacco products, infringing laws and damaging their bodies.
- This is aimed to be achieved through 1. Information, 2. Education and 3. Communication by the following mediums:



*Table 3: Sources and Mediums of Generating Awareness*

S. No	Information	Education	Communication
1	Wide print media coverage	Medical Colleges/educational institutions to host awareness sessions to highlight the harm of tobacco	TV
2	Wall Paintings	Engagement with Civil Society Organizations/NGOs	Radio Jingles
3	Hoardings		Street Plays
4	Public announcements		Nuked Natak
5	Social Media Campaign		NCC/NSS/NYK rallies
6	Awareness Through Celebrities		

**Strategy 2: (Tobacco-Free Education Institutions (ToFEI) Compliance**

- To ensure that malice like tobacco stays out of education institutions and away from children and adolescents, the NTCP mandated all education institutions to be Tobacco-free.
- With guidelines issued, every institution is required to abide by the guidelines and take adequate steps in order to declare itself as Tobacco Free Education Institution or ToFEI through the Self Evaluation Score Card and report to the DEO, District Education Office.
- The job of these institutions is not only to provide the students with an environment that is rid of Tobacco and its products but also to provide education highlighting the harms and dangers of tobacco consumption.
- To achieve and maintain the Tobacco Free status, institutions are required to conduct tobacco-free activities like essays, paintings, posters, quizzes, debates, take the “No Tobacco Pledge”, appoint a teacher or a student as the “Tobacco Monitor” who will check the consumption of tobacco among peers/other students, organize school rallies and the establishment of a Yellow Line or a Tobacco Free

Zone (prohibition of sale or consumption of tobacco) 100 yards around the education institution.

### ***Strategy 3: Enhance Enforcement of COPTA -2003***

- To prevent the infringement of the laws introduced by COPTA and to make sure the guidelines laid down by it are duly followed to have a positive impact on public health and minimize the percentage of people getting affected by secondhand smoke (SHS) in public places, steps are required to better enforce COTPA.
- These steps include placing statutory signage in the ordinance with sections 4 and 6 of COTPA.
- Intensified COTPA enforcement drives in hotspots and on-the-spot action at shops selling tobacco within 100 yards of educational institutions and those selling to minors.
- Heavy chalaans/fines for smoking in public spaces and removal of tobacco advertisements from point of sale (PoS), seizure of product packages without warning.

### ***Strategy 4: Tobacco-Free (ToF) Villages***

- It is of utmost importance the message of tobacco awareness reaches every corner of the nation. What makes it even more important for the message to be heard and taken forward in villages and rural areas is the statistic that the majority of the tobacco users in India are based in rural areas, where the use of *SLTs* like *Gutkha*, *Khaini*, *Zarda*, and other forms like *Bidi* and *Hukka* are prevalent.
- For the issue to be properly and effectively dealt with in villages, it is required we conduct and convene special Gram Sabha sessions with the presence of the stakeholders which include - Gram Panchayat members, NGOs, SHGs, youth, and the farms.
- To generate awareness there, public announcements, wall writings, and murals, *Nukkad Nataks* (street plays), and *Baithaks* are essential in such communities.
- The Gram Sabha has to then organize and conduct “Tobacco Free Village” Declarations, to celebrate the work and initiatives of the village and further incentives and inspire other villages to follow.

- Even after the declaration of the “Tobacco Free Village” status, it is the duty of the Gram Sabha/Village council to monitor tobacco control activities and ensure the sustenance of tobacco-free status.

## Conclusion

In conclusion, the research underscores the critical need for a comprehensive Tobacco Awareness Programme in India, driven by the imperatives of the Cigarette and Other Tobacco Product Act (COTPA) of 2003 and the Tobacco Free Youth Campaign of 2023. Tobacco consumption poses a significant public health challenge in India, with alarming rates of usage, particularly among youth, and associated health, economic, and social consequences. The harms of tobacco consumption are multifaceted, ranging from debilitating health conditions to economic burdens on the healthcare system. The research sheds light on the various toxic substances present in tobacco and emphasizes the need for immediate and concerted efforts to address this public health crisis. The government has taken noteworthy steps, including the initiation of the National Tobacco Control Program (NTCP) and the enforcement of COTPA, to curb tobacco consumption. The study delves into the critical sections of COTPA that regulate and prohibit tobacco products, emphasizing the legal framework in place to combat this issue.

The strategies proposed in the research, such as Public Awareness campaigns, Tobacco-Free Education Institutions compliance, enhanced enforcement of COTPA, and the concept of Tobacco-Free Villages, provide a roadmap for a comprehensive and effective Tobacco Awareness Programme. These strategies underscore the importance of educating the public, especially in rural areas, and ensuring strict enforcement of existing laws. The collaborative efforts of various organizations, including the National Tobacco Control Cell, State Tobacco Control Cell, District Tobacco Control Cell, and Civil Society Organizations, are essential components of a successful awareness and enforcement campaign.

The proposed partnership cycle demonstrates the need for a multi-faceted approach involving government bodies, NGOs, educational institutions, and communities. The research culminates in a call for immediate action at all levels to address the rising trends in tobacco consumption, especially among adolescents influenced by social media and industry initiatives. The proposed Tobacco-Free Campaign, backed by the concerted efforts of multiple stakeholders, has the potential to significantly impact tobacco consumption, ultimately contributing to improved public health outcomes.

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