

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 3432
TO BE ANSWERED ON 13TH MARCH, 2020**

COTPA COMMITTEE

**3432. SHRI KRUPAL BALAJI TUMANE:
SHRI HEMANT SRIRAM PATIL:
SHRI D.M. KATHIR ANAND:
DR. SHRIKANT EKNATH SHINDE:
SHRI ARVIND GANPAT SAWANT:
SHRI UNMESH BHAIYYASAHEB PATIL:
DR. SUJAY RADHAKRISHNA VIKHE PATIL:
SHRI DHAIRYASHEEL SAMBHAJIRAO MANE:**

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

(a) whether the Government is planning to reconstitute COTPA Committee, if so, the details thereof and if not, the reasons therefor and the steps taken to ensure that designated smoking areas comply with the specifications laid down in the COTPA Act;

(b) the number of violations reported and action taken under Section 6(a) & 6(b) along with the fine collected as penalty or fine from the violators under Section 6 of the COTPA Act till now;

(c) whether the Government proposes to increase the quantum of penalty under COTPA Act to make it more impactful, if so, the details thereof;

(d) the steps taken by the Government to ensure the effective implementation of Article 5.3 of WHO FCTC;

(e) whether Cigarettes and other Tobacco Products Reports on Compliance by States (Municipalities and States as a whole) to the advisory issued has been implemented, if so, the details thereof; and

(f) whether the Government has instructed the States/ UTs to furnish statistics about vendors booked for such violations, if so, the details thereof and the steps taken by the Government to ensure compliance of Cigarettes and Other Tobacco Products Act (COTPA), 2013 by States?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SHRI ASHWINI KUMAR CHOUBEY)**

(a): The Working Group on Regulatory Mechanisms, constituted under the NashaMuktiAbhiyan Task Force, has the mandate to explore the existing provisions of the concerned laws/schemes and to analyse whether any amendment is required in the existing provision/scheme. The recommendations of the Working Group for redrafting/modifying the existing provisions of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA), 2003 are awaited.

Section-4 of COTPA, 2003 read with Rules made thereunder, prohibits smoking in public places 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 a designated smoking area or space as specified under the COTPA, 2003 and Rules made thereunder may be made. For effective implementation of this Section, authorized officers from various Departments have been notified.

(b): The enforcement of provisions of COTPA, 2003 and Rules made thereunder primarily lies with the States/Union Territories. As reported by States/Union Territories, the number of persons fined is 9,44,679 and amount of fine collected is Rs. 7,25,48,928 for violation of the provisions of Section 6 of COTPA, 2003. The figure in respect of States of Punjab and Rajasthan is inclusive of Section 6 & 4 of COTPA, 2003.

(c): The Working Group on Regulatory Mechanisms, constituted under the Nasha Mukti Abhiyan Task Force, has the mandate to explore the existing provisions of the concerned laws/schemes and to analyse whether any amendment is required in the existing provision/scheme. The recommendations of the Working Group for redrafting/modifying the existing provisions of COTPA are awaited.

(d): Article 5.3 of WHO FCTC provides that Parties shall act to protect tobacco control policies from commercial and other vested interests of the tobacco industry in accordance with national law.

For effective implementation of Article 5.3 of WHO FCTC, this Ministry has communicated to all States/UTs and all Ministries/Departments for not collaborating with organizations funded by tobacco industry.

(e) & (f): The enforcement of provisions of COTPA, 2003 and Rules made thereunder primarily lies with the States/Union Territories. For effective implementation of this Section, Central Government has notified authorized officers from various Departments and also advised States/Union Territories, from time to time, for strict compliance of COTPA, 2003.

States/Union Territories submit the report on enforcement of provisions of COTPA, 2003 on quarterly basis.