

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

**LOK SABHA
UNSTARRED QUESTION NO. 986
TO BE ANSWERED ON 18TH SEPTEMBER, 2020**

BAN ON USE AND SPITTING OF TOBACCO PRODUCTS IN PUBLIC PLACES

**986. SHRI HEMANT SRIRAM PATIL:
SHRI DHAIRYASHEEL SAMBHAJIRAO MANE:
SHRI VINAYAK RAUT:
DR.SHRIKANT EKNATH SHINDE:
SHRI UNMESH BHAIYYASAHEB PATIL:
DR.SUJAY RADHAKRISHNA VIKHE PATIL:**

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

- (a) the total number of violation of the guidelines under COTPA, 2003 reported so far and the action taken thereon under the Act;
- (b) the total amount collected in form of penalty or fine from the violators under the Act so far;
- (c) the steps taken/proposed to be taken by the Government in consultation with the State Governments to ban the hookah bars and use of tobacco products and spitting in public places amid COVID-19;
- (d) the number of the states which banned the sale, use and spitting of other tobacco products amid COVID 19; and
- (e) the total number of cases reported under section 77 of JJ Act, 2015 for selling products to minors and punitive action taken thereon?

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

(a) & (b): The enforcement of provisions of Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003), 2003 and Rules made thereunder primarily lies with the States/Union Territories.

As per the information received from States/Union Territories, the number of persons fined and amount of fine collected for violation of the provisions of COTPA, 2003, during 2007-08 to 2020-21 (upto June, 2020) is 26,16,050 and Rs. 37,33,64,148 respectively.

(c) & (d): Section-4 of the Act, prohibits smoking in a public place, including restaurants provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, there is a separate provision of smoking area. Further, as per Rules made under the Act, no service shall be allowed in any smoking area or space provided for smoking.

Public Health being a State subject, the action for banning of hookah bars and spitting in public places lies with the State Governments.

States of Gujarat, Maharashtra, Punjab, Rajasthan, Delhi, Jharkhand and Haryana have issued explicit Notifications/orders to prohibit hookah bars.

In view of the increasing danger of COVID-19 pandemic, Ministry of Health & Family Welfare, Government of India has issued advisories/directives to States/UTs, to take necessary measures under the appropriate law to prohibit the use and spitting of chewing smokeless tobacco products in public.

Directives have also been issued by the Ministry of Home Affairs, Government of India under Disaster Management Act, 2005 for prohibiting sale of tobacco products and spitting in public places.

As per information received from 35 States/UTs, 8 States have banned the sale of tobacco products; 22 States/UTs have banned the use of tobacco products in public places and 35 States/UTs have banned the spitting in public places.

(e): As per the information received from Ministry of Women & Child Development, Government of India which administers the Juvenile Justice (Care and Protection of Children) Act, 2015, no such data is maintained centrally by the Ministry of Women & Child Development.