

## **The Need for Tobacco Vendor Licensing (TVL) for Supply Reduction in View of the Poor Compliance with Anti-Tobacco Laws- Evidence from Compliance Study in Three Jurisdictions in North India**

**Ratnakshi Kant<sup>1</sup> and Rakesh Gupta<sup>2\*</sup>**

<sup>1</sup>Intern, Strategic Institute for Public Health Education and Research (SIPHER), India

<sup>2</sup>President and Director of Public Health, Strategic Institute for Public Health Education and Research (SIPHER), Former Director Health Services and Director of Chemical Examiner Lab Govt. of Punjab, Chandigarh, India

**\*Corresponding Author:** Rakesh Gupta, President and Director of Public Health, Strategic Institute for Public Health Education and Research (SIPHER) and Former Director Health Services and Director of Chemical Examiner Lab Govt. of Punjab, Chandigarh, India.

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### **Abstract**

**Objective:** The objective of the study is to advocate the necessity of Tobacco Vendor Licensing (TVL) for supply reduction in view of the poor compliance with Anti-tobacco laws, evidence of which was found in the compliance study done in three Jurisdictions in North India.

**Methods:** A cross-sectional study was carried out among the various tobacco vendors in Chandigarh, Shahabad-Haryana and Sri Muktsar Sahib-Punjab. The sample was selected randomly and no informed consent was obtained from tobacco vendors since this was an unobtrusive study. The total points of sale surveyed were 753, 149 from Chandigarh, 200 from Shahabad and 404 from Sri Muktsar Sahib district, respectively. MS Excel was used to retrieve the data collected in Google forms and further analysis was done to calculate the percentage and frequency of POS (Points of sale) showing noncompliance to Anti- Tobacco Laws.

**Result:** The three jurisdictions overall represented that 6.11 percent of the total sample of Points of sales only had some kind of license under Municipal Corporation or Street Vending Scheme for the sale of Tobacco, the rest were in non- compliance. Another finding was that 11.02% of the Tobacco Vendors that had a FSSAI (Food Safety and Standards Authority of India) license and were selling tobacco along with food products. The third criteria measured was the Sales Tax number and only 5.05% of the total sample of POS had a sales tax number.

**Conclusion:** Tobacco Vendor Licensing (TVL) is a good strategy to reduce the supply of Tobacco products and is a step towards End-game Tobacco. It helps in effective monitoring of the number of tobacco vendors and denormalization of the use of tobacco. It leads to better implementation of anti-tobacco laws against selling tobacco to minors and limiting the number of vendors in any jurisdiction.

**Keywords:** FSSAI (Food Safety and Standards Authority of India); Cigarettes and Other Tobacco Products Act, 2003 (COTPA); Tobacco Vendor Licensing, Point of Sale (POS); Compliance; Tobacco Vendors; Chandigarh; Shahabad; Sri Muktsar Sahib

### **Introduction**

Tobacco being one of the leading causes of all Non-Communicable Diseases including cancer, is considered one of the major public health problems worldwide resulting in 1.4 million deaths in India alone and 7 million deaths in the world yearly.

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According to the Indian Council of Medical Research (ICMR) every year in India, almost 1,60,000 people are diagnosed with cancer, 4.5 million develop heart disease, and 3.9 million develop chronic obstructive lung disease due to tobacco use. According to the Global Youth Tobacco Survey GYTS 4 released this year, nearly one-fifth of students aged 13 - 15 years are using tobacco products in India. It also revealed that 38 percent of cigarettes, 47 percent of bidi, and 52 percent of smokeless tobacco users picked up the habit before their 10<sup>th</sup> birthday.

The Global scenario for TVL is that in Europe the licensing systems have been adopted in Finland, Hungary, France, Italy and Spain. Finland and Hungary adopted Tobacco licensing with great public support. Hungary reduced the number of stores by 83 per cent from around 42,000 to 7,000 in 2013 and Finland reduced the number of outlets by 28 percent. The Netherlands reduced no. of 16,000 outlets to 4,000 in Nov 2020. In France, Italy and Spain, the tobacco sales have been monopolized by their respective national governments. Our neighboring country Bangladesh became a member of the WHO Framework Convention on Tobacco Control on February 27, 2005. The issued guidelines ensured proper implementation of the Tobacco Control Act by local governments, which included retail license requirements and sales restrictions based on the location, among other measures.

As per the compliance studies conducted in different jurisdictions in India and other countries it has been observed that there is poor knowledge about provisions in Anti-tobacco Laws and the compliance with these provisions in the law. Improving vendor compliance with tobacco Points of sale (POS) laws, may reduce student tobacco use. Future studies should test strategies to improve compliance with tobacco POS laws, particularly in under-developed and developing countries like India. Tobacco Product Waste (TPW) litter and spitting near the Points of sale (POS) is hazardous to the environment and should be duly noted by the government of India, especially with the Covid-19 pandemic at hand.

In India a letter was sent by the Ministry of Health and Family Welfare to all states regarding Tobacco Vendor Licensing (TVL) on 21<sup>st</sup> September 2017. The Ministry of Housing and Urban Affairs, Government of India has sent letters to the Principal Secretaries of Local Government of all states and Union Territories to initiate the process of TVL on 31<sup>st</sup> March 2021. About seventy jurisdictions in various states of India have issued orders from the state level, district level and Municipal Corporation level for Vendor Licensing. An example has been set by the state of Jharkhand by applying Section 455 (schedule 13 and 187) whose provisions are provided in the Jharkhand Municipality Act, 2011 which prevented the distribution, sale, storage, packaging, and processing of any tobacco product without a valid license.

TVL decreases the availability and easy accessibility of tobacco products to individuals, especially the younger generation by decreasing the number of licensed vendors and restricting sale of tobacco in the vicinity of educational institutes. This ensures better enforcement and compliance to the provisions in the law to protect non-smokers from Second Hand Smoke. If the tobacco vendors have a license, they would be obligated to follow the Anti- Tobacco Laws, else their license could be revoked by the government. This would prevent exposure to minors through the tobacco advertisements displayed by the vendors and would decrease the availability of these products to them. The manufacturers and vendors both would be compliant with providing Pictorial health warnings (PHW) on tobacco packs including Smokeless tobacco. The vendors selling food products along with tobacco products would be penalized and this could lead to more quit tobacco attempts.

## **Methodology**

A cross-sectional study was carried out among the various tobacco vendors in Chandigarh, Shahabad and Sri Muktsar Sahib. The sample was selected randomly and no informed consent was obtained from tobacco vendors since this was an unobtrusive study. The vendors were interviewed through a checklist to measure the compliance of Anti- Tobacco laws. The checklist had eighteen different criteria to evaluate the points of sale. This was done under the World No Tobacco Day Campaign 2022, carried out by SIPHER. The checklist was bilingual (English and Hindi) to reach maximum tobacco vendors (Links to the checklist provided below). The total points of sale

surveyed were 753, 149 from Chandigarh, 200 from Shahabad and 404 from Sri Muktsar Sahib district, respectively. MS Excel was used to retrieve the data collected in Google forms and further analysis was done to calculate the percentage and frequency of POS (Points of sale) showing noncompliance to Anti- Tobacco Laws.

The collected data was entered in a google form checklist for Chandigarh and Shahabad and then exported:

- Chandigarh: [https://docs.google.com/forms/d/1FkMXeUokGL0I7ZjP8eLMfPOHEJnCT\\_EcDwt7T\\_mkn-g/edit?vc=0&c=0&w=1&flr=0#responses](https://docs.google.com/forms/d/1FkMXeUokGL0I7ZjP8eLMfPOHEJnCT_EcDwt7T_mkn-g/edit?vc=0&c=0&w=1&flr=0#responses)
- Shahabad: <https://docs.google.com/forms/d/1eeVPGZfRYqp8Ge20ToDAVja6gG5Hnd4DrJ05k7W0c4s/edit?ts=628f3251>
- Sri Muktsar Sahib: The collected data was entered in Microsoft excel by the volunteers and was further analyzed to obtain relevant results for the study conducted.

## Results

The results of this study are in conformity with Indian studies done by Goel., *et al.* (2014) in three jurisdictions (Chennai city, District Vadodara and District Mohali), Govil., *et al.* (2016) in Ahmedabad, Jain., *et al.* (2016) in Rajasthan, Rath., *et al.* (2018) in Haryana and Shilpashree., *et al.* (2018) at Bengaluru.

Advancing tobacco control at sub-national level in three jurisdictions of North India (Chandigarh, Shahabad and Muktsar, June-2022); By increasing the awareness of Tobacco Vendors in the three jurisdictions about Tobacco Product Waste and Anti-Tobacco laws to be followed. This campaign was conducted by the Strategic Institute for Public Health Education and Research (SIPHER) with the collaborating Academic Institute Adesh Medical College and Hospital, Shahabad, Kurukshetra, Haryana.

The findings in the three jurisdictions were similar and indicated that the majority of tobacco vendors were not licensed under FSSAI and did not have a sales tax number. The findings per each jurisdiction are mentioned below:

1. Findings in Chandigarh: As per the study 96% of the total sample of vendors did not have any kind of license from Municipal Corporation or under Street Vending Scheme, which gives enough evidence that the government needs to take stringent actions in order to regulate the sale of tobacco illegally and not as per the laws established by the government. 84.5% of the people did not have a license under the FSSAI. Only 15.5% had a license under FSSAI (Food Safety and Standards Authority of India). 91.9% of the people did not have a Sales Tax number under the government. Only 8.1% did have a sales tax number.
2. Findings in Shahabad: As per the study 96% of the total sample of vendors did not have any kind of license from MC or under the Street Vending Scheme. 71.5% of the people did not have a license under the FSSAI (Food Safety and Standards Authority of India). 87.5% of the people did not have a Sales Tax number under the government.
3. Findings in Sri Muktsar Sahib: As per the study 92.08% of the total sample of vendors did not have any kind of license from MC or under the Street Vending Scheme. Only 7.92% had a license from MC. 99.26% of the people did not have a license under the FSSAI (Food Safety and Standards Authority of India). 99.75% of the people did not have a Sales Tax number under the government.

The three jurisdictions overall represented that 6.11 percent of the total sample of Points of sales only had some kind of license under Municipal Corporation or Street Vending Scheme for the sale of Tobacco, the rest were in non- compliance. Another finding was that 11.02% of the Tobacco Vendors that had a FSSAI (Food Safety and Standards Authority of India) license and were selling tobacco along with food products. The third criteria measured was the Sales Tax number and only 5.05% of the total sample of POS had a sales tax number.

S. No	Jurisdiction	Frequency (n)	Percentage (%)
1	Sri Muktsar Sahib	32	7.92%
2	Chandigarh	6	4%
3	Shahabad	8	4%

**Table 1:** Tobacco vendors that had any kind of license under municipal corporation or street vending scheme for the sale of tobacco.

S. No.	Jurisdiction	Frequency (n)	Percentage (%)
1	Sri Muktsar Sahib	3	0.74%
2	Chandigarh	23	15.50%
3	Shahabad	57	28.50%

**Table 2:** Tobacco Vendors that had a FSSAI (Food Safety and Standards Authority of India) license.

S. No.	Jurisdiction	Frequency (n)	Percentage (%)
1	Sri Muktsar Sahib	1	0.25%
2	Chandigarh	12	8.10%
3	Shahabad	25	12.50%

**Table 3:** Tobacco vendors that had a sales tax number.

S. No.	Criteria	Frequency (N)	Percentage (%)
1	Tobacco Vendors that had any kind of license under Municipal Corporation or Street Vending Scheme for the sale of Tobacco	46	6.11%
2	Tobacco Vendors that had a FSSAI (Food Safety and Standards Authority of India) license	83	11.02%
3	Tobacco Vendors that had a Sales Tax Number	38	5.05%

**Table 4:** Overall percentage and frequency of the total sample (753) in the three jurisdictions for the three criteria assessed.

## Discussion

Tobacco Vendor Licensing (TVL) is one of the best cost-effective strategies for the government to reduce the supply of Tobacco products and is a step towards Endgame Tobacco. It helps in effective monitoring of the number of tobacco vendors and denormalization of the use of tobacco. With the impending fear of going out of business the vendors without the license will resort to alternate business modules. It leads to better implementation of anti-tobacco laws against selling tobacco to minors and will lead to reduced number of vendors in the society. The States and Union Territories must implement the advice of the Ministries of Health & Family Welfare and the Housing and Urban Development Government of India regarding TVL. TVL can restrict the sale of illegal products by the vendors and would reduce the availability and accessibility of tobacco products to people. The government would be able to keep a check on the density of tobacco

retailers in the jurisdictions and sustain enforcement measures. Tobacco vendor Licensing (TVL) would reiterate the various sections of the Cigarettes and Other Tobacco Products Act (COTPA) and bring about awareness amongst the tobacco vendors.

The government needs to intermittently start assessing and penalizing the individuals, at the Points of sale of Tobacco products, who are in non-compliance with the Anti- Tobacco laws to regulate the sale of Tobacco. Through sufficient scrutiny, the regulatory bodies can implement the existing laws and if required make room to make alterations in the existing policies, to help India achieve the ultimate aim of the tobacco endgame [1-11].

## **Conclusion**

Tobacco Vendor Licensing (TVL) is a good strategy to reduce the supply of Tobacco products and is a step towards Endgame Tobacco. It helps in effective monitoring of the number of tobacco vendors and denormalization of the use of tobacco. It leads to better implementation of anti-tobacco laws against selling tobacco to minors and limiting the number of vendors in any jurisdiction.

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