



COTPA Sec 4: Prohibition of Smoking in Public Places

Section 4: “No person shall smoke in any public place:
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 smoking area or space may be made.”

Effective from: 2nd October, 2008

What are public places?

Section (4) of the COTPA 2003 prohibits smoking in all public places. ‘Public Place’ is defined as any place to which the public has access whether as of right or not and includes all places visited by general public namely auditorium, hospital building, railway waiting room, amusement centers, public offices, court buildings, educational institutions, libraries, coffee houses, canteens, banks, clubs and also open spaces surrounding hotels/restaurants etc .

What are public places supposed to do?

1. Display the signage as per the specification given in the Figure below:



- a) The board shall be of minimum size of 60 cm by 30 cm of white background ;
- b) It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band;
- c) The width of the red band across the cigarette shall equal the width of the red perimeter;
- d) The board shall contain the warning “No Smoking Area- Smoking Here is an Offence”, in English or one Indian language, as applicable;
- e) The board shall be prominently displayed at each entrance of the public place and a conspicuous place(s) inside the building. If there are more than one entrance then at all entrances and exists. If there are more than one floor, at each floor including the stair case and entrance to the lift at each floor.
- f) Notify and display the name of a person (designated officer) to whom a complaint may be made, in case someone is found violating the law.



2. Ensure that no ashtrays, matches, lighters or other things designed to facilitate smoking are provided.
3. Assigning a responsible officer to whom complaint may be lodged in case anybody is spotted smoking.

Can public places have a separate smoking area?

NO. All public places have to be smoke-free. However, owner, proprietor, manager or supervisor or in-charge of affairs of the hotels having 30 or more rooms and restaurants having seating capacity of 30 or more and the manager of the airport may provide a separate smoking area. Keeping in mind the following prescribed guidelines.

A smoking area / space

1. Should be used only for the purpose of smoking and no other service(s) shall be allowed
2. Shall not be established at the entrance or exit of the hotel, restaurant or airport and shall be distinctly marked as 'smoking area' in English and one Indian language as applicable.
3. Physically separated and surrounded by full height walls on all four sides. Having an entrance with automatically closing doors normally kept in close position with an airflow system that is exhausted directly to the outside and not mixed back into the supply to the other parts of the building. That is fitted with a exhaust ventilation system which is non re-circulating in nature or an air cleaning system or a combination of two, in such a manner that air does not permeate into non smoking areas. The Smoking area has a negative air pressure in comparison with the remainder of the building.

What constitutes violation of Sec 4?

1. If public places do not put up specified signage's
2. Presence of ashtrays and lighters matches or any other device to facilitate smoking.
3. Smoking area established at the entrance or exit of an establishment as specified in the law.
4. Other services provided/allowed in the smoking area.
5. Smoking room with improper air flow system.
6. Presence of a separate smoking room in a public place which is NOT an airport , hotel with more than 30 rooms or a restaurant with a 30 seating capacity.
7. Designated officer for reporting of violations is not mentioned.

What happens if I Violate Sec 4?

1. Any violation of any Provision in this section is a punishable offence with fine extending up to Rs. 200.
2. An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in Code of Criminal Procedure, 1973."



3. If the owner, proprietor, manager or supervisor, or in-charge of affairs of the public place fails to act on the report of such violation, he shall be fined equivalent to the number of individual offences.

Note: All offences punishable under this Act are bail able.