

# Office of the Burdwan Municipality

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Memo No. 578/9/খণ্ড-৬

Date: - 12.06.18

From,  
Burdwan Municipality  
Burdwan

To,  
The Headmaster/Headmistress/TIC.....

**Subject: Implementing Tobacco free school policy under COTPA 2003**

Sir/Madam,

The Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 was enacted in May 2003 essentially to discourage the consumption of cigarettes and other tobacco products and to protect youth and the general population from the harmful effects of tobacco use. This act is applicable to the entire country.

Section 4 of COTPA prohibits smoking in public places and Section 6 of COTPA protects the minors and youths from tobacco by regulating and restricting the tobacco business. All educational institutions as defined under COTPA and are abide by the law to comply with the provisions of Section 4 and Section 6 of COTPA.

In order to ensure the compliance to the law, following things must be ensured at an institutional level.

1. Display of "No Smoking Area" signage at prominent places in the institution campus. (annexure 1)
2. Display of another signage "Tobacco free educational Institution" at main gate/outer boundary informing prohibition of sale of tobacco products within 100 yards distance. (annexure 2)
3. Ensure that nobody (faculties, staff, students, patients and visitors) use any form of tobacco (smoking and smokeless) in the whole institution campus including canteens and hostels.
4. Ensure that no tobacco products are being sold or offered in the whole campus including the canteen, hostel mess and within 100 yards of the outer boundary/main gate of the institution.
5. Ensure random checking at the probable points of violation especially during the peak hours.

It is further added that under the law

- 1) The head of institution or designated officer are authorised to fine a person amounting Rs. 200/- who used tobacco products in the institute's campus including the canteen.
- 2) The head of institution or designated officer are authorised to fine the tobacco vendors Rs. 200/- who sell tobacco products within 100 yards of the institute's main gate/boundary.

Whereas Government of India has passed Juvenile Justice (Care and Protection of Children) Act, 2015 has become enforceable from January 15, 2016 across whole of India. According to Section 77 of this Act says that, 'Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a terms which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees'. According to Section 2(12) of the Act "child" means a person who has not completed eighteen years of age.

It is to be further noted that the difference between the two legislations is set to rest by the legal fact that Juvenile Justice (Care and Protection of Children) Act, 2015 being a special law it shall prevail over COTPA, 2003. Therefore, if any person is found giving or causes to be given tobacco product to any person below eighteen (18) years of age he shall be dealt with in the new legislation, i.e. Juvenile Justice Act, 2015.

It is essential that all necessary steps are taken to implement Section 4 and Section 6 of COTPA. Ensure that the display of specified signage under COTPA is must, even if you don't come across any visible violation in the campus. Eliminating the violations, complying with the law and making an institute- a **"Tobacco free educational institute"** is a specific responsibility of a head/incharge of institution.

Now, Burdwan Municipality has decided to initiate a campaign for Tobacco Free Schools by demarcating 100 yards from any point of the boundary wall of some selected schools. The area will be marked with blue line as tobacco free zone wherein no tobacco products will be sold or consumed. The students of the schools will request the existing tobacco vendors operational within 100 yards of the school to stop selling tobacco products. The students will be accompanied by an elder be it the teacher or non-teaching staff of the school.

These steps are very important as among the adult smokers, 4 out of 5 began smoking before age 18 and the adoption of tobacco-free policies discourages students from becoming smokers in the future.

Now, we are happy to inform you that your school has been selected for this pilot initiative and you are requested to send a letter of acceptance to the undersigned by 10/7/2018. It is to be noted that all technical help in rolling out the initiative will be provided by Burdwan Municipality and MANT, the NGO working in tobacco control in West Bengal.

Yours Sincerely

Chairman

Burdwan Municipality

Chairman  
Burdwan Municipality

Date: - 12.06.18

Memo No. 578/G/1(6)/xii-b

Copy to:

1. District Magistrate, Purba Bardhaman
2. Superintendent of Police, Purba Bardhaman
3. Chief Medical Officer of Health, Purba Bardhaman
4. State Tobacco Control Cell (West Bengal) for information and providing technical support to institutions
5. The Executive Director, MANT, 164, P. Majumder Road, North Purbachal, Kolkata-700078 for follow up and further facilitation
6. Guard file

Chairman

Burdwan Municipality

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