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Subject: Implementing Tobacco free school policy under COTPA 2003

Madam/Sir,

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 are defined under COTPA and are to abide by the law to comply with the provisions of Section 4 and Section 6 of COTPA. The KMC has taken certain initiatives to make the city tobacco free.

In order to ensure the compliance to the law, following things require to be ensured at the 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.

It is further added that under the law

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

According to Section 77 Juvenile Justice (Care and Protection of Children) Act, 2015 '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.

Therefore, if any person is found giving or causes to be given tobacco product to any person below eighteen (18) years of age he may be dealt with the Juvenile Justice Act, 2015.

It is essential that necessary steps are taken to implement Section 4 and Section 6 of COTPA. To ensure to make a **"Tobacco free educational institute"** is responsibility of the head/incharge of institution. A blue line campaign adopted elsewhere has been found to be effective.

It has been decided to initiate a campaign for Tobacco Free Schools by demarcating 100 yards from the boundary wall of some selected schools . The area may 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 a teacher or non-teaching staff of the school.

Now, we are happy to inform you that your school has been selected for this pilot initiative in the city. Technical help in rolling out the initiative will be provided by KMC and MANT, (an NGO working in tobacco control in West Bengal).

I am to cordially request you for extending co-operation towards a tobacco free Kolkata.

This issues with the approval of Hon'ble Mayor.

Yours faithfully,

 11/4/18

Municipal Secretary, KMC
Municipal Secretary
Kolkata Municipal Corporation

Copy to:

1. MMIC- Education, Kolkata Municipal Corporation
2. State Tobacco Control Cell (West Bengal) for information and providing technical support to institutions
3. The Executive Director, MANT, 164, P. Majumder Road, North Purbachal, Kolkata-700078 for follow up and further facilitation