

**Government of West Bengal
Office of the District Magistrate,
Malda**

Memo No: CMOH/PH/NTCP/532

Date 15.05.19.

To
The Executive Officer
English Bazar Municipality

Sub: Trade License for Shops selling tobacco products and Compliance of Legislations

Sir/Madam,

You are requested to take appropriate actions to provide vendor license to all vendors selling Tobacco products as mentioned in the **Section 201 of the West Bengal Municipal Act, 1993**(See Schedule II of Section 201) which states tobacco cannot be stored or sold without a licence or written permission and prescribes to make licences mandatory for vendors selling tobacco products in the municipal areas of West Bengal.

However, in doing so you are also requested to ensure the followings:

1. As per Section 6(b) of Cigarette and Other Tobacco Products Act (COTPA) 2003 it is to be ensured that no tobacco products are being sold or offered within 100 yards of the outer boundary/main gate of any educational institution. Hence, no tobacco vending license is to be issued to any vendor doing business in the aforesaid area.
2. For compliance of Section 5 of COTPA, 2003 the following things must be ensured by the tobacco vendors:
 - a. At the point of sale a white board may be displayed to show that tobacco products are sold here. However, the size of the board used for the advertisement of cigarettes and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarette or any other tobacco product is offered for sale shall not exceed sixty centimetres by forty-five centimetres
 - b. Each such board shall contain in an Indian language (English, Hindi, Nepali or Bengali) as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimetres by fifteen centimetres, namely:-
 - i. Tobacco causes cancer, or
 - ii. Tobacco kills
 - c. The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background
 - d. The display board shall only list the type of tobacco products available and no brand pack shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner

3. In order to ensure the compliance of Section 6a of COTPA, 2003 the tobacco vendors shall ensure that,-

- a. a board with a warning as specified in "Annexure I" is displayed at the entrance of the place where cigarettes or other tobacco products are sold
- b. (b) no tobacco product is sold through a vending machine;
- c. (c) no tobacco product is handled or sold by a person below the age of eighteen years;
- d. (d) Tobacco products are not displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.

In this regard the tobacco vendors may be informed that the onus of proof, that the buyer of the tobacco product is not a person below the age of eighteen years lies with the seller of the tobacco products and the seller in case of doubts may request the buyer to provide appropriate evidence or age proof of having reached eighteen years of age.

The tobacco vendors may also be informed about Section 77 of Juvenile Justice Act, 2015 which 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 essential that all necessary steps are to be taken to implement Section 201 of West Bengal Municipal Act, 1993, Section 5 and Section 6 of COTPA, 2003 and Section 77 of Juvenile Justice Act, 2015 in your municipal area to make it compliant with legislations mentioned above.

You may coordinate with MANT, (+918420218185) the NGO member of District Level Coordination Committee-Tobacco Control in Malda for any technical support you may require.

Thanking you
Sincerely yours


District Magistrate
Malda

Memo No: CMDH/PA/NTCP/532/1(47).

Date: 15.05.19.

Copy forwarded for kind information and taking necessary action to:

1. The Sabhadhipati, Malda Zilla Parishad
2. The Principal Secretary, Govt of WB, Dept of H&FW
3. The Mission Director (NHM), Govt of WB, Dept of H&FW
4. The Addl. District Magistrate (Administration), Malda
5. The Additional District Magistrate (G), Malda
6. The Additional District Magistrate (ZP), Malda
7. Chief Medical Officer of Health, Malda

8. The Senior Superintendent of Police, Malda
9. The Addl. Superintendent of Police, Malda
10. The Dy. Superintendent of Police, Malda
11. All SDOs
12. The District Inspector of Schools (Secondary), Malda
13. The District Inspector of Schools (Primary), Malda
14. The District Programme Officer-Sarva Siksha Mission, Malda
15. The District Programme Officer- ICDS, Department of Social Welfare
16. The Regional Transport Officer, Malda
17. The Commercial Tax Officer, Malda
18. The District Information and Cultural Officer, Malda
19. The Principal Agricultural Officer, Malda
20. The District Labour Officer, Malda
21. The Dy. Labour Commissioner, Malda
22. The District Controller, Food and Supply Department, Malda
23. The Dy. Commissioner Excise Department
24. The Senior Post Master, Malda Head Post Office
25. District Library Officer, Malda
26. The G.M, District Industries Centre, Malda
27. The Swasthya Karmadhashya, Malda Zilla Parishad
28. The Officer-in-Charge of Health, District Administration, Malda
29. The Dy. CMOH-I, Malda
30. The Dy. CMOH-II, Malda
31. The Dy. CMOH-III, Malda
32. The DMCHO, Malda
33. All ACMOHs
34. The Registrar, Gour Banga University
35. The Executive Officer English Bazar Municipality
36. The Executive Officer Old Malda Municipality
37. The DTO, Malda
38. The Sabhapati, Panchayat Samiti(all)
39. The BDO,Block(All)
40. The CDPO,, Block/Urban(all)
41. The SI of Schools (all)
42. The All Block Medical Officer of Health, Malda
43. The Head Master/ Mistress _____ High School, Malda
44. The Head Master /Mistress, _____ High School, Malda
45. The Station Master Malda Railway Station, Malda
46. The Executive Director, Manbhum Ananda Ashram Nityananda Trust (MANT)
47. The All Superintendent, District Hospital and SGH,SDH


District Magistrate

Malda

Chaitanya