



Government of West Bengal
Office of the District Magistrate, Purba Bardhaman
Health Section

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Memo No.: 297 /Health/B-3(COTPA)

Dated, Purba Bardhaman 27th July, 2018

MEMORANDUM

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 5 of COTPA prohibits direct and indirect advertisements, promotion and sponsorship of use or consumption of cigarettes or any other tobacco products and Section 6a of COTPA protects the minors and youths from tobacco by regulating and restricting the tobacco business. All shops which sales tobacco are to abide by the law to comply with the provisions of Section 5 and Section 6a of COTPA.

For compliance of Section 5 the following things must be ensured by the owner or the manager or the in-charge of the affairs of any point of sale where cigarettes or other tobacco products are sold:

- 1) 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 centimeters by forty-five centimeters
- 2) Each such board shall contain in an Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimeters by fifteen centimeters, namely:-
 - (i) Tobacco causes cancer, or
 - (ii) Tobacco kills

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- 3) The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background
- 4) 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


In order to ensure the compliance of Section 6a the owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that,-

- 1)
 - 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) No tobacco product is sold through a vending machine;
 - c) No tobacco product is handled or sold by a person below the age of eighteen years;
 - d) Tobacco Products are not displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.
- 2) 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.

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 to be taken to implement Section 5 and Section 6a of COTPA and Section 77 of Juvenile Justice Act, 2015 in Purba Bardhaman. To ensure that the display of specified Section 6a signage under COTPA and no visible tobacco advertisements at the point of sale, the Purba Bardhaman District Administration will go for enforcement drive and the violators will be punished under the appropriate provision of the laws.



District Magistrate
 Purba Bardhaman

Memo No.: 297 1/(56) /Health/B-3(COTPA)

Dated, Purba Bardhaman 27th July, 2018

Copy forwarded for kind information and taking necessary action to:-

- 1) Sri Swapan Kumar Debnath, Hon'ble Minister of State, MSME&T, Govt. of West Bengal, Hemanta Bhavan, Kolkata - 700001
- 2) The Sabhadhipati, Purba Bardhaman Zilla Parishad, Purba Bardhaman
- 3) Hon'ble MP (All), Purba Bardhaman
- 4) Hon'ble MLA (All;), Purba Bardhaman
- 5) The Chairman (All Municipality), Purba Bardhaman
- 6) The Savapati (All Panchayat Samity), Purba Bardhaman
- 7) The Karmadhyaksha - Jana - Swasthya - O - Proribesh Shayee Samity, Purba Bardhaman


District Magistrate
 Purba Bardhaman

Memo No.: 297 1/(56)/2(243)/Health/B-3(COTPA) Dated, Purba Bardhaman 27th July, 2018

Copy forwarded for kind information and taking necessary action to:-

- 1) The Principal Secretary, Govt of WB, Deptt of H&FW, Kolkata - 91
- 2) The Hon'ble District Judge, Purba Bardhaman
- 3) The Mission Director (NHM), Govt of WB, Deptt of H&FW, Kolkata - 91
- 4) The Registrar, Burdwan University, Purba Bardhaman
- 5) The Superintendent of Police, Purba Bardhaman
- 6) The Additional District Magistrate (Gen/ZP/Dev/Edu/Health), Purba Bardhaman
- 7) The CEO, BDA, Purba Bardhaman
- 8) The Principal, BMC, Purba Bardhaman
- 9) The PD, DRDC, Purba Bardhaman
- 10) The CMOH, Purba Bardhaman
- 11) The District Forest Officer, Purba Bardhaman
- 12) The SDO, Sadar (North/South) / Kalna/ Katwa, Purba Bardhaman
- 13) The MSVP, BMCH, Purba Bardhaman
- 14) The Authority of National High Way, Purba Bardhaman

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- 15) The DSP (Admin), Purba Bardhaman
- 16) The Principal, Raj College / Vivekananda Mahabidyalaya, Purba Bardhaman
- 17) The District Inspector of Schools (Secondary/Primary), Purba Bardhaman
- 18) The Superintendent, Post Office, Purba Bardhaman
- 19) The District Controller (Food & Supplier), Purba Bardhaman
- 20) The District Register, Purba Bardhaman
- 21) The PO-Cum DWO/ RTO/DPLO/DPRDO/DOMA/DM (SC,ST Fin)/NDC/SHG&SE/DPO-SSM/DYO/DPO- ICDS/DSW, Purba Bardhaman
- 22) The Officer in Charge [REDACTED] (All Section), Collectorate Purba Bardhaman
- 23) The Dy. CMOH – I/II/III, Purba Bardhaman
- 24) The ACMOH, Sadar / Kalna / Katwa, Purba Bardhaman
- 25) The Executive Officer, Bardhaman/Guskara/Memari/Kalna/Katwa/Dainhat Municipality, Purba Bardhaman
- 26) The HM, Municipal Boys & Municipal Girls School, Purba Bardhaman
- 27) The BDO (All), Purba Bardhaman
- 28) The Super / BMOH, SDH/RH/BPHC (All), Purba Bardhaman
- 29) The CDPO (All), Block/Urban, Purba Bardhaman
- 30) The SI of School (All), CPC, Purba Bardhaman
- 31) The Station Manager, Burdwan Railway Station, Purba Bardhaman
- 32) The Executive Director, MANT, Kolkata
- 33) The Dy. Labour Commissioner, Labour Department, Purba Bardhaman
- 34) The Dy. Commissioner, Excise Depatt., Purba Bardhaman
- 35) The Dy. Director, Cooperative Societies, Purba Bardhaman
- 36) The Dy. Director, ARD, Purba Bardhaman
- 37) The DICO, Purba Bardhaman
- 38) The Dy. Agri Officer (Admin), Purba Bardhaman
- 39) The LDM / Bank Manager (All Branch)/ DDM, NABARD / LIC (All Branch), Purba Bardhaman
- 40) The SE, PWD (All) _____ / EE, PWD (All) _____, Purba Bardhaman
- 41) The Astt. Director, Consumer & Affairs, Purba Bardhaman
- 42) Jt. Commissioner, Commercial Tax, Purba Bardhaman
- 43) The Assistant Commission, Income Tax, Purba Bardhaman
- 44) The Agriculture Income Tax Officer
- 45) The GM, BSNL, Purba Bardhaman
- 46) Weight & Measures, Purba Bardhaman
- 47) The Divisional Fire Officer, Fire Brigade, Purba Bardhaman
- 48) The Jail Superintend, Purba Bardhaman
- 49) The Astt. Director of Fishery / Statistics, Purba Bardhaman
- 50) The Astt. Director, Agri Market, Purba Bardhaman
- 51) The District Horticulture, Purba Bardhaman


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