

Government of West Bengal
Office of the District Health & Family Welfare Samity,
Paschim Bardhaman
Beside CWC Office, Kalyanpur,
Asansol, Pin - 713305

Memo No: 18

Date 03/01/2018

To
The Commissioner
Asansol Municipal Corporation

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. The same was mentioned in **Section 273 of the West Bengal Municipal Corporation Act 2006 (See Schedule IV)**

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, 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.

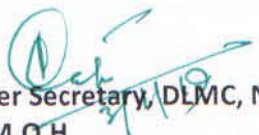
In this regard the tobacco vendors may be informed that the onus of proof, that the buyer of the tobacco product is not a person below the age of eighteen years lies with the seller of the tobacco products and the seller in case of doubts may request the buyer to provide appropriate evidence or age proof 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 term 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 273 of the West Bengal Municipal Corporation Act 2006, 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 (+91-8420225033), the NGO member of District Level Coordination Committee-Tobacco Control in Paschim Bardhaman for any technical support you may require.

Thanking you
Sincerely yours


Member Secretary, DLMC, NTPC
& C.M.O.H.,
Paschim Bardhaman


Chairman, DLMC, NTPC
& District Magistrate,
Paschim Bardhaman

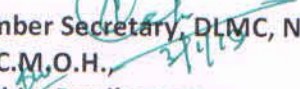
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Date:

Copy forwarded for kind information and taking necessary action to:

1. The Sabhadhipati, Paschim Bardhaman Zilla Parishad
2. The Principal Secretary, Govt of WB, Deptt of H&FW
3. The Mission Director (NHM), Govt of WB, Deptt of H&FW
4. The Addl. District Magistrate (Administration), Paschim Bardhaman
5. The Additional District Magistrate (ZP), Paschim Bardhaman
6. Chief Medical Officer of Health, Paschim Bardhaman
7. The Commissioner, Asansol-Durgapur Police Commissionerate, Paschim Bardhaman
8. The Dy Commissioner (HQ), Asansol-Durgapur Police Commissionerate, Paschim Bardhaman
9. The ACP (EB), Asansol-Durgapur Police Commissionerate, Paschim Bardhaman
10. The SDO, Asansol Sadar, Paschim Bardhaman
11. The SDO, Durgapur, Paschim Bardhaman
12. The District Inspector of Schools (Secondary), Paschim Bardhaman
13. The District Inspector of Schools (Primary), Paschim Bardhaman
14. The District Programme Officer-Sarva Siksha Mission, Paschim Bardhaman
15. The District Programme Officer- ICDS, Paschim Bardhaman
16. The Regional Transport Officer, Paschim Bardhaman
17. The Commercial Tax Officer, Paschim Bardhaman
18. The District Information and Cultural Officer, Paschim Bardhaman
19. The Principal Agricultural Officer, Paschim Bardhaman
20. The District Labour Officer, Paschim Bardhaman
21. The Dy. Labour Commissioner, Paschim Bardhaman
22. The District Controller, Food and Supply Department, Paschim Bardhaman
23. The Dy Commissioner Excise Department, Paschim Bardhaman
24. The Senior Post Master, Paschim Bardhaman Head Post Office
25. District Library Officer, Paschim Bardhaman
26. The G.M, District Industries Centre, Paschim Bardhaman
27. The Swasthya Karmadhashya, Paschim Bardhaman Zilla Parishad
28. The Officer-in-Charge of Health, District Administration, Paschim Bardhaman
29. The Dy. CMOH-I, Paschim Bardhaman
30. The Dy. CMOH-II, Paschim Bardhaman
31. The Dy. CMOH-III, Paschim Bardhaman
32. The ZLO, Paschim Bardhaman
33. The DMCHO, Paschim Bardhaman
34. The ACMOH, Asansol Sadar, Paschim Bardhaman
35. The ACMOH, Durgapur, Paschim Bardhaman
36. The Registrar, Kazi Nazrul University, Paschim Bardhaman
37. The Commissioner, Asansol Municipal Corporation, Paschim Bardhaman
38. The Municipal Secretary, Asansol Municipal Corporation, Paschim Bardhaman

39. The Commissioner, Durgapur Municipal Corporation, Paschim Bardhaman
40. The Municipal Secretary, Durgapur Municipal Corporation, Paschim Bardhaman
41. The DTO, Paschim Bardhaman
42. The Sabhapati, _____ Panchayat Samiti(all)
43. The BDO _____ Block(All)
44. The CDPO, _____ Block/Urban(all)
45. The SI of Schools _____ (all)
46. The All Block Medical Officer of Health, Paschim Bardhaman
47. The Station Master, Asansol Railway Station, Paschim Bardhaman
48. The Station Master, Durgapur Railway Station Paschim Bardhaman
49. The Executive Director, Manbhum Ananda Ashram Nityananda Trust (MANT)
50. The All Superintendent, District Hospital and SGH,SDH


Member Secretary, DLMC, NTPC
& C.M.O.H.,
Paschim Bardhaman


Chairman, DLMC, NTPC
& District Magistrate,
Paschim Bardhaman