



**Government of West Bengal**  
**Office of the Chief Medical Officer of Health**  
**Department of Health & Family Welfare**  
**South 24 Parganas**

Administrative Building, M R Bangur Hospital Complex, 241, DeshapranSashmal Road, Tollygunge, Kolkata 33.  
Mail Id- cmohs24pgs@gmail.com, Website- www.spghealthgov.in, Phone no / Fax - 033-2422 1037, 033-2422-0124

Memo No: CMOH (SPG) 8679

Date: 11.7.18

To  
The Executive Officer  
All the Municipality, South 24 Parganas and Diamond Harbour Health District

Sub: Implementing tobacco free policy under COTPA and Compliance of Legislations  
Sir/ Madam

The Cigarette and Tobacco Product Act (COTPA) 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.

Section 4 of COTPA prohibits smoking in public places a 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.

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

1. As per Section 6(b) of Cigarette and Tobacco Product 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 licence 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 back ground.

d) The display board shall only list the type of tobacco product 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.

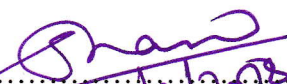
3) In order to ensure the compliance of Section 6a of COTPA, 2003 the tobacco vendors shall ensure that,-

- a) a board with a warning as specification 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 product are not displayed in a manner that enable easy access of tobacco product to persons below the age of eighteen years.

In this regard the tobacco vendor 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 product and the seller in case of doubts may request the buyer to provide appropriate evidence or age proof of having reached eighteen years age.

The tobacco vendors may also be informed about Section 77 of Juvenile Justice Act, 2015 which says that ‘Whoever gives, or cause 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 hitch may extend to seven years and shall also be liable to be 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 5 and Section 6 COTPA, 2003 and Section 77 of Juvenile Justice ACT, 2015 in your municipal area to make it compliant with legislations mentioned above.

  
.....  
Addl. District Magistrate (Health)  
South 24 Parganas


Memo No: CMOH (SPG)

8679/1(7)

Date: 17-7-18

Copy Forwarded for kind information and taking necessary action to:

1. The Principal Secretary , Govt of WB, Deptt of H&FW
2. The Mission Director (NHM) , Govt of WB, Deptt of H&FW
3. The Sabhadhipati , South 24 Parganas Zila Parishad
4. The District Magistrate, South 24 Parganas
5. The Addl. District Magistrate ( Administration ) South 24 Parganas
6. Chief Medical Officer of Health, Diamond Harbour Heath District
7. Office copy

  
.....  
Chief Medical Officer of Health  
South 24 Parganas