



GOVERNMENT OF WEST BENGAL
OFFICE OF DISTRICT MAGISTRATE & COLLECTOR
UTTAR DIAJPUR

Memo No: 026/c

Dated: 14-01-2019

To
The Chairman
Raiganj, Dalkhola, Kaliyaganj and Islampur Municipality

Subject: Trade License for Shops Selling Tobacco Products and Compliance of Legislations

You are instructed 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 (Sec Schedule II of Section 201) which states tobacco cannot be stored or sold without a license or written permission and prescribes to make license mandatory for vendors selling tobacco products in municipal areas of West Bengal.

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

1. As per the Section 6(b) of Cigarette and other Tobacco products Act -2003 (COTPA-2003) it is to be ensured that 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 the 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 cigarette and any other tobacco products for sale shall not exceed sixty centimeters by forty -five centimeters.
 - b. Each such board shall contain one of the following warnings in Bengali or in English or in Hindi or in Urdu occupying the top edge of the board in a prominent manner measuring 20 cm by 15 cm namely.
 - i. Tobacco causes cancer or
 - ii. Tobacco kills
 - c. The health warning referred to in sub-rule2 must be prominent, legible and in black colour with white background.
 - d. The display board shall contain only list of type tobacco products available and no brand pack shot, brand name of the tobacco products or other promotional message and picture. The display board shall not be backlit or illuminated in any manner.

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

- a. A board with a warning as specified in "Annexure-1" is displayed at the entrance of the place where cigarettes or other tobacco products are sold.
- b. No tobacco products are sold through a vending machine.
- c. No tobacco products are handled or sold by a person below the age eighteen years.
- d. Tobacco products are not displayed in a manner that enables easy access of tobacco products to person below the age of eighteen years.

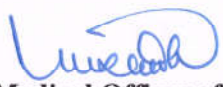
In this regard the tobacco vendors may be informed that the onus of proof, that the buyer of the tobacco products is not a person below the age of eighteen years lies with the seller of the tobacco products and the seller in case of doubts may request the buyer to provide appropriate evidence or age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

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 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 no completed 18 years 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 Raiganj, Dalkhola, Kaliyaganj and Islampur Municipal areas to make it compliant with legislations mentioned above.

You may coordinate with **District Tobacco Control Cell**, Department of Health and Family Welfare Samiti, Uttar Dinajpur .

Thanking You.


Chief Medical Officer of Health
Uttar Dinajpur


District Magistrate & Collector
Uttar Dinajpur

Memo No: 026/1(47)/c

Dated: 14-01-19

Copy forwarded for kind information and taking necessary action to:

1. The Hon'ble Sabhadhipati, Uttar Dinajpur Zilla Parishad
2. The Hon'ble Judge, District Judge Court, Uttar Dinajpur
3. The Director of Health Services, Department of Health & Family Welfare, Govt. West Bengal
4. The Joint DHS (NCD), Department of Health & Family Welfare, Govt. West Bengal
5. The ADHS (NCD-II), Department of Health & Family Welfare, Govt. West Bengal
6. The Mission Director (NHM), Govt. of WB, Dept of H&FW
7. The Superintendent of Police, Uttar Dinajpur
8. The Principal, Raiganj Government Medical College and Hospital, Uttar Dinajpur
9. The Additional District Magistrate (Health), Uttar Dinajpur
10. The Addl. Superintendent of Police, Uttar Dinajpur
11. The MSVP, Raiganj Government Medical College and Hospital
12. The Dy. Superintendent of Police (HQ), Uttar Dinajpur
13. The Sub Divisional Officers, Raiganj and Islampur Sub Division, Uttar Dinajpur
14. The District Inspector of Schools (Secondary), Uttar Dinajpur
15. The District Inspector of Schools (Primary), Uttar Dinajpur
16. The District Programme Officer-Sarva Siksha Mission, Uttar Dinajpur
17. The District Programme Officer- ICDS, Department of Social Welfare, Uttar Dinajpur
18. The Regional Transport Officer, Uttar Dinajpur
19. The Commercial Tax Officer, Uttar Dinajpur
20. The District Information and Cultural Officer, Uttar Dinajpur
21. The Dy. Director of Agriculture (Admin), Officer, Uttar Dinajpur
22. The District Labour Officer, Uttar Dinajpur
23. The Dy. Labour Commissioner, Uttar Dinajpur
24. The District Controller, Food and Supply Department, Uttar Dinajpur
25. The Dy. Commissioner of Excise, Uttar Dinajpur
26. The Post Master, Uttar Dinajpur Head Post Office
27. The District Library Officer, Uttar Dinajpur
28. The Swasthya Karmadhashya, Uttar Dinajpur Zilla Parishad
29. The Officer-in-Charge of Health, District Administration, Uttar Dinajpur
30. The Dy. CMOH-I, Uttar Dinajpur
31. The Dy. CMOH-II, Uttar Dinajpur
32. The Dy. CMOH-III, Uttar Dinajpur
33. The ZLO, Uttar Dinajpur
34. The DMCHO, Uttar Dinajpur
35. The ACMOHs (Sadar and Islampur)
36. The Registrar, Raiganj University, Uttar Dinajpur
37. The Executive Officer, _____ Municipality (All), Uttar Dinajpur
38. The DTO, Uttar Dinajpur
39. The Sabhapati, _____ Panchayat Samiti(all)
40. The BDO _____ Block(All)
41. The CDPO, _____ Block/Urban(All)
42. The SI of Schools _____ (All), Uttar Dinajpur
43. The Block Medical Officer of Health _____ (All), Uttar Dinajpur
44. The Head Master/ Mistress _____ High School, Uttar Dinajpur
45. The Head Master /Mistress, _____ High School, Uttar Dinajpur
46. The Divisional Railway Manager, Katihar
47. The Executive Director, Manbhumi Ananda Ashram Nityananda Trust (MANT)



Chief Medical Officer of Health
Uttar Dinajpur

Annexure – 1

<div data-bbox="414 109 454 672">60 CM</div> <div data-bbox="454 109 957 1064"> <div data-bbox="502 616 885 1008">  <div data-bbox="821 616 885 1008">TOBACCO KILLS</div> </div> <div data-bbox="534 1232 869 1601"> <p>Sale of tobacco products to a person below the age of eighteen years is a punishable offence.</p> </div> </div> <div data-bbox="678 1075 718 1176">30 CM</div>	<div data-bbox="414 1064 454 1702">60 CM</div> <div data-bbox="454 1064 957 2089"> <div data-bbox="502 1612 885 2004">  <div data-bbox="821 1612 885 2004">TOBACCO KILLS</div> </div> <div data-bbox="534 1232 869 1601"> <p>Sale of tobacco products to a person below the age of eighteen years is a punishable offence.</p> </div> </div> <div data-bbox="678 1075 718 1176">30 CM</div>
Option – 1	Option – 2

1. The Board shall be of a minimum size of 60 cm by 30cm of white back ground.
2. The Board shall contain the warning “sale of tobacco products to a person below the age of eighteen years is a punishable offence”, in Indian language (s) as applicable and a pictorial depiction of the ill effects of tobacco use on health.