



**Government of West Bengal**  
**Office of the District Magistrate**  
**Nadia**

Memo No. 685 /H.S.

Date: 23/05/2018

**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 centimetres by fifteen centimetres, namely:-
  - (i) Tobacco causes cancer, or
  - (ii) Tobacco kills
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,-


- (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 Nadia To ensure that the display of specified Section 6a signage under COTPA and no visible tobacco advertisements at the point of sale, the Nadia District Administration will go for enforcement drive and the violators will be punished under the appropriate provision of the laws.

Yours Sincerely

  
District Magistrate  
Nadia



Memo No. 685/1(58)/H.S.

Date: 23/05/2018


Copy forwarded for kind information and taking necessary action to:

1. The Sabhadhipati, Nadia 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 Superintendent of Police, Nadia
5. The Additional District Magistrate (ZP)
6. The Additional District Magistrate, (G)
7. The DSP (Admin), Nadia
8. The Regional Transport Officer, Nadia
9. The Commercial Tax Officer, Nadia
10. The Superintendent of Excise, Nadia
11. The Officer in Charge of Health, Nadia
12. All SDOs
13. The District Inspector of Schools (Secondary), Nadia
14. The District Inspector of Schools (Primary), Nadia
15. The District Information and Cultural Affairs Officer, Nadia
16. The Assistant Labour Commissioner- Nadia
17. The Principal Agricultural Officer, Nadia
18. DPO- ICDS, Nadia
19. DPO- SSM, Nadia
20. The CMOH, Nadia
21. The Dy. Chief Medical Officer of Health-I, Nadia
22. The Dy. Chief Medical Officer of Health-II, Nadia
23. The Dy. Chief Medical Officer of Health-III, Nadia
24. The Registrar, Kalyani University, Nadia
25. The Station Master, Krishnanagar Railway Station, Nadia
26. All ACMOHs
27. The Executive Officer Krishnanagar Municipality, Nadia
28. The Executive Officer, Nabadwip Municipality, Nadia
29. The Executive Officer Chakdaha Municipality, Nadia
30. The Executive Officer Kalyani Municipality, Nadia
31. The Executive Officer Gayespur Municipality, Nadia
32. The Executive Officer Haringhata Municipality, Nadia
33. The Executive Officer Shantipur Municipality, Nadia

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34. The Executive Officer Ranaghat Municipality, Nadia
35. The Executive Officer Birnagar Municipality, Nadia
36. The Executive Officer Taherpur Municipality, Nadia
37. The Executive Officer Cooper's Camp Municipality, Nadia
38. The Principal....., Nadia
39. The Principal, ....., Nadia
40. The HM, .....School, Nadia
41. The HM,.....School, Nadia
42. The Senior Post Master, Nadia Head Post Office
43. District Library Officer, Nadia
44. The G.M, District Industries Centre, Nadia
45. The Executive Director, MANT, Kolkata
46. The Sabhapati,\_\_\_\_\_Panchayat Samiti(all)
47. The BDO\_\_\_\_\_Block(All)
48. The BMOH/MOIC,\_\_\_\_\_BPHC/RH(all)
49. The CDPO,\_\_\_\_\_Block/Urban(all)
50. The SI of Schools\_\_\_\_\_ (all)

  
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Nadia