

**“TOBACCO CONTROL GUIDELINES & REFERENCE MATERIALS
FOR LAW ENFORCERS IN MIZORAM”**

First Edition: 2018

**Developed by: Mizoram State Tobacco Control Society,
Health & Family Welfare Department,
Government of Mizoram.**

***Supported by : Centre for Microfinance and Livelihood (CML).
An initiative of TATA Trusts.***

CONTENTS

| | | |
|------------------------------|--|-----|
| <i>Foreword</i> | | iii |
| <i>Preface</i> | | iv |
| <i>Messages</i> | | v-x |
| <i>List of Contributors</i> | | xi |
| <i>List of Abbreviations</i> | | xii |

| | | |
|------------------|---|-----------------------|
| UNIT - 1 | The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 | Page 1 - 15 |
| UNIT - 2 | Rules, Orders and Notifications issued for Enforcement of various provisions of COTPA, 2003 alongwith Summary and FAQ etc. :- | Page 16 - 86 |
| | (i) Section-4 (Prohibition of Smoking in Public Places) | Page 17 - 36 |
| | (ii) Section-5 (Prohibition of Tobacco Advertisement, Promotion and Sponsorship) | Page 37 - 47 |
| | (iii) Section-6 [(a) Prohibition of Sale of Tobacco Products to Minors & (b) within 100 yards of Educational Institutions] | Page 48 - 59 |
| | (iv) Section-7(Display of Secified Health Warnings on Tobacco Packages).. | Page 60 - 83 |
| | (v) Enforcement Drive pictures and Signages, Stickers etc. developed for various provisions of COTPA, 2003 | Page 84 - 86 |
| UNIT - 3 | Important Notifications issued for constitution of Anti-Tobacco Squad in Mizoram | Page 87 - 93 |
| UNIT - 4 | Important Committees constituted for Tobacco Control in Mizoram | Page 94 -111 |
| UNIT - 5 | Other Important Landmark Notifications. | Page 112 - 117 |
| UNIT - 6 | Other Important Acts and Rules with Guidelines relevant for Tobacco Control | Page 118 - 129 |
| UNIT - 7 | Important Letters, Circulars, Orders etc. issued by other departments for Tobacco Control in Mizoram | Page 130 - 155 |
| UNIT - 8 | Standard Operating Procedure (SoP) for disposal of Tobacco Products | Page 156 - 158 |
| UNIT - 9 | Budget Head for deposition of Fees & Fines under COTPA, 2003 | Page 159 - 160 |
| UNIT - 10 | Office Order issued by District & Sessions Judge, Aizawl Judicial District for designating Magistrate to take-up COTPA cases..... | Page 161 - 165 |
| UNIT - 11 | Challan, Seizure Memo, Compounding Challan & Reporting Format used in Mizoram for Enforcement of COTPA, 2003 | Page 166 - 170 |
| UNIT - 12 | Public Notice issued for various provisions of COTPA, 2003 | Page 171 - 175 |
| UNIT - 13 | Enforcement Procedure for Section - 4, 5, 6 & 7 of COTPA, 2003 | Page 176 - 178 |



*Commissioner/Secretary,
Govt. of Mizoram*



AIZAWL- 796001
0389-2323224 (O)
0389-2322763 (F)

*Health & Family Welfare Department
cum Chairman, Mizoram State Tobacco Control Society*

FOREWORD

Tobacco is the most easily accessible, legally available addictive substance which contributes significantly to premature death and long term suffering. It is a major risk factor for cardiovascular diseases, stroke, chronic obstructive pulmonary diseases, cancers, and other Non-Communicable Diseases along with innumerable diseases affecting almost every part of the body.

The Government of Mizoram has accorded the highest priority to this very important public health concern. Anti-Tobacco activities have been taken up by the Health & Family Welfare Department in a concerted manner from 2009. Setting up a separate body, i.e. Mizoram State Tobacco Control Society (MSTCS), under the chairmanship of the Secretary (Health), to take up this crucial task in 2009 was the first of many important steps which has resulted in dramatic improvement in the area of tobacco control. Amongst other key initiatives undertaken has been the constitution of different bodies at various levels which showcases the importance accorded by the top political and bureaucratic leadership- Mizoram Smoke Free Group (MSFG) under the chairmanship of the Hon'ble Chief Minister, Smoke Free Mizoram Coalition (SFMC) under the chairmanship of the Hon'ble Health Minister, State Level Coordination Committee (Tobacco Control) under the chairmanship of Chief Secretary, Anti-Tobacco Squad under chairmanship of Deputy Commissioners at every District etc.

At the same time, MSTCS has forged fruitful partnership with several Government Organizations (School Education, Police, Legal Metrology, Traffic etc.) and Non-Governmental Organizations (Indian Society on Tobacco and Health Mizoram, Mizo Hmeichhe Insuihkhawm Pawl, Mizoram Journalist Association, Mizo Zirlai Pawl, Mizoram Kohhran Hruaitu Committee, Young Mizo Association etc.) which has increased our reach and effectiveness and significantly contributed towards reducing the rampant use of tobacco in Mizoram.

I must put on record the contributions made by various organizations like Bloomberg Initiative to Reduce Tobacco Use, The Union, Ministry of Health & Family Welfare (GoI) and WHO, which has helped Government of Mizoram in implementing Tobacco Control over the years in a scientific and effective manner, thus yielding good results.

We will endeavour to achieve even better results in the years to come since Mizoram still has miles to go and much to do before we have favourable indicators. With the knowledge that enforcement is the mainstay for an effective and sustained Tobacco Control programme, the Government of Mizoram has published this '***Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram***' with the expectation that it will be useful for scaling up tobacco control and more effective enforcement activities.

As Chairman of MSTCS I thank all who have contributed towards tobacco control in the State and congratulate the staffs of MSTCS and all other partners who have worked towards making this publication a reality which would serve as an important reference material to advance tobacco control in the State.


(LALRINLIANA FANAI)



PREFACE

Dr. Jane R. Ralte
State Nodal Officer
Mizoram State Tobacco Control Society

This book “**Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram**” has been prepared with the aim to have a complete reference book to aid Law Enforcers regarding the different Acts concerning Tobacco Control. This will serve as an easy reckoner for officials in different parts of Mizoram who are implementing Tobacco Control Laws, so that legal mandates are observed and all actions are undertaken within the purview of legal sanctity. This book is expected to scale up enforcement and improve compliance to various legal requirements under the different legislations.

Enforcement of The Cigarettes and Other Tobacco Products Act (2003) has always been accorded top priority by the Government of Mizoram. Setting up of Anti-Tobacco Squad in all districts under the Chairmanship of Deputy Commissioner/District Magistrate and having representation from all relevant departments has further strengthened enforcement of all sections of COTPA. Joint Collaborations with key departments such as Mizoram Traffic Police, Legal Metrology, CID (Crime), Food and Drug Administration, Taxation Department, etc. have scaled up enforcement of other tobacco control laws, e.g. The Legal Metrology Act, Food Safety and Standards Act, Motor Vehicle Act, etc. Measures have been taken to ensure that WHO-FCTC and MPOWER strategies are executed in the state through strong institutional mechanism which have been set up at different levels to have an effective reach throughout the State.

We are happy to report that GATS-2 has reported dramatic improvement in enforcement of Section 4, COTPA which prohibits smoking in public places, with SHS exposure at work place down by 20.2 % and 9.1% in any public place. This report reinforces the fact that our enforcement efforts has resulted in visible and positive outcomes.

Mizoram has shown the highest level of political and bureaucratic commitment towards tobacco control. Mr Lal Thanhawla, Hon’ble Chief Minister cum Chairman, Mizoram Smoke Free Group (MSFG) has shown his strong support to this programme on innumerable occasions. He declared Mizoram as 100% Point of Sale-board Free on 11th September 2016. He has refused to be influenced by any form of tobacco industry interference but has rather ensured that FCTC 5.3 has been followed and is a role model for other policy makers to emulate.

First Lady Mrs. Lal Riliani, President, Indian Society on Tobacco & Health, Mizoram has contributed tremendously to tobacco control in the State through her selfless dedication to this public health challenge since 1989.

Tobacco Control would not be complete without mentioning the notable efforts put in by our working partners e.g. ISTH(M), Mizo Hmeichhe Insuihkhawm Pawl (MHIP), Mizoram Journalist Association (MJA) and Mizo Zirlai Pawl (MZP). The support extended by our working partners have enabled us to reach out more effectively to different target groups extending our reach to the every corner of the State.

On behalf of Mizoram State Tobacco Control Society, I would like to express my gratitude to all, both individuals and organizations, who have contributed towards tobacco control efforts in Mizoram. This publication would not have been possible without your help and support. I am hopeful that the fight against tobacco would gain even more momentum and vigor which will result in reducing tobacco use prevalence along with tobacco related diseases and deaths in Mizoram.


(DR. JANE R. RALTE)

**CHIEF MINISTER
MIZORAM**



AIZAWL - 796001

Off : 0389-2323224

: 0389-2322763

Fax : 0389-2322245

Res. : 0389-2322274

MESSAGE

Mizoram has asserted its position as a leader in the field of tobacco control in India as can be seen from the report of the latest Global Adult Tobacco Survey-2 (2016-17). It is commendable that such remarkable and measurable improvement is observed in key indicators like tobacco use prevalence among men and women; smoking and smokeless tobacco use; secondhand smoke exposure in public places etc. This has happened in the backdrop of Mizoram having the highest tobacco use prevalence in the country according to GATS-1, with a very high societal acceptance of tobacco use along with the absence of any taboo associated with its use. Tobacco control activities have, therefore, proven to be very challenging. Hence, the good report card speaks volumes about the tremendous efforts which have been made by all the stakeholders.

There is no doubt that these positive results have accrued because of the sustained and vigorous implementation of Tobacco Control programme by the Government of Mizoram through the main implementing agency, Mizoram State Tobacco Control Society along with NGO partners like the Indian Society on Tobacco and Health, Mizoram; Mizo Hmeichhe Insuihkhawm Pawl; Mizoram Journalist Association, Mizo Zirlai Pawl etc. Their activities include measures to reduce the high prevalence of tobacco use through various demand and supply control activities, health education and counseling, changing cultural norms associated with tobacco use, implementation of anti-tobacco laws, raising of taxes, effective cessation services etc.

The Government of Mizoram has shown its commitment towards enforcement of Tobacco Control Laws by undertaking a number of path-breaking and innovative initiatives like authorizing all Police Personnel to enforce Section 4 and 6 of COTPA, which increased manifold the workforce authorized to implement this legislation. Smoke Free Mizoram Campaign has been launched and the state declared Smoke Free on 26th August, 2013, which has given fresh impetus to the drive.

This document is a welcome initiative as it puts the spotlight on the importance of enforcement of tobacco laws. Enforcement of laws such as the Cigarette and Other Tobacco Products Act, 2003; The Legal Metrology Act, 2009; Food Safety and Standards Act, 2006; The Motor Vehicle Act, 1988 etc have been executed with the aim to improve overall health and reduce the various economic costs associated with tobacco use. Mizoram State Tobacco Control Society has explored all available assets to strengthen available tobacco control laws as evident from this book and capitalized on the legal framework to augment and scale up tobacco control in the State.

I commend Mizoram State Tobacco Control Society for this initiative and for taking concrete steps towards advancing tobacco control policies in Mizoram. With strong societal support and highest political commitment I strongly believe that Mizoram is well equipped to further curb the tobacco menace and reduce the number of Tobacco Related Diseases and Deaths.

Let us all work towards creating a Healthy and Tobacco Free Mizoram.


LAL THANHAWLA



LAL THANZARA
MINISTER
H&FW/I&PR/PWD



Off. : 0389-2344087
Fax : 0389-2305780
Res. : 0389-2343213
E-mail : lalthanzara@gmail.com

MESSAGE

I am happy that Mizoram State Tobacco Control Society has taken the initiative for the publication of “**Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram**”, which showcases the importance of the legal aspect of tobacco control as well as the need to undertake enforcement of related laws in an effective manner. It would not be wrong to say that enforcement forms the mainstay of this programme- from prohibiting smoking in public places, protection of minors in different ways, ensuring that pictorial health warnings as mandated by the law are available on all tobacco products to addressing the very serious issue of illicit contraband cigarettes.

Therefore, in order to have an even more effective tobacco control programme in the state it is imperative for all stakeholders to continue enforcement activities with even more vigor and enthusiasm. This will ensure that the gains made over the past 8-9 years and the improvements seen in GATS-2 continue to show positive trends. I am very proud of the gains made in various indicators as highlighted in the report. There is no doubt that the credit for this goes to all the players belonging to different sectors who have been passionately working towards this end.

I am confident that this book will serve as a very important reference material which will ensure that legal mandates of the law are easily and systematically followed, as the different related Acts are enforced in all parts of the state by stakeholders from various departments. This will also establish uniformity in the execution of the law and remove any ambiguity in its implementation.

I extend my best wishes to MSTCS and all stakeholder organizations (both Governmental and Non- Governmental) who have an important role in this crucial public health concern and are committed to strengthen tobacco control in Mizoram. Let us all work together to create a Healthy Tobacco Free Mizoram.

(LAL THANZARA)

**ARVIN RAY, IAS
CHIEF SECRETARY
GOVERNMENT OF MIZORAM**

**Chairman,
State Level Coordination
Committee (Tobacco Control)**



**AIZAWL - 796001
Off ice 0389-2322411, 2322429
Fax : 0389-2322745
E-mail: cs_miz@rediffmail.com**



MESSAGE

I commend Mizoram State Tobacco Control Society, Department of Health & Family Welfare, Government of Mizoram for publishing this book titled '**Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram**'. MSTCS has consistently implemented the different components of Tobacco Control Programme in an effective manner, with enforcement of the law being one of the key thrust areas.

The Tobacco menace is not merely a health concern but needs to be addressed by many different sectors. There is global evidence that significant gain is achieved through tobacco control in the form of improvement in public health, healthier population and better quality of life due to reduced morbidity and mortality.

Mizoram, unfortunately, had the highest tobacco use prevalence at 67.2% in 2009-10 according to Global Adult Tobacco Survey-1. As a result of this dismal picture, the Government of Mizoram gave a very high priority to this public health challenge and took up necessary actions on a war-footing since 2009. It is heartening to see positive results after 8 years of hard and sustained work on different aspects of tobacco control in the State. This has been very clearly validated in 2016-17 by the GATS-2 report which has highlighted some very good result, e.g. tobacco use prevalence going down by 8.5% to 58.7%, Second hand Smoke exposure at public place going down from 27.3% to 18.2% etc.

Mizoram State also has the proud honour of being the first state in India to have a designated day for Tobacco Control. 11th September has been designated as Mizoram State Anti-Tobacco Day since 2014. It is a matter of pride that our state has come up with many other outstanding and innovative reforms in Tobacco Control.

In order to continue with the good progress and maintain this momentum there is need to develop good records which will serve as reference materials for all stakeholders. This book will prove to be an excellent source of information regarding different laws related to tobacco control as well as important notifications and other orders issued by the Government of Mizoram.

I convey my heartiest congratulations to Mizoram State Tobacco Control Society and everyone involved in the publication of this book, comprehending the arduous task it must have taken for its completion. I convey my best wishes and all success for their future tobacco control endeavours. May this compendium of useful information about different tobacco control laws and related matters prove to be invaluable to Mizoram.

Arvind Ray
(ARVIND RAY)



भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

Message

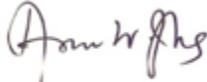


The growing burden of Non-Communicable Diseases (NCDs) is a big challenge in the current health scenario. It accounts for about 70% deaths globally and responsible for over 60% of premature mortality in India. Tobacco use is one of the major risk factors which directly or indirectly contribute to the increasing burden of NCDs. The World Health Organization named tobacco as the world's single greatest preventable cause of death. Tobacco kills more than 5 million people who directly use tobacco (either smoking or smokeless) that means one death in every 5 seconds every year in world.

Tobacco has assumed the shape of an epidemic resulting in high index of disability, disease and death. According to a recent study by registry data released by the Indian Council of Medical Research (ICMR), tobacco causes one-third of India's cancer. North-eastern India remains India's cancer hub with Aizawl (Mizoram) and Papumpare (Arunachal Pradesh) recording the highest cancer rate respectively for males and females. The Global Adult Tobacco Survey-2 (GATS-2) data of India also suggest that the prevalence of tobacco use in any form in Mizoram state is above 50%. The need for having knowledge about tobacco burden, technical issues, legal and social aspects etc all at one place is need of the hour.

To fight tobacco, we have several laws in the country but unfortunately we are somewhere lacking in the field of enforcement. We need proper and strict implementation of the existing laws to take the fight further. This book titled "**Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram**" deals with all aspects of tobacco control documents starting from The Cigarettes and Other Tobacco Products Act (COTPA) 2003, different rules, notifications to copies of orders, circulars and challan formats related to tobacco control. It will greatly benefit the programme implementers and aid Law Enforcers regarding the different acts concerning tobacco control. It will also facilitate Government Officials in Mizoram to implement Tobacco Control laws. This will empower the officials for the fight against tobacco and will scale up enforcement and improve compliance to various tobacco control laws.

I am happy to see these strides coming from tobacco control team of Mizoram state and i congratulate the team for introducing this exemplary work through guidelines to guide on tobacco control and progressing tobacco control in the region. The efforts undertaken by the team in this regard are commendable. Tobacco control requires a dedicated team of law enforcers who understand the issues of tobacco control on one hand and continue to attract others to join the movement on the other. A lot has been achieved so far in tobacco control in India but a lot more needs to be achieved and each one of us can play a key role in building Smoke Free India in general and Smoke Free Mizoram in particular.


(Arun Kumar Jha)



**International Union Against
Tuberculosis and Lung Disease**
Health solutions for the poor

*Union Internationale
Contre la Tuberculose
et les Maladies Respiratoires*

*Unión Internacional
Contra la Tuberculosis y
Enfermedades Respiratorias*



MESSAGE

I am pleased to learn that Mizoram State Tobacco Control Society (MSTCS), Government of Mizoram is publishing the book titled “**Tobacco Control Guidelines & Reference Materials for Law Enforcers in Mizoram**” to strengthen tobacco control in the state. The chapters on Tobacco Control Act (COTPA); Rules, Orders and Notifications issued for Enforcement of various provisions of the Act; important notifications for constitutions of various committees and enforcement teams; SOPs for disposal of tobacco products and other sections will go a long way in providing information to establish and strengthen institutional framework for tobacco control in the state. This book is a great effort by MSTCS team in that direction and I congratulate all the staff and experts for their contribution in compiling this information on tobacco control in the state. The information contained in this book will not only be useful for tobacco control programme managers and stakeholders in Mizoram but in other states who want to learn from best practices adopted by Mizoram.

I further hope that development of this book shall go a long way to address the challenges faced by the people involved in tobacco control. Congratulations once again as we look to collaborate with the state on all aspects of tobacco control.

Dr. Rana J. Singh
Deputy Regional Director(Tobacco and NCD Control)
The Union South-East Asia Office (The Union)

**CALL: (+91) 11 46 05 44 03, +91 9818556801. SKYPE : ranajsinghdelhi. EMAIL:
RJSingh@theunion.org**



MESSAGE

Lal Riliani
President

Indian Society on Tobacco and Health, Mizoram

Indian Society on Tobacco and Health, Mizoram Chapter was constituted in 1989 in Mizoram to take up tobacco control activities in the State at a time when it was not fashionable to address tobacco related issues. The fight against tobacco use, during the early days, was not easy since tobacco use was an accepted way of life in the Mizo society and was met with objections from many quarters. However, over time perception has changed due to relentless and sustained efforts from different sectors, which has resulted in substantial success witnessed throughout the State.

The establishment of Mizoram State Tobacco Control Society on 9th April 2009 by the Government of Mizoram marks an important milestone in the area of tobacco control. Due to the different initiatives undertaken by MSTCS, the Government of Mizoram has established itself as a role model in Tobacco Control for the rest of the country to emulate. Initiatives include awareness campaigns as well as advocacy measures to garner support among different policy makers and bureaucrats so that strong institutional mechanisms are set up, which is an important pre-requisite for implantation of WHO-FCTC and MPOWER strategies. Education of different target groups in various aspects of tobacco control along with effective enforcement of various tobacco control laws have resulted in change of attitude of increasing number of people, which is bringing about positive behavioral changes and de-normalization of tobacco use is a very welcome change indeed.

ISTH (M) has been associated as a working partner with MSTCS since 2009 for projects implemented through funding received from Bloomberg Initiative to Reduce Tobacco Use. Since then we have undertaken many activities jointly and achieved some landmark results like declaration of Thingsul Tlangnuam as the First Tobacco Free Village in Mizoram. We are proud to have jointly received the Regional Appreciation Award for South East Asia region on the occasion of World No Tobacco Day by World Health Organization for exemplary services and commendable contribution to advocacy and awareness of tobacco to public-private partnership on 29th May 2015 at New Delhi.

On behalf of ISTH (M), I congratulate MSTCS on the release of this book. I am hopeful that it will give a new impetus to tobacco control implementation in the state.

Lal Riliani
(LAL RILIANI)

List of Contributors

Dr. Jane R. Ralte, State Nodal Officer, NTCP, Mizoram

Mr. R.Lalremruata, State Consultant, NTCP, Mizoram

Mrs. Vanlalzari, Legal Consultant, NTCP, Mizoram

Mr. T. Lalbiaksanga, Programme Assistant, NTCP, Mizoram

Mr. Z.T. Vawra, District Consultant, Siaha District, NTCP

Mr. K. Joseph, District Consultant, Aizawl West District, NTCP

Mrs. Vanlalmuanawmi, District Consultant, Aizawl East District, NTCP

Mr. Vanlalmachhuana, Data Entry Operator, NTCP

Mr. R. Vanlalvena, Office Attendant, MSTCS

List of Abbreviations

| | |
|----------------|--|
| CID | - Criminal Investigation Department |
| COTPA | - The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 |
| FAQ | - Frequently Asked Questions |
| FCTC | - Framework Convention on Tobacco Control |
| FSSA | - The Food Safety and Standards Act, 2006 |
| GATS | - Global Adult Tobacco Survey |
| ICMR | - Indian Council of Medical Research |
| ISTH(M) | - Indian Society on Tobacco & Health, Mizoram |
| JJ Act | - The Juvenile Justice (Care and Protection of Children) Act, 2015 |
| LM Act | - The Legal Metrology Act, 2009 |
| MSTCS | - Mizoram State Tobacco Control Society |
| MSFG | - Mizoram Smoke Free Group |
| MKHC | - Mizoram Kohhran Hruaitu Committee |
| MHIP | - Mizo Hmeichhe Insuihkhawm Pawl |
| MJA | - Mizoram Journalist Association |
| MZP | - Mizo Zirlai Pawl |
| MV Act | - The Motor Vehicles Act, 1988 |
| NCD | - Non Communicable Diseases |
| NTCP | - National Tobacco Control Programme |
| NGO | - Non Governmental Organization |
| PCR | - The Legal Metrology (Packaged Commodities) Rules, 2011 |
| SFMC | - Smoke Free Mizoram Coalition |
| SHS | - Secondhand Smoke |
| WHO | - World Health Organization |
| YMA | - Young Mizo Association |

UNIT - 1

**The Cigarettes and Other Tobacco Products
(Prohibition of Advertisement and
Regulation of Trade and Commerce,
Production, Supply and Distribution) Act, 2003
(No. 34 of 2003)**

(Pages 1 to 15)

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th May, 2003/Vaisakha 29, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 18th May, 2003, and is hereby published for general information :-

**THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF
ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE,
PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003**

No. 34 of 2003

[18th May, 2003.]

An Act to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto.

WHEREAS, the Resolution passed by the 39th World Health Assembly (WHO), in its Fourteenth Plenary meeting held on the 15th May, 1986 urged the member States of WHO which have not yet done so to implement the measures to ensure that effective protection is provided to non-smokers from involuntary exposure to tobacco smoke and to protect children and young people from being addicted to the use of tobacco;

AND WHEREAS, the 43rd World Health Assembly in its Fourteenth Plenary meeting held on the 17th May, 1990, reiterated the concerns expressed in the Resolution passed in the 39th World Health Assembly and urged Member States to consider in their tobacco control strategies plans for legislation and other effective measures for protecting their citizens with special attention to risk groups such as pregnant women and children from involuntary exposure to tobacco smoke, discourage the use of tobacco and impose progressive restrictions and take concerted action to eventually eliminate all direct and indirect advertising, promotion and sponsorship concerning tobacco;

AND WHEREAS, it is considered expedient to enact a comprehensive law on tobacco in the public interest and to protect the public health;

AND WHEREAS, it is expedient to prohibit the consumption of cigarettes and other tobacco products which are injurious to health with a view to achieving improvement of public health in general as enjoined by article 47 of the Constitution;

AND WHEREAS, it is expedient to prohibit the advertisement of, and to provide for regulation of trade and commerce, production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto:

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-

- Section 1.** (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

| |
|--------------------------------------|
| Short title, extent and commencement |
|--------------------------------------|

- Section 2.** It is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.

| |
|--|
| Declaration as to expediency of control by the Union |
|--|

- Section 3.** In this Act, unless the context otherwise requires,-

- (a) “advertisement” includes any visible representation by way of notice, circular, label, wrapper or other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas;
- (b) “cigarette” includes,-
- (i) any roll of tobacco wrapped in paper or in any other substance not containing tobacco,
- (ii) any roll of tobacco wrapped in any substance containing tobacco, which, by reason of its appearance, the type of tobacco used in the filter, or its packaging and labeling is likely to be offered to, or purchased by, consumers as cigarette, but does not include *beedi*, cheroot and cigar;
- (c) “distribution” includes distribution by way of samples, whether free or otherwise;
- (d) “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
- (e) “foreign language” means a language which is neither an Indian language nor the English language;
- (f) “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
- (g) “Indian language” means a language specified in the Eighth Schedule to the Constitution and includes any dialect of such language;
- (h) “label” means any written, marked, stamped, printed or graphic matter, affixed to, or appearing upon, any package;
- (i) “package” includes a wrapper, box, carton, tin or other container;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “production”, with its grammatical variations and cognate expressions, includes the making of cigarettes, cigars, cheroots, *beedis*, cigarette tobacco, pipe tobacco, *hookah* tobacco, chewing tobacco, *pan masala* or any chewing material having tobacco as one of its ingredients (by whatever name called) or snuff and shall include -
- (i) packing, labeling or re-labelling, of containers;
- (ii) re-packing from bulk packages to retail packages; and
- (iii) the adoption of any other method to render the tobacco product marketable;
- (l) “public place” means any place to which the public have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space;

| |
|-------------|
| Definitions |
|-------------|

Unit - 1

- (m) “sale”, with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale;
- (n) “smoking”, means smoking of tobacco in any form whether in the form of cigarette, cigar, *beedis* or otherwise with the aid of a pipe, wrapper or any other instruments;
- (o) “specified warning” means such warnings against the use of cigarettes or other tobacco products to be printed, painted or inscribed on packages of cigarettes or other tobacco products in such form and manner as may be prescribed by rules made under this Act;
- (p) “tobacco products” means the products specified in the Schedule.

Section 4. No person shall smoke in any public place:

Provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.

Prohibition of smoking in a public place.

Section 5. (1) No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.

Prohibition of advertisement of cigarettes and other tobacco products

- (2) No person, for any direct or indirect pecuniary benefit, shall-
 - (a) display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco product; or
 - (b) sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or
 - (c) distribute, cause to distribute, or permit or authorise to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco product; or
 - (d) erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall display in any manner whatsoever in any place any advertisement of cigarettes or any other tobacco product:

Provided that this sub-section shall not apply in relation to-

- (a) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;
 - (b) advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse or a shop where cigarettes and any other tobacco products are offered for distribution or sale.
- (3) No person, shall, under a contract or otherwise promote or agree to promote the use or consumption of-
 - (a) cigarettes or any other tobacco product; or
 - (b) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person.

Section 6. No person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product -

- (a) to any person who is under eighteen years of age, and
- (b) in an area within a radius of one hundred yards of any educational institution.

Prohibition on sale of cigarette or other tobacco products to a person below the age of eighteen years and in particular area

Section 7. (1) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him bears thereon, or on its label **such specified warning including a pictorial warning as may be prescribed¹.**

Restrictions on trade and commerce in and production, supply and distribution of cigarettes and other tobacco products.

- (2) No person shall carry on trade or commerce in cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products sold, supplied or distributed by him bears thereon, or on its label, the specified warning.
- (3) No person shall import cigarettes or any other tobacco products for distribution or supply for a valuable consideration or for sale in India unless every package of cigarettes or any other tobacco products so imported by him bears thereon, or on its label, the specified warning.
- (4) The specified warning shall appear on not less than one of the largest panels of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply for a valuable consideration.
- (5) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him indicates thereon, or on its label, the nicotine and tar contents on each cigarette or as the case may be on other tobacco products along with the maximum permissible limits thereof.

Provided that the nicotine and tar contents shall not exceed the maximum permissible quantity thereof as may be prescribed by rules made under this Act.

Section 8. (1) The specified warning on a package of cigarettes or any other tobacco products shall be-

- (a) legible and prominent;
- (b) conspicuous as to size and colour;
- (c) in such style or type of lettering as to be boldly and clearly presented in distinct contrast to any other type, lettering or graphic material used on the package or its label and shall be printed, painted or inscribed on the package in a colour which contrasts conspicuously with the background of the package or its labels.

Manner in which specified warning shall be made

¹ Amended vide the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2007 (No. 38 of 2007) dated 25th September 2007

Unit - 1

- (2) The manner in which a specified warning shall be printed, painted or inscribed on a package of cigarettes or any other tobacco products shall be such as may be specified in the rules made under this Act.
- (3) Every package containing cigarettes or any other tobacco products shall be so packed as to ensure that the specified warning appearing thereon, or on its label, is, before the package is opened, visible to the consumer.

Section 9. (1) Where the language used on a package containing cigarettes and any other tobacco products or on its label is-

- (a) English, the specified warning shall be expressed in the English language;
- (b) any Indian language or languages, the specified warning shall be expressed in such Indian language or languages;
- (c) both English and one or more Indian languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;
- (d) partly English and partly any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;
- (e) any foreign language, the specified warning shall be expressed in the English language;
- (f) partly any foreign language and partly English or any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages.

Language in which the specified warning shall be expressed.

- (2) No package of cigarettes or any other tobacco products or its label shall contain any matter or statement which is inconsistent with, or detracts from, the specified warning.

Section 10. No specified warning or indication of nicotine and tar contents in cigarettes and any other tobacco products shall be deemed to be in accordance with the provisions of this Act if the height of each letter or figure, or both used on such warning and indication is less than the height as may be prescribed by rules made under this Act.

Size of letters and figures.

Section 11. For purposes of testing the nicotine and tar contents in cigarettes and any other tobacco products the Central Government shall by notification in the Official Gazette grant recognition to such testing laboratory as that Government may deem necessary.

Testing laboratory for nicotine and tar contents.

Section 12. (1) Any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub- Inspector of Police, authorised by the Central Government or by the State Government may, if he has any reason to suspect that any provision of this Act has been, or is being, contravened, enter and search in the manner prescribed, at any reasonable time, any factory, building, business premises or any other place,-

Power of entry and search

- a) where any trade or commerce in cigarettes or any other tobacco products is carried on or cigarettes or any other tobacco products are produced, supplied or distributed; or
- b) where any advertisement of the cigarettes or any other tobacco products has been or is being made.

2 of 1974

(2) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

Section 13. (1) If any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub- Inspector of Police, authorised by the Central Government or by the State Government, has any reason to believe that, -

Power to seize

- a) in respect of any package of cigarettes or any other tobacco products, or
 - b) in respect of any advertisement of cigarettes or any other tobacco products,
- the provisions of this Act have been, or are being, contravened, he may seize such package or advertisement material in the manner prescribed.

(2) No package of cigarettes or any other tobacco products or advertisement material seized under clause (a) of sub-section (1) shall be retained by the officer who seized the package or advertisement material for a period exceeding ninety days from the date of the seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure was made, has been obtained for such retention.

Section 14. Any package of cigarettes or any other tobacco products or any advertisement material of cigarettes or any other tobacco products, in respect of which any provision of this Act has been or is being contravened, shall be liable to be confiscated:

Confiscation of package

Provided that, where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such package of cigarettes or any other tobacco products is found is not responsible for the contravention of the provisions of this Act, the Court may, instead of making an order for the confiscation of such package, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

Section 15. (1) Whenever any confiscation of any package of cigarettes or any other tobacco products is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give the owner thereof an option to pay, in lieu of confiscation, costs which shall be equal to the value of the goods confiscated.

Power to give option to pay costs in lieu of confiscation

(2) On payment of the costs ordered by the court, the seized packages shall be returned to the person from whom they were seized on condition that such person shall, before making any distribution, sale or supply of such packages of cigarettes or other tobacco products, get the specified warning and indication of nicotine and tar contents incorporated on each such package.

Unit -1

Section 16. No confiscation made, costs ordered to be paid under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

Confiscation not to interfere with other punishments

Section 17. Any confiscation of cigarettes or any other tobacco products may be adjudged or costs may be ordered to be paid,-

Adjudication

- (a) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made, costs have been ordered to be paid,
- (b) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding rupees five thousand, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

Section 18. (1) No order adjudging confiscation or directing payment of costs shall be made unless the owner or person in possession of the package of cigarettes or any other tobacco products has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such package, and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice, against the confiscation mentioned therein, and, if he so desires, of being heard personally or through a representative in the manner:

Giving opportunity to the owner of seized packages.

Provided that, where no such notice is given within a period of ninety days from the date of the seizure of the package of cigarettes or any other tobacco products, such package shall be returned, after the expiry of that period, to the owner or the person from whose possession it was seized.

- (2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908, shall, as far as may be, apply to every proceeding referred to in sub-section (1)

5 of 1908

Section 19. (1) Any person, aggrieved by any decision of the court adjudging a confiscation, ordering the payment of costs, may prefer an appeal to the court to which an appeal lies from the decision of such court.

Appeal

- (2) The appellate court may, after giving to the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or reversing the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any fine in lieu of confiscation or confiscating of goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and, if he so desires, of being heard in person or through a representative in his defence.

- (3) No further appeal shall lie against the order of the court of appeal.

Section 20. (1) Any person who produces or manufactures cigarettes or tobacco products, which do not contain, either on the package or on their label, the specified warning and the nicotine and tar contents, shall in the case of first conviction be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, and for the second or subsequent conviction, with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

Punishment for failure to give specified warning and nicotine and tar contents

(2) Any person who sells or distributes cigarettes or tobacco products which do not contain either on the package or on their label, the specified warning and the nicotine and tar contents shall in the case of first conviction be punishable with imprisonment for a term, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent conviction, with imprisonment for a term which may extend to two years and with fine which may extend to three thousand rupees.

Section 21. (1) Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to two hundred rupees.

Punishment for smoking in certain places

(2) An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

2 of 1974

Section 22. Whoever contravenes the provisions of section 5 shall, on conviction, be punishable-

(a) in the case of first conviction, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both, and

(b) in the case of second or subsequent conviction with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

Punishment for advertisement of cigarettes and tobacco products

Section 23. Where any person has been convicted under this Act for the contravention of the provision of section 5, the advertisement and the advertisement material for cigarettes and other tobacco products may be forfeited to the Government and such advertisement and advertisement material shall be disposed of in such manner as may be prescribed by rules made under this Act.

Forfeiture of advertisement and advertisement material

Section 24. (1) Any person who contravenes the provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees.

(2) All offences under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

2 of 1974

Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of eighteen years

Unit - 1

Section 25. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government or the State Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act:

Prevention,
detention and
place of trial of
offences under
sections 4 and 6

Provided that the person so authorised may, if he has reasonable ground for believing that any person has committed an offence under section 4 or section 6, may detain such person unless the accused person furnishes his name and address, and otherwise satisfies the officer detaining him that he will duly answer any summons or other proceedings which may be taken against him.

- (2) Any person detained under sub-section (1) shall forthwith be taken before Magistrate to be dealt with according to law.
- (3) Any person committing an offence under section 4 or section 6 shall be triable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.
- (4) Every notification issued under sub-sections (1) and (3) shall be published in the Official Gazette, and a copy thereof shall be exhibited for information to the public in some conspicuous place or places as the State Government may direct.
- (5) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Section 26. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

Explanation- For the purposes of this section, -

- (a) “company” means a body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

- Section 27.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be bailable. 2 of 1974 Offences to be bailable.
- Section 28.** (1) Any offence committed under section 4 or section 6 may either before or after the institution of the prosecution be compounded by such officer authorised by Central Government or State Government and for an amount which may not exceed two hundred rupees. Composition of offences
- (2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.
- Section 29.** No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act Protection of action taken in good faith
- Section 30.** The Central Government, after giving by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any other tobacco product in respect of which it is of opinion that advertisements are to be prohibited and its production, supply and distribution is required to be regulated under this Act, and thereupon the Schedule shall in its application to such products be deemed amended accordingly. Power to add any tobacco products in the Schedule
- Section 31.** (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. Power of Central Government to make rules
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) specify the form and manner in which warning shall be given in respect of cigarettes or other tobacco products under clause (o) of section 3;
 - (b) specify the maximum permissible nicotine and tar contents in cigarettes or other tobacco products under the proviso to sub-section (5) of section 7;
 - (c) specify the manner in which the specified warning shall be inscribed on each package of cigarettes or other tobacco products or its label under sub-section (2) of section 8;
 - (d) specify the height of the letter or figure or both to be used in specified warning or to indicate the nicotine and tar contents in cigarettes or other tobacco products under section 10;
 - (e) provide for the manner in which entry into and search of any premises is to be conducted and the manner in which the seizure of any package of cigarettes or other tobacco products shall be made and the manner in which seizure list shall be prepared and delivered to the person from whose custody any package of cigarettes or other tobacco products has been seized;
 - (f) provide for any other matter which is required to be, or may be, prescribed.

- (3) Every rule made under this Act and every notification made under section 30 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Section 32. Nothing contained in this Act shall apply to any cigarette or other tobacco products or package of cigarettes or other tobacco products which is exported:

Act not to apply to cigarettes or other tobacco products which are exported.

Provided that nothing in this section shall be deemed to authorise the export of any package of cigarettes or other tobacco products, not containing the specified warning and indication of nicotine and tar contents to any country if the law in force in that country requires that the same or similar warning and nicotine and tar contents shall be specified on each package of cigarettes or other tobacco products.

Explanation. - For the purpose of this section, any cigarette or other tobacco products or package of cigarettes or other tobacco products shall be deemed to be exported before the commencement of this Act, if the necessary steps for export have already been taken notwithstanding that the actual export has not taken place.

Section 33. (1) The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975, is hereby repealed. 49 of 1975

Repeal and savings

- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the aforesaid Act, shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

THE SCHEDULE

[See section 2(p)]

1. Cigarettes
2. Cigars
3. Cheroots
4. *Beedis*
5. Cigarette tobacco, pipe tobacco and *hookah* tobacco
6. Chewing tobacco
7. Snuff
8. *Pan Masala* or any chewing material having tobacco as one of its ingredients (by whatever name called).
9. *Gutka*
10. Tooth powder containing tobacco.

TABLE

| Section/Offence | Punishment | Compoundable /Bailable | Procedure |
|--|--|-----------------------------|---|
| <p>Section 4 Prohibition on smoking in any public place.</p> <p>“public place” means any place to which the public have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centers, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances, open auditorium, stadium, railway station, bus stop/stand, all workplaces, refreshment rooms, banquet halls, discotheques, canteen, coffee house, pubs, clubs, bars, shopping malls, cinema halls, airport lounge and the like which are visited by general public but does not include any open space.”</p> | <p>Section 21 Fine up to Rs.200/-</p> | Compoundable and Bailable | Summary Trials (Code of Criminal Procedure, 1973) |
| <p>Section 5 Prohibition on direct and indirect advertisements, promotion and sponsorship of use or consumption of cigarettes or any other tobacco products.</p> | <p>Section 22 (1) For first conviction imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both, and (2) For second or subsequent conviction with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees</p> | Non Compoundable & Bailable | |
| <p>Section 6 Prohibition on sale of, cigarette or any other tobacco product – (a) to any person who is under eighteen years of age, and (b) in an area within a radius of one hundred yards of any educational institution. “Educational Institution” means any place or center where educational instructions are imparted according to the specific norms and include any school/colleges and institution of higher learning established or recognized by an appropriate authority”</p> | <p>Section 24 Fine up to Rs.200/-</p> | Compoundable & Bailable | Summary Trials (Code of Criminal Procedure, 1973) |

| Section/Offence | Punishment | Compoundable /Bailable | Procedure |
|--|---|-------------------------------|-----------|
| <p>Section 7 (1) No person shall, directly or indirectly, produce, supply or distribute or carry on trade or commerce or import cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him bears thereon, or on its label such specified warning including a pictorial warning as may be prescribed.</p> | <p>Section 20 (1) Producer or Manufacturer in the case of first conviction be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, and for the second or subsequent conviction, with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees. (2) Seller or Distributer in the case of first conviction be punishable with imprisonment for a term, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent conviction, with imprisonment for a term which may extend to two years and with fine which may extend to three thousand rupees.</p> | Non Compoundable and Bailable | |

UNIT - 2

Rules, Orders and Notifications issued for Enforcement of various provisions of COTPA, 2003 alongwith Summary and FAQ etc.

(Pages 16 to 86)

1. Section-4 (Prohibition of Smoking in Public Places) **(Page 17 - 36)**
2. Section-5 (Prohibition of Tobacco Advertisement, Promotion and Sponsorship) **(Page 37 - 47)**
3. Section-6 [(a) Prohibition of Sale of Tobacco Products to Minors & (b) within 100 yards of Educational Institutions] **(Page 48 - 59)**
4. Section-7 (Display of Secified Health Warnings on Tobacco Packages) **(Page 60 - 83)**
5. Enforcement Drive pictures and Signages, Stickers etc. developed for various provisions of COTPA, 2003 **(Page 84 - 86)**

SECTION - 4 of COTPA, 2003

“Prohibition of Smoking in Public Places”

(Pages 17 to 36)

Prohibition of Smoking in Public Places
(Section 4 of COTPA, 2003)

Summary

Section 4 of COTPA, 2003 prohibits smoking in any public places. Under Section 21 of COTPA, 2003 any person found smoking in a public place is liable to pay a fine of upto Rs 200. The offence is compoundable, which can be settled on the spot by the enforcement officer/authorized person and may be tried summarily in accordance with the procedure provided in the Code of Criminal Procedure, 1973. The authorized person is considered a public servant while acting in performance of his duty under COTPA.

As defined under section 3(1) of COTPA, 2003, 'public place' means any place to which the public have access, whether as of right or not, but does not include any open space. However, open spaces that are visited by the public like open auditoriums, stadiums, railway stations, bus stops and such other places were later included as public places where smoking is prohibited.

Comprehensive rule on prohibition of smoking in public places was notified on the 30th May, 2008. This rule i.e. The Prohibition of Smoking in Public Places Rules, 2008 came into force from 2nd October, 2008. As per this rule the owner, proprietor, manager, supervisor or in-charge of the affairs of a public place must ensure that :

- No person smokes in the public place under his jurisdiction
- A 60 X 30cm board saying, "No Smoking Area - Smoking Here is an Offence" is prominently displayed at each entrance, floors, staircases, entrance of the lifts and at conspicuous place(s) inside
- No ashtrays, matches, lighters or other things designed to facilitate smoking are provided in the public place
- Name of the person to whom a complaint may be made is prominently displayed
- If the owner, proprietor, manager, supervisor or the authorized officer of a public place fails to act on report of any violation of the provisions of these rules, he is liable to a fine equivalent to the number of individual offences.

The rules also designated 21 categories of authorized officers (listed in the rules) to impose and collect the fine against the violation of Section 4 of COTPA, 2003 (refer page 21 & 22)

Rules relating to prohibition of smoking in public places
(Section 4 of COTPA, 2003)

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R.417(E) Dated 30th May, 2008 - In exercise of the power conferred by Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following Rules, in supersession to Rule 3 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely :-

1. Short title, Extent and Commencement :-

- (1) These rules may be called the Prohibition of Smoking in Public Places Rules, 2008.
- (2) They shall come into force on the 2nd October, 2008.

2. Definitions : - In these rules, unless the context otherwise requires,-

- (a) "hotel" shall mean a building or a part of a building where lodging, with or without board or other services, is provided by way of business for consideration monetary or otherwise and includes boarding house and guest house.
- (b) "restaurant" shall mean any place to which the public has access and where any kind of food or drink is supplied for consumption on the premises by any person by way of business for consideration monetary or otherwise and shall include the open space surrounding such premises and includes-
 - (i) Refreshment rooms, banquet halls, discotheques, canteen, coffee house, pubs, bar, airport lounge, and the like.
- (c) "Open space" mentioned in Section 3(1) of the Act shall not include any place visited by the public such as open auditorium, stadium, railway station, bus stop/stand, and other such places.
- (d) "Public place" defined in Section 3 (1) of the Act shall also include work places, shopping malls, and cinema halls.
- (e) "Smoking area or space" mentioned in the proviso to Section 4 of the Act shall mean a separately ventilated smoking room that:
 - (i) is physically separated and surrounded by full height walls on all four sides;
 - (ii) has an entrance with an automatically closing door normally kept in close position;
 - (iii) has an air flow system, as specified in **schedule I**,
 - (iv) has negative air pressure in comparison with the remainder of the building.
- (f) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

3. Prohibition of smoking in a public place : -

- (1) The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall ensure that :
 - (a) No person smokes in the public place (under his jurisdiction / implied)
 - (b) the board as specified in **schedule II** is displayed prominently at the entrance of the public place, in case there are more than one entrance at each such entrance and conspicuous place(s) inside. In case if there are more than one floor, at each floor including the staircase and entrance to the lift/s at each floor.
 - (c) No ashtrays, matches, lighters or other things designed to facilitate smoking are provided in the public place.

Unit - 2

- (2) The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall notify and cause to be displayed prominently the name of the person(s) to whom a complaint may be made by a person(s) who observes any person violating the provision of these Rules.
- (3) If the owner, proprietor, manager, supervisor or the authorized officer of a public place fails to act on report of such violation, the owner, proprietor, manager, supervisor or the authorized officer shall be liable to pay fine equivalent to the number of individual offences.

(Explanation: For the purpose of these rules the word offence means a person found violating any provision of the Rules).

4. Hotels, Restaurants and Airports : -

- (1) The owner, proprietor, manager, supervisor or in charge of the affairs of a hotel having thirty or more rooms or restaurant having seating capacity of thirty persons or more and the manager of the airport may provide for a smoking area or space as defined in rule 2(e) .
- (2) Smoking area or space shall not be established at the entrance or exit of the hotel, restaurant and the airport and shall be distinctively marked as "Smoking Area" in English and one Indian language, as applicable.
- (3) A smoking area or space shall be used only for the purpose of smoking and no other service(s) shall be allowed.
- (4) The owner, proprietor, manager, supervisor or in charge of the affairs of a hotel having thirty or more rooms may designate separate smoking rooms in the manner prescribed as under:
 - a) all the rooms so designated shall form a separate section in the same floor or wing, as the case may be. In case of more than one floors/ wings the room shall be in one floor/ wing as the case may be.
 - b) all such rooms shall be distinctively marked as "Smoking rooms" in English and one Indian language, as applicable.
 - c) the smoke from such room shall be ventilated outside and does not infiltrate/ permeate into the non-smoking areas of the hotel including lobbies and the corridors.

5. Recovery of fine by authorized officers : -

- (1) The authorized officers mentioned in **schedule III** shall be competent to act under and compound the offences committed in violation of Section 4 of the Act.

Schedule I

[See rule 2 (e) (iii)]

- (i) that is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building; and
- (ii) It is fitted with a non-re circulating exhaust ventilation system or an air cleaning system, or by a combination of the two, to ensure that the air discharges only in a manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas

Schedule II

[See rule 3(b)]

1. The board shall be of a minimum size of 60 cm by 30 cm of white background
2. It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band.
3. The width of the red band across the cigarette shall equal the width of the red perimeter.
4. The board shall contain the warning "No Smoking Area - Smoking Here is an Offence", in English or one Indian language, as applicable.

Schedule III

(See rule 5)

Authorised Officers : Following persons shall be authorized to impose and collect the fine against violation of Section 4 of COTPA, 2003.

| Sl. No | Person Authorised to take action | Description of Public Place |
|--------|--|---|
| 1 | Inspectors of Central Excise / Income tax/ Customs/ Sales Tax/Health/Transport and above | All Public Places within their jurisdiction |
| 2 | Station Master/Asstt. Station Master/ Station Head/Station in charge | Railways and all its Premises |
| 3 | All Gazetted Officers of State/ Central Government or equivalent rank and above in Autonomous Organizations /PSU | Government offices/premises and offices of the autonomous bodies and corporations |
| 4 | Director/ Medical Superintendent/ Hospital Administrator | Government and Private Hospital |
| 5 | Post Master & Above | Respective Post Office in their jurisdiction |
| 6 | Head of the Institution/HR Manager/Head of Administration | Private Offices / Workplaces |
| 7 | College / School/Headmaster Principal/Teacher | Respective Educational Institutions |
| 8 | Librarian/Asstt. Librarian/Library in-charge/ other administrative staff in library | Libraries/ Reading Rooms |

Unit - 2

| Sl. No | Person Authorised to take action | Description of Public Place |
|-----------------|---|---|
| 9 | Airport Manager/Officers of Airport Authority of India and Officers of all schedule Airlines | Airports |
| 10 | Director Public Health/ Director Health Services | All Public Places |
| 11 | In charge Administration in Central/ State Government | All Public Places |
| 12 | Nodal Officers/Focal Points of Anti-Tobacco Cell at District and State level | All Public Places |
| ¹ 13 | Police Officers not below the rank of Sub-Inspector of Police | All Public Places within their jurisdiction. |
| 14 | Officers of State Food & Drug Administration not below the rank of Sub-Inspector of Police | All Public Places within their jurisdiction |
| 15 | Representatives of Panchyati Raj Institutions (Sarpanch / Panchayat Secretary) | All Public Places within their jurisdiction |
| 16 | Dist Program Manager/ Finance Manager – Dist Health Society (National Rural Health Mission) | All Public Places within their jurisdiction |
| 17 | Civil Surgeon /Chief Medical Officer(CMO) at District Hospital/ Medical Officer at Primary Health Centre (PHC) | Hospital Buildings /Health Institutions/ dispensaries |
| 18 | Registrar/ Deputy Registrar/ Public Prosecutors/Government Counsels | Court Buildings |
| 19 | Inspector of Schools/ District Education officer | Educational Institutions |
| 20 | Traffic Superintendents/ Asst. Traffic Superintendents/ Bus Station Officer / Ticket Collector or Conductor | Public Conveyances |
| 21 | Travelling ticket Examiner/ Chief Ticket Inspectors/ Ticket Collectors/ Officers not below the rank of ticket collector or equivalent rank not below the rank of Asst Sub-Inspector of railway Protection Force | Railways |

¹ Serial Number 13 -21 inserted vide notification GSR 680 (E) dated 15th September 2009.

Figure - 1: No Smoking Signage

| Design of the signage | Specification of the board |
|---|---|
|  | <ol style="list-style-type: none"> 1. The board shall be of a minimum size of 60 cm by 30 cm of white background 2. It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band. 3. The width of the red band across the cigarette shall equal the width of the red perimeter. 4. The board shall contain the warning “No Smoking Area – Smoking Here is an Offence”, in English or one Indian language, as applicable. |





The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XXXIX Aizawl, Friday 19.2.2010 Magha 30, S.E. 1931, Issue No. 8

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No. J. 11011/28/08-HFW/Pt, the 10th February, 2010. In supersession to this Department Notification No. J. 11011/28/2008-HFW Dt. 2nd September, 2008 and in exercise to the power conferred by schedule III of the Prohibition of Smoking in Public Places (Amendment) Rules, 2009 vide Ministry of Health & Family Welfare, Government of India's Notification No. GSR. 680(E) Dt. 15th September, 2009, the Governor of Mizoram is pleased to authorize the following persons to impose and collect the fines against the violation of section 4 of the Act with immediate effect and until further order.

| Sl. No. | Persons authorized to take action | Description of Public Places |
|---------|---|---|
| 1 | 2 | 3 |
| 1. | Inspectors of Central Excise/Income-tax Customs/Sales Tax/Health/Transport and above. | All Public Places with their jurisdiction |
| 2. | Station Master/Asst. Station Master/Station Head/Station in-charge | Railways and all its Premises |
| 3. | All Gazetted Officers of State/Central Govt. Or equivalent rank and above in Autonomous Organizations/PSU | Government officers/premises and offices of the autonomous bodies and corporations. |
| 4. | Director/Medical Superintendent/Hospital Administrator | Government and Private Hospital |
| 5. | Post Master and above | Respective Post Office in their Jurisdiction |
| 6. | Head of the Institution/HR Manager/Head of Administration | Private office/Workplaces |
| 7. | Headmaster/Principal/Teacher-College/School | Respective Educational Institutions. |
| 8. | Librarian/Asst. Librarian/Library in-charge/Other administrative staff in library | Libraries/Reading rooms. |
| 9. | Airport Manager/Officers of Airport Authority of India and Officers of all scheduled Airlines. | Airports. |
| 10. | Director, Hospital & Medical Education/ Director, Health Services. | All Public Places. |
| 11. | In charge Administration in Central/State Government | All Public Places. |

- | | |
|--|---|
| 12. Nodal Officers/Focal Points of Anti-Tobacco Cell at District and State Level. | All Public Places. |
| 13. Police Officers not below the rank of Sub-Inspector of Police | All Public Places within their Jurisdiction |
| 14. Officers of State Food and Drug Administration not below the rank of Sub-Inspector of Police | All Public Places within their Jurisdiction |
| 15. Village Council President & Secretary | All Public Places within their Jurisdiction |
| 16. District Programme Manager/Finance Manager-District Health Society (National Rural Health Mission) | All Public Places within their Jurisdiction |
| 17. Civil Surgeon/Chief Medical Officer (CMO) at District Hospital /Medical Officer at Community Health Centre (CHC) Primary Health Centre (PHC) | Hospital Buildings/Health Institutions/Dispensaries |
| 18. Registrar/Deputy Registrar/Public Prosecutors/ Government Counsels. | Court Buildings |
| 19. District Education Officer | Educational Institutions |
| 20. Traffic Superintendents/Asst. Traffic Superintendents/ Bus Station Officer/Ticket Collector/Conductor/Driver of public conveyances. | Public Conveyances |
| 21. Travelling ticket examiner/Chief Ticket Inspectors/Ticket Collectors/Officers not below the rank of ticket collector or equivalent rank not below the rank of Asst. Sub-Inspector of Railway Protection Force. | Railways |

Van Hela Pachuau,
Chief Secretary to the Govt. of Mizoram.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Friday 18.9.2015 Bhadrapada 27, S.E. 1937, Issue No. 37

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2012-HFW, the 11th September, 2015. In supersession of this Department's Notification No.J.11011/28/08-HFW/Pt dated the 10th February, 2010 and in the interest of public service, the Governor of Mizoram, in exercise of the powers conferred by Section - 25 of The Cigarettes and Other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), is pleased to authorize the following persons to impose and collect the fines against violation of Section - 4 (i.e. Prohibition of Smoking in Public Place) of COTPA, 2003 with immediate effect and until further order.

| <u>Sl. No.</u> | <u>Persons authorized to take action</u> | <u>Description of Public Places</u> |
|----------------|--|--|
| 1. | Inspectors of Central Excise/Income-tax/ Customs/Sales Tax/ Health/Transport and above | All Public Places within their jurisdiction |
| 2. | Station Master/Asst. Station Master/Station Head/Station In-Charge | Railway Stations and all its premises |
| 3. | All Gazetted Officers of State/Central Govt. or equivalent rank and above in Autonomous Organizations/PSU | Government offices/premises and offices of the autonomous bodies and corporation |
| 4. | Director/Medical Superintendent/Hospital Administrator | Government and Private Hospital |
| 5. | Post Master and above | Respective Post Office (s) within their jurisdictions |
| 6. | Head of the Institution/HR Manager/Head of Administration | Private office/Workplaces |
| 7. | Headmaster/Principal/Teacher of School/College | Respective Educational Institutions |
| 8. | Librarian/Asst. Librarian/Library in-charge/other Administrative Staff in Library | Libraries/Reading rooms |
| 9. | Airport In-charge, Airport Security Officers and Officers of concerned Airlines operating at Lengpui Airport | Airport |
| 10. | Director, Hospital & Medical Education/Director, Health Services | All Public Places |
| 11. | In charge Administration in Central/State Governments | All Public Places |
| 12. | State / District Nodal Officers/Focal Points under National Tobacco Control Programme | All Public Places |
| 13. | All Police Personnel | All Public Places within their jurisdiction |
| 14. | Officers of State Food and Drugs Administration not below the rank of Sub-Inspector of Police | All Public Places within their jurisdiction |
| 15. | Chairman/President & Secretary of Local Council/Village Council | All Public Places within their jurisdiction |

| | | |
|-----|---|---|
| 16. | District Programme Manager/Finance Manager-District Health Society (National Health Mission) | All Public Places within their jurisdiction |
| 17. | Chief Medical Officer (CMO), Medical Superintendent, Senior Medical Officer (SMO), Deputy Medical Superintendent, Medical Officer, Health Supervisor and Health Worker | Health & Family Welfare building including offices, Hospital buildings, Health Institutions, Main Centre and Sub-Centre |
| 18. | Registrar/Deputy Registrar/Public Prosecutors/ Government Counsels | Court Buildings |
| 19. | District Education Officer/Sub-Divisional Education Officer/Inspector of Schools | Educational Institutions |
| 20. | All Traffic Police/ Bus Station Officer/Ticket Officer/Ticket Collector or Conductor/Driver of Public Conveyances | Public Conveyances |
| 21. | Travelling Ticket Examiner/Chief Ticket Inspectors/Ticket Collectors/ Officer not below the rank of Ticket Collector or equivalent rank not below the rank of Asst. Sub-Inspector of Railway Protection Force | Railways |
| 22. | Marketing Inspector, Asst. Marketing Inspector, Market Checker | Market |

Half of the fines if collected may be utilized for incidental expenses, printing of challan/ receipt, transportation charge etc. as permitted by this Department's Notification No. J. 1101 1/28(i)/ 2011-HFW dated Aizawl the 12th July, 2011. The remaining half is to be deposited into the following head of account:-

- 0210 - Med. & Public Health
- 04 - Public Health
- 104 - Fees & Fines etc.
- 01 - Compounding Fees on Cigarette & other Tobacco products

Lalhmingthanga,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

No.J.11011/28/08-HFW/Pt.
GOVERNMENT OF MIZORAM
HEALTH & FAMILY WELFARE DEPARTMENT.

OFFICE MEMORANDUM

Dated Aizawl, the 19th April 2010.

Subject : Prohibition of Smoking in Public Places.

It is learnt that active smoking is still observed in many Govt. offices which is seriously viewed by the Government as the Control of Tobacco Products Act has been enforced w.e.f. 2004. The Act covers prohibition of advertisement and regulation of trade and commerce production supply and distribution of tobacco products. Further prohibition of smoking in Public Places Rules 2008 do not allow smoking in any Public places like workplace, shopping malls, airport, bus and train stations, hotels, cinema halls, shops and restaurant where non-smokers are present which officially become law on 2nd October, 2008.

As per the Prohibition of Smoking in Public Places Rules 2008, all Government Officers are legally bound to put up the following signages :

- 1) No smoking signage [Rule 3 (1) (b)]
- 2) Complaint Board authorizing an official who will take action in case of active smoking in the office [Rule (3) (2)].

The sample signage and its specification are hereby attached for easy reference.

All Administrative and all Head of Departments are hereby instructed to display the said signages in their respective Department and ensure that no smoking is observed absolutely within their respective control of Govt. office and its premises.

Sd/-

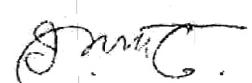
VAN HELA PACHUAU
Chief Secretary to the Govt. of Mizoram,

Memo No.J.11011/28/08-HFW/Pt.

Dated Aizawl, the 19th April 2010.

Copy to :-

1. Secretary to His Excellency, Governor of Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to all Ministers/Speaker, Mizoram.
4. P.S. to all Minister of States/Dy. Speaker, Mizoram.
5. P.S. to all Parliamentary Secretary, Govt. of Mizoram.
6. Sr. P.P.S. to Chief Secretary, Govt. of Mizoram.
7. All Administrative Departments.
8. All Heads of Department.
9. Director of Health Services, Mizoram.
10. Director, Hospital & Medical Education, Mizoram.
11. State Nodal Officer cum Project Officer, Smoke Free Mizoram.
12. Guard File.


(ZOTAWNLIEN JOUTE)

Under Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLVII Aizawl, Monday 27.08.2018 Bhadrapada 5, S.E. 1940, Issue No. 489

NOTIFICATION

No.J.11011/28/2012-HFW/Pt, the 10th Aug, 2018. In supersession of this Department's Notification No.J/11011/28/2012-HFW dated 11th September, 2015 and in the interest of public service, the Governor of Mizoram, in exercise of the powers conferred by **Section 25 of The Cigarettes and Other tobacco products (Prohibition of Advertisement and Regulation of Trade & Commerce, Production, Supply and Distribution) Act, 2003 (COTPA)**, is pleased to authorize the following persons to impose and collect the fines against violation of Section-4 of COTPA, 2003 (i.e. Prohibition of Smoking in any Public Place) with immediate effect and until further order.

| <u>Sl. No.</u> | <u>Persons authorized to take action</u> | <u>Description of Public Places</u> |
|----------------|---|--|
| 1 | Inspectors of Central Exercise/Income-tax/Customs/ Sales Tax/Health/Transport and above. | All Public Places within their Jurisdiction. |
| 2 | Station Master/Assistant Station Master/Station Head/Station In-Charge. | Railway Stations and all its premises. |
| 3 | All Gazetted Officers of State/Central Government or equivalent rank and above in Autonomous Organizations /PSU /Corporation. | Government offices/premises and offices of the autonomous bodies and corporation. |
| 4 | Director/Medical Superintendent/Hospital Administrator | Government and Private Hospital. |
| 5 | Post Master and above | Respective Post Office (s) within their Jurisdictions. |
| 6 | Head of the Institution/HR Manager/Head of Administration. | Private office/Workplaces. |
| 7 | Headmaster/Principal/Teacher of Schools/Colleges. | Respective Educational Institutions. |
| 8 | Librarian/Assistant Librarian/Library in-charge/other Administrative Staff in Library. | Libraries/Reading rooms. |
| 9 | Airport Director, Airport Security Officers and Officers of concerned Airlines operating at Lengpui Airport. | Airport. |
| 10 | Principal Director, Director of Hospital & Medical Education and Director of Health Services of Health & Family Welfare Department. | All Public Places. |
| 11 | In charge of Administration in Central/State Governments. | All Public Places. |

| | | |
|----|---|--|
| 12 | State/District Nodal Officers/Focal Points under National Tobacco Control Programme, Mizoram | All Public Places. |
| 13 | All Police Personnel | All Public Places within their Jurisdiction. |
| 14 | Officers of State Food and Drugs Administration not below the rank of Sub-Inspector of Police. | All Public Places within their Jurisdiction. |
| 15 | Chairman/President and Secretary of Local Council in Municipal Area and Village Council in Rural Area. | All Public Places within their Jurisdiction. |
| 16 | District Programme Manager/Accounts Manager-District Health Society (National Health Mission). | All Public Places within their Jurisdiction. |
| 17 | Chief Medical Officer (CMO), Medical Superintendent, Senior Medical Officer (SMO), Deputy Medical Superintendent, Medical Officer, Nursing Superintendent, Health Supervisor and Health Worker. | All Health & Family Welfare building including offices, Hospital buildings, Health Institutions, Main Centre and Sub-Centre. |
| 18 | Registrar/Deputy Registrar/Public Prosecutors/ Government Counsels. | Court Buildings. |
| 19 | District Education Officer/Sub-Divisional Education Officer/Inspector of Schools. | Educational Institutions. |
| 20 | All Traffic Police/Bus Station Officer/Ticket Officer/Ticket Collector or Conductor/Driver of Public Conveyances. | Public Conveyances. |
| 21 | Motor Vehicle Inspector, Enforcement Inspector and Enforcement Sub-Inspector under Transport Department. | Public Conveyances and other Public places under Transport Department. |
| 22 | Travelling Ticket Examiner/Chief Ticket Inspectors/Ticket Collectors/Officer not below the rank of Ticket Collector or equivalent rank not below the rank of Assistant Sub-Inspector of Railway Protection Force. | Railways. |
| 23 | Marketing Officer, Marketing Inspector, Assistant Marketing Inspector, Market Checker. | Market. |
| 24 | All Staff of National Tobacco Control Programme, Mizoram. | All Public Places within their respective District. |

Half of the fines collected may be utilized for incidental expenses, printing of chalan/receipt, transportation charges etc towards enforcement of COTPA as permitted by this Department's Notification No.J.11011/28(i)/2011-HFW dated Aizawl the 12th July, 2011. The remaining half is deposited into the following head of accounts:-

| | | |
|------|---|---|
| 0210 | - | Medical & Public Health |
| 04 | - | Public Health |
| 104 | - | Fees & Fines etc. |
| 01 | - | Compounding Fees on Cigarettes & other Tobacco products |

Lalrinliana Fanai,
Commissioner & Secretary to the Government of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Friday 9.10.2015 Asvina 17, S.E. 1937, Issue No. 40

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.F.22018/1/2011-HM, the 1st October, 2015. In the interest of public service, the Governor of Mizoram, in exercise of the powers conferred by Section - 25 of The Cigarettes and Other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), and in conformity with Notification No.J.11011/28/2012-HFW dated 11.9.15 issued by Health & Family Welfare Department, Government of Mizoram read with Mizoram Police Manual Chapter VI (Police Station) Para 242 (10), hereby authorize all Police Personnel to impose and collect the fines against violation of Section - 4 (i.e. Prohibition of Smoking in Public Place) of COTPA, 2003 with immediate effect and until further order.

Lalmalsawma,

Chief Secretary to the Govt. of Mizoram.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLVI Aizawl, Wednesday 26.4.2017 Vaisakha 6, S.E. 1939, Issue No. 185

NOTIFICATION

Subj : Prohibition of Smoking in Public Places in Government Offices.

No.F.20016/17/2015-GAD, the 21st April,2017. Attention of all Heads of Departments/Heads of Offices is invited to that Section 4 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) act, 2003 which prohibits smoking inside office premises and violation of which is liable to be penalized under Section 21 of COTPA, 2003.

Further, as per the Prohibition of Smoking in Public Places Rules, 2008, it is mandatory for all Government Offices to display 'No Smoking - Signage' and 'Complaint Board' - displaying prominently the name of the person(s) to whom a complaint may be lodged in case of violation. Moreover, no ashtrays, matches, lighters or any other things designed to facilitate smoking should be provided/displayed inside the office.

Therefore, all Administrative/Heads of Departments are hereby instructed to strictly ensure that-

1. Prohibition of smoking inside offices is strictly enforced.
2. To strictly **fine** all offenders
3. Display of '**No Smoking Signage**'
4. Display of '**Complaint Board**'.
5. No ashtrays, matches, lighters or any other things designed to facilitate smoking are provided/displayed inside the office.
6. Separate '**Tobacco Control Team**' be constituted in every Department.
7. The '**Tobacco Control Team**' will strictly check and monitor the level of compliance of COTPA - Smokefree Rules in their respective offices at least twice every month.
8. **Monthly Action Taken Report** of compliance shall be submitted to their respective Deputy Commissioners (format enclosed).

Zothankhuma,

Commissioner & Secretary to the Govt. of Mizoram,
General Administration Department.

Ex-185

2

MONTHLY ACTION TAKEN REPORT
(For all Head of Department)

To

**The Deputy Commissioner,
Cum Chairman, Anti Tobacco Squad,
-----District.**

Subject : Monthly Action Taken Report of Compliance to COTPA - Smokefree Rules

Sir/Madam,

I am submitting herewith Monthly Report on compliance to Section 4 of COTPA, 2003 (i.e. Prohibition of Smoking in Public Places) and Prohibition of Smoking in Public Places Rules, 2008 by -----
----- for the Month of-----

The findings are given below:-

| Sl. No. | Checklist (Monthly Findings) | | Remarks |
|---------|--|--|---|
| 1. | Presence of Active Smoking | Yes <input type="checkbox"/> No <input type="checkbox"/> | No. of Offenders:----- Fines Collected:----- |
| 2. | Whether Complaint Board is displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 3. | Whether No Smoking Signage is/are displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 4. | Whether Smoking Materials (ashtray, lighter, matches etc.) are displayed/found | Yes <input type="checkbox"/> No <input type="checkbox"/> | |

(SIGNATURE)

Name:-----

Designation:-----

Address:-----

Frequently Asked Questions (FAQ's) for Section 4 of COTPA, 2003

Q.1. What is the mandate of the law that bans smoking at public places?

Ans: Section 4 of COTPA, 2003 prohibits smoking in public places. Under section 21 of COTPA, 2003, any violation of section 4 will be punished with a fine up to Rs. 200 /- .

Q.2. What is meant by Public Place under COTPA, 2003?

Ans: "Public place" means any place to which the public have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, court buildings, educational institutions, libraries, work places, shopping malls, cinema halls, public conveyances and the like which are visited by general public but does not include any open space.

However, open spaces that are visited by the public like open auditoriums, stadiums, railway stations, bus stops and such other places were later included as public places where smoking is prohibited.

Q.3. Which open spaces are covered under the Act as Public place?

Ans: Open spaces like open-auditorium, stadium, railway station, bus stop/stand, and other such places are covered under COTPA as Public Places.

Q.4. Where should 'No Smoking Signage/Board' be placed?

Ans: 'No Smoking Signage/Board' should be displayed prominently at the entrance of the public place, in case there are more than one entrance at each such entrance and conspicuous place(s) inside. In case there are more than one floor, at each floor including the staircase and entrance to the lift/s at each floor.

Q.5. What are the specifications for 'No Smoking Signage/Board'?

Ans: Specifications for 'No Smoking Signage/Board' are as follows:-

1. The board shall be of a minimum size of 60 cm by 30 cm of white background
2. It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band.
3. The width of the red band across the cigarette shall equal the width of the red perimeter.
4. The board shall contain the warning "No Smoking Area – Smoking Here is an Offence", in English or one Indian language, as applicable.

Q.6. Are there any public places where a designated smoking area is allowed?

Ans: All Hotels, Restaurants, and Airport being public place have to be smoke-free. However, the owner, proprietor, manager, supervisor or in-charge of the affairs of the following places may provide a separate smoking area /space only in the following conditions:-

- Hotels having 30 or more rooms
- Restaurants having seating capacity of 30 or more
- Airports

Q.7. What are the specifications to be followed for establishing ‘Smoking area or space’?

Ans: ‘Smoking area or space’ mentioned in the proviso of Section 4 of COTPA, 2003 shall mean a separately ventilated smoking room that :-

- (i) is physically separated and surrounded by full height walls on all four sides
- (ii) has an entrance with an automatically closing door normally kept in close position
- (iii) has an air flow system
- (iv) has negative air pressure in comparison with the remainder of other parts of the building
- (v) is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building.
- (vi) is fitted with a non- re circulating exhaust ventilation system or an air cleaning system, or by a combination of the two, to ensure that the air discharges only in a manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas.

The smoking area /space shall not be established at the entrance or exit of the hotel, restaurant or airport and shall be distinctly marked as ‘smoking area’ in English or one Indian language as applicable and should be used only for the purpose of smoking and no other service(s) shall be allowed.

Q.8. What is the penalty for contravention of Section 4 of COTPA, 2003?

Ans: If a person contravenes Section 4 of COTPA, 2003, he shall be punished with fine which may extend to Rs. 200/- under Section 21 of COTPA, 2003.

Q.9. How do I file a complaint in case someone smokes inside public places?

Ans: If you observe or note a violation please notify the owner or manager of the establishment. They are responsible for ensuring compliance and are required to take action against a person who is smoking.

Q.10. Is there any penalty under the smoke free law against the authorized officers for dereliction of duty?

Ans: If the owner, proprietor, manager, supervisor, or in-charge of the affairs of the public place fails to act on the report of such violation, he shall be liable to be fined equivalent to the number of individual offences.

Q.11. What articles/items are prohibited to be displayed in a public place?

Ans: No ashtrays, matches, lighters or other things designated to facilitate smoking should be provided in any public places.

Q.12. What actions can be taken in case a violator refuses to pay the fine or follow other instructions of the authorized officer?

Ans: Several actions which can be taken in case a violator refuses to pay the fine and fails to follow other instructions of the authorized officer are as follows:-

- (a) In case the violator fails to pay fine but furnishes his/her name and address, the person(s)

Unit - 2

authorized by the Central or State Government in this behalf, shall within his/her jurisdiction issue challans with the direction that the offender pays the fine at the designated court at any given/fixed day(s) as may be decided.

- (b) In case the violator refuses to pay the fine and further fails to furnish his/her name and address, and otherwise fails to satisfy the authorized officer that he/she will duly answer any summons or other proceedings which may be taken against him/her, such person may be detained by the authorized officer (refer to Section 25 of COTPA, 2003).
- (c) The authorized person shall then hand over the detained person to the concerned police station and lodge a complaint under section 21 of COTPA, 2003.
- (d) Any person detained shall forthwith be taken before the concerned Magistrate to be dealt with in accordance with law.

Q.13. What kind of procedure and which place should be used for trial of offences for violation of Section 4 of COTPA, 2003. What is the nature of this offence?

- Ans:**
- a) **Place of trial:** Any person committing an offence under Section 4 shall be tried for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he/she is liable to be tried under any law for the time being in force.
 - b) **Summary Trial of offence:** All offences committed under section 4 of the Act shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.
 - c) **Nature of Offences - Compoundable and Bailable :** All offences under this section shall be Compoundable and Bailable

(refer section 21, 25, 27 & 28 of COTPA, 2003)

SECTION - 5 of COTPA, 2003

“Prohibition of Tobacco Advertisement, Promotion and Sponsorship”

(Pages 37 to 47)

Prohibition of Tobacco Advertisement, Promotion and Sponsorship
(Section 5 of COTPA, 2003)

Summary

Section 5 of COTPA, 2003 provides that no person is allowed to advertise (directly/indirectly), promote, or sponsor the use or consumption of cigarettes or any other tobacco products.

No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.

No person, for any direct or indirect pecuniary benefit, shall:-

- (a) Display, cause to display, or permit or authorize to display any advertisement of cigarettes or any other tobacco product; or
- (b) Sell or cause to sell, or permit or authorize to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or
- (c) Distribute, cause to distribute, or permit or authorize to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco product; or
- (d) Erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall display in any manner whatsoever in any place any advertisement of cigarettes or any other tobacco product:

No person, shall, under a contract or otherwise promote or agree to promote the use or consumption of:-

- (a) cigarettes or any other tobacco product; or
- (b) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person.

In addition, there are several restrictions on display of tobacco products in cinema, television and other media as per the Cigarettes and Other Tobacco products (Second Amendment) Rules 2005. These rules prohibit display of tobacco products or their use in cinema and television programmes except in case of old Indian films and television programmes, Indian films and television where necessary display is required to show historical figure/era, foreign films and television programmes (including dubbed or sub-titled), Indian/foreign films & television programmes in case of documentaries and health spots made to reflect dangers/ dire consequences of tobacco use, live coverage of news where the display is purely incidental. Provided that all these should have appropriate anti-tobacco health warnings and there cannot be display of brands of tobacco products or close ups of cigarette products or tobacco products.

Several rules to be followed in Films and Television Programmes (Old & New) are also given by Notification G.S.R. No. 708 (E), Dated 21st September, 2012 (**refer page 40 - 43**)

Rules relating to prohibition on direct and indirect advertisement, promotion and sponsorship of cigarettes and other tobacco products
(Section 5 of COTPA, 2003)

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 137. Dated 25th February, 2004 - In exercise of powers conferred by Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement -

- (1) These rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004.
- (2) They shall come into force on the 1st day of May, 2004.

2. Definitions.-In these rules, unless the context otherwise requires -

- (a) "Act" means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act, 2003;
- (b) "section" means a section of the Act;
- (c) "open space" mentioned in Section 3 (1) of the Act shall not include any place visited by the public such as open auditorium, stadium, railway station, bus stop/stand, and other such places¹.
- (d) words and expression used herein and not defined in these rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.
- (e) 'Indirect advertisement' mentioned in section 5 (1) of the Act means²
 - (i) the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events;
 - (ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;
 - (iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and
 - (iv) the use of tobacco products and smoking situations when advertising other goods and services.

3. [Prohibition of Smoking in Public Places]³

¹ The definition of "open space" re notified vide G.S.R. No. 417(E), dated 30.05.2008

² Inserted by G.S.R. No. 345(E) dated 31.05.2005

³ Prohibition of smoking in public place rules, superseded vide G.S.R. No. 417(E), dated 30.05.2008

4. Prohibition of advertisement of cigarette and other tobacco products¹ -

- (1) 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
- (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.

5&6. [Prohibition on sale of tobacco products to and by person below the age of 18 years]²

7. Health Spot and Message in Old Films and Television Programmes, displaying Tobacco Products or their use³.-

- (1) The owner or manager of a cinema hall or theatre screening old films (Indian and foreign) which display tobacco products or their use, shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning and middle of the film

Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

- (2) If the owner or manager of cinema hall or theatre fails to comply with the provisions of sub-rule (1) the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure.;
- (3) The broadcaster of old television programme (including old Indian and foreign films) displaying tobacco products or its use, shall ensure that,-
 - (a) anti-tobacco health spots, of minimum thirty seconds duration each are screened at the beginning and middle of the television programme;

Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

¹ Amended by G.S.R. No. 345(E) dated 31.05.2005

² inserted by G.S.R. No. 619(E), dated 11.08.2011

³ inserted by G.S.R. No. 708(E), dated 21.09.2012

- (b) anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of tobacco products or their use in the television programmes:

Provided that, the anti-tobacco health warning message shall be legible and readable, with font in black colour on white background, and;

- (i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
- (ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
- (iii) or with such other warnings as may be specified by the Central Government from time to time:

Provided that the anti-tobacco health warning message or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or subtitle.

- (4) If the broadcaster of old television programmes fails to comply with the provisions of sub-rule (3), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

Explanation: - For the purpose of this rule,-

- (i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films";
- (ii) all television programmes produced prior to coming into effect of this notification shall be categorized as "Old Television Programme";
- (iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983;
- (iv) the expression "television programmes " implies "programme" as defined in the Cable Television Networks (Regulation) Act, 1995".

8. Health Spots, Message and Disclaimer in New Films and Television Programmes.-

- (1) All new Indian or foreign films and television programmes displaying tobacco products or their use shall have,-
 - (a) a strong editorial justification explaining the necessity of display of the tobacco products or their use in the film, to the Central Board of Film Certification;

Unit - 2

- (b) anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the films and television programmes;
- (c) anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme;
- (d) an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the film and television programme;

Provided that such health spots and disclaimer shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

Provided further that no film displaying tobacco products or their use shall be certified for public exhibition by the Central Board of Film Certification unless the conditions specified in clauses (a) to (d) of sub-rule (1) are fulfilled.

- (2) If the owner or manager of a cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure;
- (3) If the broadcaster of the television programmes fails to comply with the provisions in clauses (b) to (d) of sub-rule 1, the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.
- (4) The anti-tobacco health warning message as specified in clause(c) of sub-rule 1 shall be legible and readable, with font in black colour on white background, and;
 - (i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
 - (ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
 - (iii) or with such other warnings as may be specified by the Central Government from time to time:
- (5) The anti-tobacco health warning messages or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or sub-title.

Explanation. - For the purpose of this rule,-

- (i) all films that receive Central Board of Film certification after the effective date of this notification shall be categorized as "New Films".
- (ii) all television programmes produced after the effective date of this notification shall be categorized as "New Television Programme".

9. Product Placement, Promotional materials and Posters¹ :-

(1) The display of tobacco products or their use in films and television programmes shall not extend to the following, namely:-

- (a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement;
- (b) close ups of tobacco products and tobacco products packages:

Provided that in a new film or television programme such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinema or theatre or airing on television, and in an old film or television programme such scenes shall be masked or blurred by the producer or distributor or broadcaster while screening.

(2) Promotional materials and posters of film and television programmes shall not depict any tobacco products or their usage in any form.

10. Cropping or Masking of Brand names and Logos of Tobacco Products.-

Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events or activities held in other countries being aired on television in India".

¹ inserted by G.S.R. No. 786(E), dated 27.10.2011



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLI Aizawl, Friday 20.1.2012 Pausa 30, S.E. 1933, Issue No. 3

Government of Mizoram

PART - II (A)

Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal, Requisition, Acquisition and declaration relating to Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No. J.11011/28/2011-HFW, the 9th January, 2012. In the interest of public service, the Governor of Mizoram is pleased to notify the following officers vide S.O. 1866 (E) of Gazette Notification dated 30th July, 2009 to ensure compliance to **Section-5 i.e. "Prohibition of advertisement of cigarettes and other tobacco products"** and **Section-7 i.e. "Display of Pictorial Health Warnings, in all cigarettes and other tobacco products packs"** of The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. These officers from respective departments are notified by the Central Government who shall be competent to act under **Section-12 i.e "Power of entry and search"** and **Section -13 i.e. "Power to seize"** of the said Act and are conferred with the power of Entry, Search and Seizure under the said provisions of the Act.

S1 No. Designation

1. All officer of the level of Superintendent & Above of the Customs & Excise
2. All officer of the rank of Inspectors & above Of Sales Tax/Health/ Transport Department
3. Assistant Labour Commissioner
4. Joint Director
5. Sub-Inspector and above of Police/ State Food & Drug Administration or any other Officer holding the Equivalent rank of the Sub-Inspector of Police

Department

- All premises registered under Department of Land Revenue & Settlement
Department of Taxation/ Health/ Transport of State
Labour & Employment Department
Industries Department
Food & Drugs Administration Under Health & Family Welfare Department and Department of Home

Action taken report including 'order' identifying various members by name is to be submitted within 30 days from the date of issue of this notification to the undersigned with a copy to State Nodal Officer-cum-Project Officer, Smoke Free Mizoram, Mizoram State Tobacco Control Society, M/D-15A, Chaltlang Venglai, Aizawl.

M. Zohmingthangi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

Frequently Asked Questions (FAQ's) for Section 5 of COTPA, 2003

Q.1. What is meant by advertisement as per COTPA, 2003?

Ans: As per Section 3 (a) of COTPA, 2003, “advertisement” includes any visible representation by way of notice, circular, label, wrapper or other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas.

Q.2. What do you mean by indirect advertisement?

Ans: As per G.S.R. No. 345 (E) dated 31st May, 2005 ‘indirect advertisement’ mentioned in section 5(1) of the Act (i.e. COTPA, 2003) means:-

- (i) the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events;
- (ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;
- (iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and
- (iv) the use of tobacco products and smoking situations when advertising other goods and services.”

Q.3. Is/are there any exception(s) to prohibition of advertisement of cigarettes or any other tobacco products mentioned in Section 5(1)&(2) of COTPA,2003?

Ans: The prohibitions mentioned in Section 5(1)&(2) of COTPA, 2003 shall not apply in relation to:-

- (a) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;
- (b) an advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse or a shop where cigarettes and any other tobacco products are offered for distribution or sale

However, there are certain restrictions to this exception and these are:-

- The size of the board at the entrance of warehouse /shop where cigarettes or any other tobacco products are offered for sale shall not exceed 60 centimeters by 45 centimeters.
- There must be a health warning on the top edge of the point-of-sale board in a legible and prominent manner measuring 20 centimeters by 15 centimeters, namely:-
 - (i) Tobacco causes cancer or
 - (ii) Tobacco kills
- This display board shall only list the type of tobacco products available and no brand pack shot, brand name of 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.

Q.4. Is promotion of cigarettes or any other tobacco products prohibited?

Ans: As per Section 5(3) of COTPA, 2003, no person, shall, under a contract or otherwise promote or agree to promote the use or consumption of -

- (a) cigarettes or any other tobacco product; or
- (b) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person

Unit - 2

Q.5. What are the rules to be followed if tobacco products or their use are displayed in Old Films and Television Programmes?

Ans: Several rules to be followed if tobacco products or their use are displayed in Old Films and Television Programmes are given by Notification G.S.R. No. 708 (E), Dated 21st September, 2012 as follows:-

- (1) The owner or manager of a cinema hall or theatre screening old films (Indian and foreign) which display tobacco products or their use, shall ensure that anti-tobacco health spots of minimum 30 seconds duration each are screened at the beginning and middle of the film:
- (2) The broadcaster of old television programme (including old Indian and foreign films) displaying tobacco products or its use, shall ensure that:-
 - (a) anti-tobacco health spots, of minimum 30 seconds duration each are screened at the beginning and middle of the television programme;
 - (b) anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of tobacco products or their use in the television programmes.

Q.6. What are the rules to be followed if tobacco products or their use are displayed in New Films and Television Programmes ?

Ans: As per Notification G.S.R. No. 708 (E), Dated 21st September, 2012, all New Indian or Foreign Films and Television Programmes displaying tobacco products or their use shall have:-

- (a) a strong **editorial justification** explaining the necessity of display of the tobacco products or their use in the film, to the Central Board of Film Certification.
- (b) **anti-tobacco health spots**, of minimum 30 seconds duration each at the beginning and middle of the films and television programmes.
- (c) **anti-tobacco health warning** as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme.
- (d) an **audio-visual disclaimer** on the ill effects of tobacco use, of minimum 20 seconds duration each, in the beginning and middle of the film and television programme.

Provided that the health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare Department, Government of India.

However, the display of tobacco products or their use in films and television programmes shall not extend to:-

- (a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement
- (b) close up of tobacco products and tobacco products packages
- (c) promotional materials and posters of film and television programmes shall not depict any tobacco products or their use in any form

It is also mandatory for the media to crop/mask the brand names or logos of tobacco products which form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media except in case of live or deferred live telecast of sports, cultural or other events held in other countries being aired on television in India.

Q.7. Is/are there any criteria given for distinguishing Old and New Films and Television Programmes?

Ans: The Notification G.S.R. No. 708 (E), Dated 21st September, 2012 distinguishes Old and New Films and Television Programmes as follows:-

- (i) All films that received Central Board of Film certification **prior** to the effective date of

Notification G.S.R. No. 708 (E), Dated 21st September, 2012 shall be categorized as “Old Films” and all films that received Central Board of Film certification **after** the effective date of this Notification shall be categorized as “New Films”.

- (ii) All television programmes produced **before** the effective date of Notification G.S.R. No. 708(E), Dated 21st September, 2012 shall be categorized as “Old Television Programmes” and all television programmes produced **after** the effective date of this Notification shall be categorized as “New Television Programmes”

Q.8. What are the specifications for anti-tobacco health warning message and health spots to be displayed in Old and New Films and Television Programmes?

Ans: (1) The anti-tobacco health warning message shall be legible and readable, with font in black colour on white background, and;

- (i) with the warnings “**Smoking causes cancer**” or “**Smoking kills**” for smoking forms of tobacco use;
 - (ii) with the warnings “**Tobacco causes cancer**” or “**Tobacco kills**” for chewing and other smokeless forms of tobacco;
 - (iii) or with such other warnings as may be specified by the Central Government from time to time.
- (2) The anti-tobacco health warning messages or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or sub-title.
- (3) The anti-tobacco health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare Department, Government of India.

Q.9. What is the punishment for violation of Section 5 of COTPA, 2003?

Ans: Under Section 22 of COTPA, 2003, whoever contravenes the provision of section 5 of COTPA, 2003 shall, on conviction, be punishable:-

- (a) in the case of first conviction, with imprisonment for a term which may extend to 2 years or with fine which may extend to Rs. 1,000/- or with both, and
- (b) in the case of second or subsequent conviction with imprisonment for a term which may extend to 5 years and with fine which may extend to Rs. 5,000/-.

Q.10. Who are the Authorized Officers to take action against the violators of Section 5 of COTPA, 2003?

Ans: The following officers have been notified under Section 25(1) of COTPA, 2003 vide Notification S.O. 1866 (E) dated 30th July 2009 to take actions and are conferred with the power of Entry, Search and Seizure with respect to Section 5 of COTPA, 2003 violation:-

1. All officer of the level of Superintendent & above of the Customs & Central Excise in all premises registered under Department of Revenue.
2. All officer of the rank of Inspectors & above of Sales Tax/Health/Transport Departments in Department of Revenue/Health/Transport of the State
3. Junior Labour Commissioner and above in Labour Department
4. Joint Director in O/o. Commissioner of Industries / Small Scale Industries
5. Sub – Inspector and above of Police / State Food & Drug Administration or any other officer holding the equivalent rank of Sub – Inspector of Police in Department of Food & Drugs & Department of Home Affairs.

(refer Section 12 & Section 13 of COTPA, 2003 & Page 80)

SECTION - 6 of COTPA, 2003

- (a) “Prohibition of Sale of Tobacco Products to Minors”**

- (b) “Prohibition of Sale of Tobacco Products within 100 yards of Educational Institutions”**

(Pages 48 to 59)

Prohibition on sale of tobacco products to minors
& within 100 yards of Educational Institutions
(Section 6 of COTPA, 2003)

Summary

As per Section 6 of COTPA, 2003, no person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product :-

- (a) to any person who is under 18 years of age, and
- (b) in an area within a radius of 100 yards of any educational institution

It is also specified that no tobacco product can be sold **by minors** and also through a **vending machine** and no tobacco product must be displayed in such a manner that enables **easy access** of tobacco products to persons below the age of 18 years.

It is also mandated that the owner/in-charge of a place where cigarettes or other tobacco products are sold shall prominently display a board of 60 cm x 30 cm in Indian language(s) as applicable specifying the warning - "***Sale of tobacco products to a person below the age of 18 years is a punishable offence***" with a pictorial depiction of the ill effects of tobacco use on health.

The onus of proof that the buyer of the tobacco products is not a person below the age of 18 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 18 years of age.

It is also mandated that the owner or the person in charge of an educational institution shall display, at a prominent place, a board containing the warning "***Sale of cigarettes and other tobacco products in an area within a radius of 100 yards of the educational institution is strictly prohibited and that it is an offence punishable under Section 24 of the Act with fine which may extend to Rs. 200/-***".

The distance of 100 yards shall be measured radially starting from the outer limit of the boundary wall, fence or as the case may be, of the educational institution.

If any person contravenes these provisions, he/she shall be punishable with fine which may extend to Rs. 200/- under Section 24 of COTPA, 2003.

An offence under section 24 shall be compoundable and bailable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

Rules relating to prohibition on sale of cigarettes and other tobacco products to person under eighteen years of age
(Section 6(a) of COTPA, 2003)

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 619(E) Dated 11th August, 2011 - In exercise of the powers conferred by Section 25 and Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (No. 34 of 2003), the Central Government hereby makes the following rules to further amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely :-

1. Short Title, Extent and commencement -

- (1) These rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2011.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, for rule 5, the following rule shall be substituted, namely.-

“5. Prohibition on sale of tobacco products to and by persons below the age of eighteen years: -

- (1) 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 and all the components of the board should appear in a manner exactly as in the soft copy provided in the compact disk [CD] accompanying these rules:

Provided that such board shall not have any advertisement or promotional messages or pictures or images of cigarettes or any other tobacco products.

- (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”.

3. After Rule 5 as so amended, the following rule shall be inserted namely:-

‘6. Recovery of Fine by authorized officers. - The authorised officers mentioned in **Annexure II** shall be competent to act under and compound the offences committed in violation of clause (a) and clause (b) of section 6 of the Act’.

4. At the end of the rules, the following Annexures shall be inserted, namely:-

ANNEXURE I

(See Rule 5(1)[a])

1. The Board shall be of a minimum size of 60 cm by 30cm of white background.
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.

**ANNEXURE II (See Rule 6)**

| Serial Number | Authorized Person to enforce section 6 (a & b) |
|----------------------|---|
| 1 | Vice Chancellor or Director or Proctor or Principal or Headmaster or In-Charge of an Educational Institution |
| 2 | Assistant Labour Commissioner from the Department of Labour |
| 3 | All officers of the rank of Sub-Inspector in State Food and Drug Administration from the Department of Food and Drugs |
| 4 | All officers of the rank of Inspectors from the Department of Education |
| 5 | All police officers of the rank of Sub-Inspector of Police and above |
| 6 | Municipal Health Officers |
| 7 | Representatives of Panchayati Raj Institutions (Chairperson or Sarpanch or Panchayat Secretary) |
| 8 | District Programme Manager or Finance Manager- District Health Society (National Rural Health Mission) |
| 9 | Civil Surgeon or Chief Medical Officer at District Hospital or Medical Officer at Primary Health Centre (PHC) |
| 10 | Block Development Officer, Block Extension Educator(BEE) |
| 11 | Director or Joint Director Department of Health, and Department of Education in the State Government |
| 12 | Nodal Officers of State and District Tobacco Control Cell under National Tobacco Control Programme |

Rules relating to prohibition on sale of cigarettes and other tobacco products within 100 yards of educational institutions
(Section 6 (b) of COTPA, 2003)

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 40(E) Dated 19th January, 2010.- In exercise of the powers conferred by Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), and in supersession of the Prohibition on sale of the Cigarettes and Other Tobacco Products around Educational Institutions Rules, 2004, except as respects things, done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

1. Short Title, extent and commencement -

- (1) These rules may be called the Cigarettes and Other Tobacco Products (Display of Board by Educational Institutions) Rules, 2009.
- (2) They shall extend to the whole of India.
- (3) They shall come into force on the date of their publication in the official gazette.

2. Definitions -

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;
 - (b) "Educational Institution" means any place or centre where educational instructions are imparted according to the specific norms and include any school/colleges and institution of higher learning established or recognised by an appropriate authority;
- (2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Display of Board by Educational Institutions -

- (1) The owner or manager or any person in-charge of affairs of the educational institution shall display and exhibit a board at a conspicuous place outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of educational institution is strictly prohibited and that it is an offence punishable under Section 24 of the Act with fine which may extend to two hundred rupees.
- (2) The distance of one hundred yards referred to in sub-rule (1), shall be measured radially starting from the outer limit of the boundary wall or fence, as the case may be, of the educational institution.

Section - 6 (b) Signage

Sale of cigarettes and other tobacco products in an area within a radius of 100 yards of educational institution is strictly prohibited and that it is an offence punishable under Section 24 of the Act with fine which may extend to Rs. 200/-.

Section - 6 (b) Signage in local language

“Zirna In compound atanga Yard 100 (300 ft) huam chhungah vaihlo leh a kaihnawih thil reng reng zawrh khap tlat a ni. A zuar lui chu Cigarettes and Other Tobacco Product Act (COTPA) 2003, Section - 24 na hmangin ₹ 200/- thleng chawitir theih an ni”



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLI Aizawl, Friday 20.1.2012 Pausa 30, S.E. 1933, Issue No. 3

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2011-HFW, the 9th January,2012. In the interest of public service, the Governor of Mizoram is pleased to notify the following officers vide Notification No.G.S.R.619 (E) Dated 11th August,2011 to ensure compliance to **Section-6 (a)** i.e. **"Prohibition of sale of tobacco products to & by person below 18 years"** and **Section-6 (b)** i.e. **"Prohibition of sale of tobacco products within 100 yards of Educational Institutions"** of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act,2003. These officers are notified by the Central Government who shall be competent to act under the above sections and are conferred with the power of recovering fines and compounding the offences in violation of the said provisions of the Act.

| Sl. No. | Person authorized to take action |
|---------|--|
| 1. | Vice Chancellor or Director or Principal or Headmaster or In-Charge of an Educational Institution |
| 2. | Assistant Labour Commissioner from the Department of Labour |
| 3. | All officers of the rank of Sub-Inspectors and above in State Food and Drug Administration from the Department of Food and Drugs |
| 4. | All officers of the rank of Inspectors and above from the Departments of School Education and Higher & Technical Education |
| 5. | All police officers of the rank of Sub-Inspector of Police and above |
| 6. | Representatives of Local Council in Aizawl area and Village Council in Rural area (Chairperson or President or Secretary) |
| 7. | District Programme Manager or Finance Manager - District Health Society(National Rural Health Mission) |
| 8. | Chief Medical Officers, Medical Superintendents and Medical Officers at Community Health Centre (CHC) and Primary Health Centre(PHC) |
| 9. | Block Development Officer, Block Extension Educator (BEE) |
| 10. | All Officers of rank of Joint Director and above of Department of Health & Family Welfare and Departments of School Education and Higher & Technical Education in the State Government |
| 11. | Nodal Officers of State and District Tobacco Control Cell under National Tobacco Control Programme |

Action taken report including 'order' identifying various members by name is to be submitted within 30 days from the date of issue of this notification to the undersigned with a copy to State Nodal Officer-cum-Project Officer, Smoke Free Mizoram, Mizoram State Tobacco Control Society. M/D-15A, Chaltlang Venglai, Aizawl.

M. Zohmingthangi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn.

No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Friday 18.9.2015 Bhadrapada 27, S.E. 1937, Issue No. 37

Government of Mizoram

PART - II (A)

Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal, Requisition, Acquisition and declaration relating to Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No.J.11011/28/2012-HFW, the 11th September, 2015. In supersession of this Department's Notification No. J.I 1011/28/2011-HFW dated the 9th January, 2012 and in the interest of public service, the Governor of Mizoram in exercise of the powers conferred by Section - 25 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) is pleased to notify the following officers to ensure compliance to **Section-6 (a) i.e. 'Prohibition of sale of tobacco products to & by persons below the age of 18 years'** and **Section-6 (b) i.e. 'Prohibition of sale of tobacco products within 100 yards of Educational Institutions'** of COTPA, 2003. These officers shall also be competent to act under the above sections and are conferred with the power of recovering fines and compounding the offences in violation of the said provisions of the Act.

| Sl. No. | Person authorized to take action |
|---------|--|
| 1. | Vice Chancellor/Director/Principal/Headmaster/Teacher/In-Charge of an Educational Institution |
| 2. | Assistant Labour Commissioner from the Department of Labour |
| 3. | All officers of the rank of Sub Inspector and above in Food and Drugs Administration from the Department of Food and Drugs. |
| 4. | All officer of the rank of Inspectors and above from the Department of School Education and Higher & Technical Education |
| 5. | All Police Personnel |
| 6. | Chairman/President and Secretary of Local Council in Aizawl area and Village Council in Rural area |
| 7. | District Programme Manager or Finance Manager - District Health Society (National Health Mission) |
| 8. | Chief Medical Officer (CMO), Medical Superintendent, Senior Medical Officer (SMO), Deputy Medical Superintendent, Medical Officer, Health Supervisor and Health Worker |
| 9. | Block Development Officer, Block Extension Educator (BEE) |
| 10. | All Officers of the rank of Joint Director and above of Department of Health & Family Welfare and Departments of School Education and Higher and Technical Education in the State Government |
| 11. | State /District Nodal Officers/Focal Point under National Tobacco Control Programme |

Half of the fines if collected may be utilized for incidental expenses, printing of challan/receipt, transportation charge etc. as permitted by this Department's Notification No. J. 11011/28(i)/2011-HFW dated Aizawl the 12th July, 2011. The remaining half is to be deposited into the following head of account:-

- 0210 - Med. & Public Health
- 04 - Public Health
- 104 - Fees & Fines etc.
- 01 - Compounding Fees on Cigarette & other Tobacco products

Lalhmingthanga,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

**GOVERNMENT OF MIZORAM
HEALTH & FAMILY WELFARE DEPARTMENT**

NOTIFICATION

Dated Aizawl, the 10th August, 2018.

No.J.11011/28/2012-HFW/Pt: In supersession of this Department's Notification No.J.11011/28/2012-HFW dated 11th September, 2015 and in the interest of public service, the Governor of Mizoram, in exercise of the powers conferred by **Section-25 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Production, Supply and Distribution) Act, 2003 (COTPA)**, is pleased to notify the following persons to ensure compliance to **Section-6(a) i.e. 'Prohibition of sale of cigarette or any other tobacco products to & by persons below the age of 18 years'** and **Section 6(b) i.e. 'Prohibition of sale of cigarette or any other tobacco products in an area within a radius of 100(hundred) yards of any Educational Institution'** of COTPA, 2003. These authorized persons shall also be competent to act under the above sections and are conferred with the power of recovering fines and compounding the offences in violation of the said provisions of the Act.

| Sl. No. | Persons authorized to take action |
|---------|---|
| 1. | Vice Chancellor/Registrar/Director/Principal/Headmaster/Teacher/In-Charge of an Educational Institution. |
| 2. | Assistant Labour Commissioner from the Department of Labour. |
| 3. | All officers of the rank of Sub Inspector and above in Food and Drugs Administration from the Department of Food and Drugs. |
| 4. | All District Education Officers & Sub-Divisional Education Officers. |
| 5. | All officer of the rank of Inspectors and above from the Department of School Education and Higher & Technical Education. |
| 6. | All Police Personnel. |
| 7 | Chairman/President and Secretary of Local Council in Municipal Area and Village Council in Rural Area. |
| 8 | District Programme Manager or Accounts Manager – District Health Society (National Health Mission). |
| 9 | Chief Medical Officer (CMO), Medical Superintendent, Senior Medical Officer (SMO), Deputy Medical Superintendent, Medical Officer, Nursing Superintendent, Health Supervisor and Health Worker. |
| 10 | Block Development Officer, Block Extension Educator (BEE). |
| 11 | All Officers of the rank of Joint Director and above of Department of Health & Family Welfare and Departments of School Education and Higher & Technical Education in the State Government. |
| 12 | State/District Nodal Officers/Focal Points under National Tobacco Control Programme, Mizoram. |
| 13 | All Staff of National Tobacco Control Programme, Mizoram. |

Half of the fines collected may be utilized for incidental expenses, printing of challan/receipt, transportation charges etc. towards enforcement of COTPA as permitted by this Department's Notification No.J.11011/28(i)/2011-HFW dated Aizawl the 12th July, 2011. The remaining half is to be deposited into the following head of accounts:-

| | | |
|------|---|---|
| 0210 | - | Medical & Public Health |
| 04 | - | Public Health |
| 104 | - | Fees & Fines etc. |
| 01 | - | Compounding Fees on Cigarettes & other Tobacco products |

Sd/- LALRINLIANA FANAI
Commissioner & Secretary to the Government of Mizoram
Health & Family Welfare Department

Memo No. J.11011/28/2012-HFW/Pt

Dated Aizawl, the 10th August, 2018.

Copy to:-

1. Secretary to His Excellency, Governor, Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to all Ministers/Speaker, Govt. of Mizoram.
4. P.S. to all Minister of State/Deputy Speaker, Mizoram.
5. Sr. P.P.S. to Chief Secretary, Govt. of Mizoram.
6. All Administrative Departments.
7. All Deputy Commissioners, Mizoram.
8. All Heads of Department.
9. Principal Director, Health & Family Welfare Department.
10. Director of Health Services, Mizoram.
11. Director, Hospital & Medical Education, Mizoram.
12. Controller, Printing & Stationery with 6 (six) spare copies for kind publication in the Official Gazette.
13. Superintendent of Police Aizawl/Lunglei/Saiha/Lawngtlai/Champhai/Serchhip/Kolasib/Mamit.
14. All Sub Divisional Police Officers, Mizoram.
15. All Chief Medical Officers, Mizoram.
16. Medical Superintendent, Civil Hospital, Aizawl/Lunglei.
17. Medical Superintendent, State Referral Hospital, Falkawn.
18. All District Medical Superintendents, District Hospital.
19. Deputy Medical Superintendent, Kulikawn Hospital.
20. Treasury Officer, Aizawl North/Aizawl South/Lunglei/Saiha/Lawngtlai/Champhai/Serchhip/Kolasib/Mamit.
21. State Nodal Officer, National Tobacco Control Programme, Mizoram.
22. Person concerned.
23. Guard file.


 (LIANHMINGTHANGI HMAR)

Under Secretary to the Government of Mizoram
Health & Family Welfare Department


 10/8/18

Frequently Asked Questions (FAQ's) for Section 6 of COTPA, 2003

Q.1. Who is responsible to display the specified board to be displayed at the point of sale of tobacco products and what information will the board contain?

Ans: The owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall display a board with a warning at his/her shop saying, **“sale of tobacco products to a person below the age of eighteen years is a punishable offence.”** The board shall be of a minimum size of 60 cm by 30 cm of white background and shall not have any advertisement or promotional messages or pictures or images of cigarettes or any other tobacco products.

Q.2. Who is responsible for ensuring that the buyer is not a minor?

Ans: The seller of cigarette or other tobacco products has to ensure that tobacco products are not sold to a person under 18 years of age, failing which a fine of Rs. 200/- can be imposed on the seller under Section 24 of COTPA, 2003.

The onus of proof, that the buyer of the tobacco product is not a person below the age of 18 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 18 years of age.

Q.3. How does one measure the radius of 100 yards of an educational institution where the sale of tobacco products to minors is prohibited?

Ans: The distance of 100 yards shall be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

Q.4. Who is responsible to display the specified board to be displayed outside educational institutions and what does the board read?

Ans: The owner or manager or any person in-charge of affairs of the educational institution shall display and exhibit a board at a conspicuous place(s) outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of the educational institution is strictly prohibited and that it is an offence punishable under Section 24 of COTPA, 2003 with fine which may extend to Rs. 200/-.

Q.5. Who are the persons authorized to take actions for ensuring compliance to Section 6 (a & b) of COTPA, 2003?

Ans: List of persons authorized to take actions for ensuring compliance to Section 6 (a & b) of COTPA, 2003 is given in Page No.54 -57 of this book. These authorized persons are also conferred with the power of recovering fines and compounding the offences in violation of Section 6 (a & b) of COTPA, 2003.

Q.6. What is the penalty for contravention of Section 6 (a & b) of COTPA, 2003?

Ans: If any person contravenes Section 6 (a & b) of COTPA, 2003, he shall be punishable with fine which may extend to Rs. 200/- under Section 24 of COTPA, 2003.

Q.7. What actions can be taken in case a violator refuses to pay the fine and follow other instructions given by the authorized officer?

Ans: Several actions which can be taken in case a violator refuses to pay the fine and fails to follow other instructions of the authorized officer are as follows:-

- (a) In case the violator fails to pay fine but furnishes his/her name and address, the person(s) authorized by the Central or State Government in this behalf, shall within his/her jurisdiction issue challans with the direction that the offender pays the fine at the designated court on any given/fixed day(s) as may be decided.
- (b) In case the violator refuses to pay the fine and further fails to furnish his/her name and address, and otherwise fails to satisfy the authorized officer that he/she will duly answer any summons or other proceedings which may be taken against him/her, such person may be detained by the authorized officer (refer to Section 25 of COTPA, 2003)
- (c) The authorized person shall then hand over the detained person to the concerned police station and lodge a complaint under section 24 of COTPA, 2003.
- (d) Any person detained shall forthwith be taken before the concerned Magistrate to be dealt with in accordance with law.

Q.9. What kind of procedure and which place should be used for trial of offences under Section 6(a&b) of COTPA, 2003. What is the nature of this offences?

- Ans:**
- a) **Place of trial:** Any person committing an offence under Section 6 of COTPA, 2003 shall be tried for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he/she is liable to be tried under any law for the time being in force.
 - b) **Summary Trial of offence:** All offences committed under Section 6 of COTPA, 2003 shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.
 - c) **Nature of Offences - Compoundable and Bailable :** All offences under this section shall be Compoundable and Bailable

(refer section 24, 25, 27 & 28 of COTPA, 2003)

SECTION - 7 of COTPA, 2003

“Display of Specified Health Warnings on tobacco product packages”

(Pages 60 to 83)

Display of Specified Health Warnings on tobacco product packages
(Section 7 of COTPA, 2003)

Summary

Section 7 of COTPA, 2003 mandates that no person shall directly or indirectly produce, supply, distribute or carry on trade and commerce or import cigarette or any other tobacco product unless every package of tobacco product bears thereon a specified health warning as specified in the rules.

The specified health warning shall cover at least eighty-five percent (**85%**) of the principal display area of the package of which sixty percent (**60%**) shall cover **pictorial** health warning and twenty-five percent (**25%**) shall cover **textual** health warning and shall be positioned on the top edge of the package and in the same direction as the information on the principal display area.

Textual Health Warning.- for smoking and smokeless forms of tobacco products, the word “**TOBACCO CAUSES CANCER**” and the word “**TOBACCO CAUSES PAINFUL DEATH**” shall appear in white font colour on a red background and the words “**QUIT TODAY CALL 1800-11-2356**” shall appear in white font colour on a black background.

Every package of cigarette or any other tobacco product shall also contain the following particulars, namely:-

- (a) Name of the product
- (b) Name and address of the manufacturer or importer or packer
- (c) Origin of the product (for import)
- (d) Quantity of the product
- (e) Date of manufacturer
- (f) Any other matter as may be required by the Central Government in accordance with the international practice

Other important aspects under the rules:-

- Any person engaged directly or indirectly in the production, supply, import or distribution of cigarettes or any other tobacco products shall ensure that all tobacco product packages shall have the specified health warnings exactly prescribed.
- The specified health warning shall be printed, pasted or affixed on every retail package in which the tobacco product is normally intended for consumer use or retail sale, as well as any other external packaging, such as cartons or boxes and will not include other packaging such as gunny bags.
- None of the elements of the specified warning should be severed, covered or hidden in any manner when the package is sealed or opened.
- No messages, images or pictures that directly or indirectly promote the use or consumption of a specific tobacco brand or tobacco usage in general or any matter or statement which is inconsistent with, or detracts from, the specified health warning are inscribed on the tobacco product package.
- No tobacco product package or label shall contain any information that is false, misleading, or deceptive, or that is likely to create an erroneous impression about the characteristics, health effects, or health or other hazards of the tobacco product or its emissions.
- The specified health warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of the rules or before the period of rotation as may be specified by the Central Government by notification.
- The specified health warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of the rules or before the period of rotation as may be specified by the Central Government by notification.
- During the rotation period, there shall be two images of specified health warning which shall appear consecutively on the package with an interregnum period of twelve months.
- The date of coming into effect of the second image (image 2) of specified health warning, shall be for all tobacco products manufactured or imported after the completion of twelve months from the date of commencement of first image (image 1)

Rules relating to display of Specified Health Warnings on tobacco product packages
(Section 7 of COTPA, 2003)

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R.182(E) Dated 15th March, 2008.- In exercise of the powers conferred by sub-section (1) of Section 7, sub-section (2) of Section 8, Section 10 and Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), and in supersession of the Cigarettes and other Tobacco Products (Packaging and Labeling) Rules, 2006, except as respects things done or omitted to be done before such supersession the Central Government hereby makes the following rules, namely:-

1. **Short title and Commencement.** - These Rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008 and they shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. **Definitions.** - In these rules, unless the context otherwise requires:-
 - (a) “Act” means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;
 - (b) “package” [means any type of pack in which cigarette and other tobacco product is packaged for consumer sale but shall not include wholesale, semi wholesale or poor packages if such packages are not intended for consumer use]¹
 - (c) “principal display area” means:-
 - (i) for box type packages, two equal sized largest surface area of the box that may be displayed or visible under normal or customary conditions of sale or use;
 - (ii) for pouch type packages, the entire surface area of the pack that may be displayed or visible under normal conditions of sale or use;
 - (iii) for conical or cylindrical type of packages, the entire curving area of the pack that may be displayed or visible under normal or customary conditions of sale or use;
 - (iv) for any other form or type of package, the entire surface area of the pack that may be displayed or visible under normal or customary conditions of sale or use;
 - (d) “specified health warning” means, such health warnings as specified by the Central Government from time to time, in the Schedule to these rules.
3. **Manner of packing and labeling.**- (1) Every person engaged directly or indirectly in the production, supply, import or distribution of cigarette or any other tobacco product shall ensure that:-
 - (a) every package of cigarette or any other tobacco product shall have the specified health warning exactly as specified in the Schedule to these rules;
 - (b) the specified health warnings shall occupy at least forty percent (40%) of the principal display area [of the front panel]² of the pack and shall be positioned parallel to the top edge of the package and in the same direction as the information on the principal display area:

¹ Inserted vide notification S.O.305 (E) dated 3rd May 2009.

² Inserted vide notification S.O.305 (E) dated 3rd May 2009.

Provided that for conical packs, the widest end of the pack shall be considered as the top edge of the pack:

Provided further that for box and pouch type of packs, the specified health warning shall appear on both sides of the pack, on the largest panels;

- (c) none of the elements of the specified warning are severed, covered or hidden in any manner when the package is sealed or opened;
- (d) no messages that directly or indirectly promote a specific tobacco brand or tobacco usage in general are inscribed on the tobacco product package;
- (e) no product shall be sold unless the package contains the specified health warning:

Provided that the specified health warning shall be printed [**pasted or affixed**]¹ on every retail package in which the tobacco product is normally intended for consumer use or retail sale, as well as any other external packaging, such as cartons or boxes and will not include other packaging as gunny bags;

- (f) the specified warnings shall be inscribed in the language/s used on the pack;

Provided that where more than one language is used on the pack the specified warning shall appear in two languages, one in which the brand name appears and the other in the local language of the area where the product is being sold.²

- (g) No tobacco product package or label shall contain any information that is false, misleading, or deceptive, or that is likely or intended to create an erroneous impression about the characteristics, health effects, or health or other hazards of the tobacco product or its emissions. This prohibition includes, but is not limited to, the use of words or descriptors, whether or not part of the brand name, such as “light”, “ultra light”, “mild”, “ultra mild”, “low tar”, “slim”, “safer”, or similar words or descriptors; any graphics associated with, or likely or intended to be associated with, such words or descriptors; and any product package design characteristics, associated with, likely or intended to be associated with, such descriptors.

4. **Prohibition on obscuring, masking, altering or detracting from the Specified Health Warnings.-** No person shall sell or supply any product, device, or other thing that is intended to be used, or that can be used, to cover, obscure, mask, alter, or otherwise detract from the display of specified health warning on the tobacco product package. This includes prohibition to design the product package or parts of the package, or accessories thereto, with any cover that may obscure the prescribed messages.
5. **Rotation of specified health warnings³-** The specified health warning on tobacco packs shall be rotated every two years from the date of notification of the rules or earlier, as the case may be, as specified by the Central Government.

¹. *Inserted vide notification S.O. 693(E) dated 29th September 2008*

². *Inserted vide notification S.O. 693(E) dated 29th September 2008*

³. *Inserted vide notification GSR 985(E) dated 20th December, 2010*

SCHEDULE

(See rule 3)

1. **Components of specified health warning** - The components for the specified health warning shall include :-

(1) **Health Warning¹**: - The warning “Smoking Kills” in white font colour (on smoking forms of tobacco products) AND the warning “Tobacco Kills” in white font colour (on smokeless or chewing and other forms of tobacco products) and the words “warning” in red font colour shall appear on a black background, exactly as in the soft copy provided in the Compact Disk (CD) accompanying these rules.

(2) **Pictorial representation of ill effects of tobacco use**. - Pictorial depiction of the ill effects of tobacco use on health, shall be placed above the health warning and should appear in the same colour exactly as in the soft copy provided in the CD accompanying these rules.”.

2. **The specified health warnings are²**-

(1) **For smoking forms of tobacco packs:-**



(a)



(b)



(c)

¹ Inserted vide notification GSR 724(E) dated 27th September, 2012

² Inserted vide notification GSR 724(E) dated 27th September, 2012

(2) For chewing or smokeless forms of tobacco packages :-

(a)



(b)



(c)

Note :- These rules are accompanied by a CD that contains a soft copy of these health warnings, for inclusion in printing of tobacco product packages.

3. Size of the specified health warning -

- (1) The size of the specified health warning on each panel of the tobacco pack shall ensure that the warning is legible and prominent.
- (2)¹
 - (a) The size of all components of the specified health warning shall be so kept as to maintain a ratio of 75:1 between the vertical length and horizontal length of the specified health warning.
 - (b) The specified health warning shall occupy at least forty percent of the principal display area of the front panel of the pack.

4. Language² - Each health warning has been specified in English and regional languages. Appropriate language combination should be selected from the combination provided in the CD to ensure that the language selected for health warning is in conformity with the language used on the pack by the manufacturer. Where more than one language is used on the pack, the health warning shall be given separately in each of the language. Provided that not more than two languages shall be used on the pack.”

5. Printing. - Subject to sub-paragraph (2) of paragraph 3 of this Schedule, while printing, it must be ensured that the colour, intensity and clarity of all the components of the specified health warning are not tampered with.

¹ Inserted vide notification GSR 724(E) dated 27th September, 2012

² Inserted vide notification GSR 570(E) dated 26th July, 2011

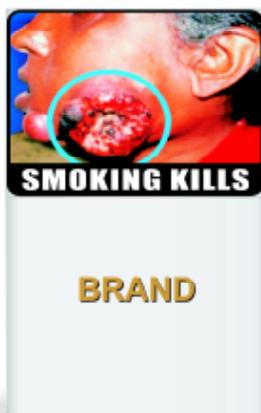
ATTENTION

**TOBACCO PRODUCT MANUFACTURERS,
DISTRIBUTORS AND RETAILERS!!**

The new Pictorial Health Warnings, notified by the Ministry of Health and Family Welfare vide **G.S.R. No. 417 (E) of Gazette Notification dated May 27, 2011** and **G.S.R. No. 570 (E) dated July 26, 2011** has come into effect from **December 1, 2011**.

Every person engaged directly or indirectly in the production, supply, import or distribution of cigarettes or any other tobacco products shall ensure that all tobacco product packages shall have specified health warnings as prescribed in the aforesaid notification.

Cigarette pack



Bidi pack



Gutka/ other smokeless tobacco products pack



Violation of the above mentioned provision is a punishable offence with imprisonment and fine or both as prescribed in Section 20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

The CD containing the pictorial health warning images, text warning and language combinations may be obtained from Room No 425, Wing – C, Nirman Bhawan, New Delhi – 110108. Telephone No: 011-23012735.



Ministry of Health & Family Welfare,
Govt. of India.

Issued in public interest by



National Tobacco Control Programme

The details of the specifications are available at www.mohfw.nic.in



The Gazette of India

PART II - Section 3 - Sub-section (i)

EXTRA ORDINARY

Published by Authority

No. 534

NEW DELHI, WEDNESDAY, OCTOBER 15, 2014/ASVINA 23, 1936

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 15th October, 2014

G.S.R. 727(E). - In exercise of the powers conferred by sub-section (1) of Section 7, Section 8, sub-section (2) of Section 9, Section 10 and Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely :—

1. (1) These rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014.
- (2) They shall come into force with effect from the 1st day of April, 2015.

2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008,—
 - (a) in rule 3, in sub-rule (1), —

- (i) for clause (b), the following clause shall be substituted, namely :—

- (b) “the specified health warning shall cover at least eighty-five per cent. (85%) of the principal display area of the package of which sixty per cent. (60%) shall cover pictorial health warning and twenty-five per cent. (25%) shall cover textual health warning and shall be positioned on the top edge of the package and in the same direction as the information on the principal display area :

Provided that for conical package, the widest end of the package shall be considered as the top edge of the package :

Provided further that on box, carton and pouch type of package, the specified health warning shall appear on both sides of the package, on the largest panels and for cylindrical and conical type of package, the specified health warning shall appear diametrically opposite to each other on two largest sides or faces of the package and the specified health warning shall cover eighty-five per cent. (85%) of each side or face of the principal display area of the package of which sixty per cent. (60%) shall cover pictorial health warning and twenty-five per cent. (25%) shall cover textual health warning.”;

- (ii) for clause (d), the following clause shall be substituted, namely :—

- (d) “no messages, images or pictures that directly or indirectly promote the use or consumption of a specific tobacco brand or tobacco usage in general or any matter or statement which is inconsistent with, or detracts from, the specified health warning are inscribed on the tobacco product package.”;

- (iii) for clause (f), the following clause shall be substituted, namely :—

- “(f) the textual health warning shall be inscribed in the language used on the package:

Unit - 2

Provided that where the language used on a package or on its label is—

- (a) English, the health warning shall be expressed in English;
- (b) English and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears;
- (c) Hindi and other Indian languages, the health warning shall be expressed in Hindi and any one of the Indian language in which the brand name appears;
- (d) any Indian language, the health warning shall be expressed in such Indian language;
- (e) Indian languages, the health warning shall be expressed in any two Indian languages in which the brand name appears;
- (f) foreign language, the health warning shall be expressed in English;
- (g) foreign and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears:

Provided further that the textual health warning shall appear in not more than two languages used on the package:

Provided also that the textual health warning in one language shall be displayed on one side or face of principal display area and the textual health warning in the other language shall be displayed on the other side or face of principal display area of the package.”;

- (iv) after clause (g), the following clause shall be inserted, namely :—

“(h) every package of cigarette or any other tobacco product shall contain the following particulars, namely :-

- (a) Name of the product;
- (b) Name and address of the manufacturer or importer or packer;
- (c) Origin of the product (for import);
- (d) Quantity of the product;
- (e) Date of manufacture; and
- (f) Any other matter as may be required by the Central Government in accordance with the international practice.”;

- (b) for rule 5, the following rule shall be substituted, namely :—

“5. Rotation of specified health warning.— (1) The specified health warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of these rules or before the period of rotation as may be specified by the Central Government by notification.

(2) During the rotation period, there shall be two images of specified health warning for both smoking and smokeless form of tobacco products and each of the images of the specified health warning shall appear consecutively on the package with an interregnum period of twelve months.

(3) At the end of the twelve months period, the first image (image 1) of specified health warning shall be replaced with the second image (image 2) of specified health warning, which shall appear for the next twelve months.

(4) At the end of each twelve months of the rotation period, the Central Government may allow the distributors, retailers and importers of cigarettes and other tobacco products a grace period, not exceeding two months to clear the old stock of package of tobacco products bearing the warning specified for the expired period of twelve months of the rotation period.

(5) The distributors, retailers and importers of cigarettes and other tobacco products shall not distribute or sell any package having the specified health warning of the expired period of twelve months after the grace period of two months.”;

- (c) In the Schedule,—

- (i) for the paragraph 1, the following paragraph shall be substituted, namely :—

“1. Components of specified health warning.— The components for the specified health warning shall include the following, namely:—

- (i) **Textual Health Warning** .— For smoking forms of tobacco products, the word “WARNING” shall appear in white font colour on a red background and the words “Smoking causes throat cancer” shall appear in white font colour on a black background. For smokeless forms of tobacco products, the word “WARNING “ shall appear in white font colour on a red background and the words “Tobacco causes mouth cancer” shall appear in white font colour on a black background. The textual health warning shall cover twenty-five per cent. (25%) of the principal display area of the package. The intensity of color in the background of the textual health warning shall be: White: C:0%, M:0%, Y:0% K:0%, Red: C:0%, M:100%, Y:100% K: 0% and Black: C:0%, M:0%, Y:0% K: 100%. The textual health warnings shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The font type and colour of the health warning shall be exactly as in the soft copy provided in the Compact Disk (CD) accompanying these rules or as uploaded on the web sites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in.
- (ii) **Pictorial Health Warning**.— A pictorial representation of the ill effects of tobacco use on health shall be placed above the textual health warning, covering sixty per cent. (60%) of the principal display area of the package. It shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The pictorial health warning should appear in the same colour and resolution exactly as in the soft copy provided in the CD accompanying these rules or as uploaded on the web sites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in” .;
- (ii) for the paragraph 2, the following paragraph shall be substituted, namely:—
“2. The specified health warnings shall be —
- (a) For packages containing smoking forms of tobacco products-Image (1), the specified health warning contained in these rules shall be valid for a period of twelve months following its commencement.

Image - I



- (d) For packages containing smokeless forms of tobacco products—Image (2), the specified health warning contained in these rules shall come into effect following the end of twelve months from the date of commencement of specified health warning of image (1).

Image - II



Unit - 2

- (c) For packages containing smokeless forms of tobacco products —Image (1), the specified health warning contained in these rules shall be valid for a period of twelve months following its commencement.

Image - I



- (d) For packages containing smokeless forms of tobacco products—Image (2), the specified health warning contained in these rules shall come into effect following the end of twelve months from the date of commencement of specified health warning of image (1).

Image - II



Note. - These rules shall be accompanied by a (CD) that contains a soft copy of these specified health warnings, the soft copies of these specified health warnings shall also be uploaded on the websites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in, for inclusion in printing of tobacco product package.”;

- (iii) for the paragraph 3, the following paragraph shall be substituted, namely:—

“3. Size of the specified health warning. –

- (1) The size of the specified health warning on each panel of the tobacco package shall not be less than 3.5 cm (width) × 4 cm (height), so as to ensure that the warning is legible, prominent and conspicuous.
- (2) The size of all components of the specified health warning shall be increased proportionally according to increase of the package size to ensure that the specified health warning covers eighty-five per cent (85%) of the principal display area of the package of which sixty per cent (60%) shall cover pictorial health warning and twenty-five per cent (25%) shall cover textual health warning.”;

(iv) for the paragraph 4, the following paragraph shall be substituted, namely:—

“4. Language.- Each health warning shall be specified in English, Hindi and any other regional languages. Appropriate language combination shall be selected from the combination provided in the (CD) to ensure that the language selected for health warning is in conformity with the language used on the package by the manufacturer or importer or packer.”.

F. No. P-16011/05/2012-PH-I
ANSHU PRAKASH, Jt. Secy

“Note.- The Principal rules were published *vide* number G.S.R. 182 (E), dated the 15th March, 2008 and subsequently amended *vide* number G.S.R. 693(E), dated the 29th September, 2008, *vide* number S.O. 2814(E), dated the 28th November, 2008, *vide* number G.S.R. 305(E), dated the 3rd March, 2009, *vide* number G.S.R. 176(E), dated the 5th March, 2010, *vide* number G.S.R. 411(E), dated the 17th May, 2010, *vide* number G.S.R 985(E), dated the 20th December, 2010, *vide* number G.S.R 417(E), dated the 27th May, 2011, *vide* number G.S.R 570 (E), dated the 26th July, 2011 and *vide* number G.S.R. 724(E), dated the 27th September, 2012.

ATTENTION!

Tobacco Product Manufacturers, Distributors and Retailers!

The Central Government has notified the new specified health warnings vide GSR 727 (E) of Gazette Notification dated 15th October, 2014 and issued notification G.S.R. No. 739 (E) dated 24th September, 2015 for mandatory display of new specified health warnings covering 85% of the principal display area on all tobacco product packages, from 1st April, 2016.

As per the Rules, during the rotation period of twenty four months, two images of specified health warning as notified in the Schedule, shall be displayed on all tobacco product packages and each of the image shall appear consecutively on the package with an interregnum period of 12 months.

Further as per notification GSR No. 292 (E) dated 24th March, 2017 read with the aforementioned notifications, all tobacco products manufactured on or after 1st April 2017 shall display the second image of specified health warning, in the following manner:



Cigarette Pack



Bidi Pack

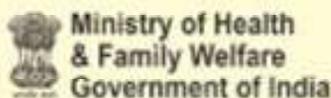


Smokeless Tobacco Pack

Any person engaged directly or indirectly in the production, supply, import or distribution of cigarettes or any other tobacco products shall ensure that all tobacco product packages shall have specified health warnings as prescribed.

Violation of the above mentioned provision is a punishable offence with imprisonment or fine as prescribed in Section 20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

The images and details of the specified health warnings and the Rules are available at www.mohfw.nic.in



The tobacco-attributable deaths range between 8 lakhs to 9 lakhs per year in India – **QUIT TOBACCO USE TODAY**

To quit tobacco call 1800 11 2356 or give a missed call on 011-22901701 or register at www.nhp.gov.in/quit-tobacco

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 3rd April, 2018

G.S.R. 331(E). - In exercise of the powers conferred by sub-section (1) of section 7, section 8, sub-section (2) of section 9, section 10 and section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely:-

1. (1) These rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Second Amendment Rules, 2018.
- (2) They shall come into force on the 1 st day of September, 2018.
2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008,
 - (a) in rule 5, -
 - (i) for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) During the rotation period, there shall be two images of specified health warning which shall appear consecutively on the package with an interregnum period of twelve months.”;
 - (ii) in sub-rule (3), for proviso, the following proviso shall be substituted, namely:-

“Provided that the date of coming into effect of the second image (image 2) of specified health warning, shall be for all tobacco products manufactured or imported after the completion of twelve months from the date of commencement of first image (image 1).”;
 - (iii) sub-rule (4) shall be omitted.
 - (b) in the Schedule,-
 - (i) in paragraph 1, for clause (i), the following clause shall be substituted, namely:-

“(i) Textual Health Warning.- For smoking and smokeless forms of tobacco products, the word “TOBACCO CAUSES CANCER” and the word “TOBACCO CAUSES PAINFUL DEATH” shall appear in white font colour on a red background and the words “QUIT TODAY CALL 1800-11-2356” shall appear in white font colour on a black background. The intensity of color in the background of the textual health warning shall be: White: C:0%, M:0%, Y:0% K:0%, Red: C:0%, M:100%, Y:100% K: 0% and Black: C:0%, M:0%, Y:0% K: 100%. The textual health warnings shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The font type and colour of the health warning shall be exactly as uploaded on the web site www.mohfw.gov.in”;

Unit - 2

(ii) for paragraph 2, the following paragraph shall be substituted, namely:-

“2. The specified health warnings shall be-

(a) Image-1, which shall be valid for a period of twelve months following its commencement.

Image- 1



(b) Image-2, which shall come into effect following the end of twelve months from the date of commencement of specified health warning of Image-1.

Image- 2



[No. P 16011/02/2017-TC]
VIKAS SHEEL, Jt. Secy.

Note - The Principal rules were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) *vide* notification number G.S.R. 182 (E), dated the 15th March, 2008 and lastly amended *vide* notification number G.S.R. 283 (E), dated the 26th March, 2018.

ATTENTION!

Tobacco product Manufacturers, Distributors, Retailers and Importers!

The Central Government has notified the new specified health warnings vide G.S.R 331 (E) of Gazette Notification dated 3rd April, 2018 for mandatory display on all tobacco product packages covering at least 85% of the principal display area. These rules shall come into force on 1st September 2018. There shall be one common specified health warning for both smoking and smokeless forms of tobacco products.

Image-1: This shall be valid for a period of twelve months from 1st September, 2018. The word "TOBACCO CAUSES CANCER" shall appear in white font colour on a red background and the words "QUIT TODAY CALL 1800-11-2356" shall appear in white font colour on a black background.

Image-2: This shall come into effect from 1st September, 2019. The word "TOBACCO CAUSES PAINFUL DEATH" shall appear in white font colour on a red background and the words "QUIT TODAY CALL 1800-11-2356" shall appear in white font colour on a black background.



Image-1



Image-2

The pictorial health warning and textual health warning shall be printed with four colours with printing resolution of minimum 300 DPI (Dots per inch). Their font type and colour shall be exactly as prescribed.

All tobacco products manufactured or imported or packaged on or after 1st September, 2018 shall display Image-1 and those manufactured or imported or packaged on or after 1st September, 2019 shall display Image-2.

Any person engaged directly or indirectly in the production, supply, import or distribution of cigarettes or any tobacco products shall ensure that all tobacco product packages shall have the specified health warnings exactly as prescribed.

Violation of the above mentioned provision is a punishable offence with imprisonment or fine as prescribed in Section 20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

The images, details of the specified health warnings and the Rules are available at www.mohfw.nic.in. The open files of the images may also be obtained from the Ministry by making a request at ntcp.mohfw@gmail.com and/or 011-23062868

Note: The existing specified health warnings on tobacco product packages shall continue till the 31st day of August, 2018.



Ministry of Health
& Family Welfare
Government of India



All forms of tobacco are addictive and deadly – **QUIT TOBACCO USE TODAY**

To quit tobacco call 1800 11 2356 or give a missed call on 011-22901701

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Family Welfare)
NOTIFICATION

New Delhi, the 24th March, 2017

G.S.R. 292(E).— In exercise of the powers conferred by sub-section (1) of section 7, sub-section (2) of section 8, section 10 and section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely:—

1. (1) These rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, in rule 5, for sub-rule, (4) and (5), the following proviso shall be substituted, namely:—

“Provided that the date of coming into effect of the second image (image2) of specified health warning, shall be for all tobacco products manufactured after the completion of twelve months from the 1st day of April, 2016.”.

F. No. P-16012/10/2016-PH-I
ARUN KUMAR JHA, Economic Adviser

Note : The Principal rules were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section(i) vide notification numbers G.S.R. 182 (E), dated the 15th March, 2008 and subsequently amended vide notification numbers G.S.R. 693(E), dated the 29th September, 2008, S.O. 2814(E), dated the 28th November, 2008; G.S.R.305(E), dated the 3rd March; 2009, G.S.R.176(E), dated the 5th March, 2010; G.S.R. 411(E), dated the 17th May, 2010; G.S.R 985(E), dated the 20th December, 2010; G.S.R 417(E), dated the 27th May, 2011; G.S.R 570 (E), dated the 26th July, 2011; G.S.R. 724(E) dated the 27th September,2012; G.S.R. 727(E) dated the 15th October, 2014; G.S.R. 228(E) dated the 26th March, 2015; and G.S.R. 739(E) dated the 24th September, 2015. Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054.



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLI Aizawl, Friday 20.1.2012 Pausa 30, S.E. 1933, Issue No. 3

Government of Mizoram

PART - II (A)

Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal, Requisition, Acquisition and declaration relating to Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No. J.11011/28/2011-HFW, the 9th January, 2012. In the interest of public service, the Governor of Mizoram is pleased to notify the following officers vide S.O. 1866 (E) of Gazette Notification dated 30th July, 2009 to ensure compliance to **Section-5 i.e. "Prohibition of advertisement of cigarettes and other tobacco products" and Section-7 i.e. "Display of Pictorial Health Warnings, in all cigarettes and other tobacco products packs"** of The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. These officers from respective departments are notified by the Central Government who shall be competent to act under **Section-12 i.e. "Power of entry and search"** and **Section - 13 i.e. "Power to seize"** of the said Act and are conferred with the power of Entry, Search and Seizure under the said provisions of the Act.

S1 No. Designation

Department

| | |
|--|---|
| 1. All officer of the level of Superintendent & Above of the Customs & Excise | All premises registered under Department of Land Revenue & Settlement |
| 2. All officer of the rank of Inspectors & above Of Sales Tax/Health/ Transport Department | Department of Taxation/ Health/ Transport of State |
| 3. Assistant Labour Commissioner | Labour & Employment Department |
| 4. Joint Director | Industries Department |
| 5. Sub-Inspector and above of Police/ State Food & Drug Administration or any other Officer holding the Equivalent rank of the Sub-Inspector of Police | Food & Drugs Administration Under Health & Family Welfare Department & Department of Home |

Action taken report including 'order' identifying various members by name is to be submitted within 30 days from the date of issue of this notification to the undersigned with a copy to State Nodal Officer-cum-Project Officer, Smoke Free Mizoram, Mizoram State Tobacco Control Society, M/D-15A, Chaltlang Venglai, Aizawl.

M. Zohmingthangi,

Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

Notification to ban Sale of Loose Cigarettes etc.



The Mizoram Gazette
EXTRA ORDINARY
Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Friday 18.9.2015 Bhadrapada 27, S.E. 1937, Issue No. 469

NOTIFICATION

No.J. 11011/28/2012-HFW, the 11th September, 2015. In the interest of public service, the Governor of Mizoram is pleased to notify complete ban on sale of tobacco products individually, in single sticks, loose or outside its package without pictorial health warnings as specified by Section - 7 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) in the State of Mizoram with immediate effect. Any person violating the law shall be punished under Section - 20 of COTPA, 2003.

Lalhmingthanga,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn.

No. NE-313(MZ) 2006-2008

VOL - XLV Aizawl, Friday 30.12.2016 Pausa 2, S.E. 1938, Issue No. 52

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

ORDER

No. J. 11011/28/2015-HFW, the 21st December, 2016. In compliance to the Hon'ble Gauhati High Court, Aizawl Bench's Judgement and Order (Oral) dated 04.10.2016 in Writ Petition (C) (PIL) No. 108 of 2013 (Barnady Gramya Unnayan Samity - Vs - State of Mizoram & Anr), all Sahdah (chewing tobacco) and Tuibur (tobacco laced liquid) manufactured in the State of Mizoram shall bear Specified Health Warnings as specified by the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014 with immediate effect and until further order. Any person violating this Order shall be punished under Section - 20 of The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) Act, 2003.

Lalrinliana Fanai,
Commissioner & Secretary,
Health & Family Welfare Department,
Government of Mizoram.

Authorized Officers to Enforce Section 5 & 7 of COTPA, 2003**MINISTRY OF HEALTH & FAMILY WELFARE DEPARTMENT
(Department of Health & Family Welfare)****NOTIFICATION**New Delhi the 30th July, 2009**NOTIFICATION**

New Delhi the 30th July, 2009

S.O. 1866(E).—In exercise of the powers conferred by sub-section (1) of Section 25 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby authorises officers mentioned in column (2) of the Table given below, who shall be competent to act under sections 12 and 13 of the said Act and are conferred with the power of Entry, Search and Seizure under the said provision of the said Act.

TABLE

| S.No. Desigantion | | Department |
|-------------------|--|-----------------------|
| (1) | (2) | (3) |
| 1. | All officers of the level of Superintendent and above of the Customs and Central Excise. | Department of Revenue |

| (1) | (2) | (3) |
|-----|---|---|
| 2. | All officers of the rank of Inspectors and above of Sales Tax /Health/Transport Departments | Department of Revenue/ Health Transport of the State |
| 3. | Junior Labor Commissioner and above | Labor Department |
| 4. | Joint Director | O/o. Commissioner of Industries/Small Scale Industries. |
| 5. | Sub-Inspector and above of Police/State Food and Drug Administration or any other officer holding the equivalent rank of Sub-Inspector of Police. | Department of Food and Drugs and Department of Home Affairs. |

[P. 16011/7/2005-PH-I]

B. K. PRASAD, Jt. Secy.

Frequently Asked Questions (FAQ's) for Section 7 of COTPA, 2003

Q.1. Who has to ensure that there are specified health warnings on tobacco products packages?

Ans: It is the duty of the producer, manufacturer, seller, distributor and importer of tobacco products to ensure that every tobacco product package shall have the specified health warning as prescribed by the rules. If anyone contravenes this provision, then that person will be punishable with a fine or imprisonment or both.

Q.2. What are the specifications to be followed while displaying specified health warnings on tobacco products packages?

Ans: The specified health warning shall cover at least eighty-five percent (**85%**) of the principal display area of the package of which sixty percent (**60%**) shall cover **pictorial** health warning and twenty-five percent (**25%**) shall cover **textual** health warning and shall be positioned on the top edge of the package and in the same direction as the information on the principal display area.

For conical package, the widest end of the pack shall be considered as the top edge of the package. For box, carton and pouch type of package, the specified health warning shall appear on both sides of the package, on the largest panels and for cylindrical and conical type of package, the specified health warning shall appear diametrically opposite to each other on two largest sides or faces of the package and the specified health warning shall cover eighty-five percent (**85%**) of each side or face of the principal display area of the package of which sixty percent (**60%**) shall cover pictorial health warning and twenty-five percent (**25%**) shall cover textual health warning.

Q.3. What are the rules relating to rotation/change of the image of the Specified Health Warning?

Ans: (1) The specified health warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of the rules or before the period of rotation as may be specified by the Central Government by notification.

(2) During the rotation period, there shall be two images of specified health warning which shall appear consecutively on the package with an interregnum period of twelve months.

(3) At the end of the twelve months period, the first image (image 1) of specified health warning shall be replaced with the second image (image 2) of specified health warning, which shall appear for the next twelve months.

Provided that the date of coming into effect of the second image (image 2) of specified health warning, shall be for all tobacco products manufactured or imported after the completion of twelve months from the date of commencement of first image (image 1)

(4) The distributors, retailers and importers of cigarettes and other tobacco products shall not distribute or sell any package having the specified health warning of the expired period of twelve months after the grace period of two months.”;

Q.4. What are the specifications to be followed regarding the Textual Health Warning?

Ans: **The Textual Health Warning** shall occupy twenty-five percent (**25%**) of the Specified Health Warning. For smoking and smokeless forms of tobacco products, the word “**TOBACCO CAUSES CANCER**” and the word “**TOBACCO CAUSES PAINFUL DEATH**” shall appear in white font colour on a red background and the words “**QUIT TODAY CALL 1800-11-2356**” shall appear in white font colour on a black background.

Unit - 2

Q.5. Who are the Authorized Officers to take action against the violators of Section 7 of COTPA, 2003?

Ans: The following officers are notified under Section 25(1) of COTPA, 2003 vide Notification S.O. 1866 (E) dated 30th July 2009 to take actions and are conferred with the power of Entry, Search and Seizure:-

1. All officers of the level of Superintendent & above of the Customs & Central Excise in all premises registered under Department of Revenue.
2. All officer of the rank of Inspectors & above of Sales Tax/Health/Transport Departments in Department of Revenue/Health /Transport of the State
3. Junior Labour Commissioner and above in Labour Department
4. Joint Director in O/o. Commissioner of Industries / Small Scale Industries
5. Sub – Inspector and above of Police / State Food & Drug Administration or any other officer holding the equivalent rank of the Sub – Inspector of Police in Department of Food & Drugs & Department of Home Affairs.

(refer Section 12 & Section 13 of COTPA, 2003)

Q. 6. What is the punishment for violation of Section 7 of COTPA?

Ans: The violators of section 7 are punishable under Section 20 of the COTPA, 2003 as follows:-

- (1) **For Producer or Manufacturer** - in the case of first conviction be punishable with imprisonment for a term which may extend to 2 years, or with fine which may extend to Rs. 5,000/-, or with both, and for the second or subsequent conviction, with imprisonment for a term which may extend to 5 years and with fine which may extend to Rs. 10,000/-.
- (2) **For Seller or Distributor** - in the case of first conviction be punishable with imprisonment for a term, which may extend to 1 year, or with fine which may extend to one Rs. 1,000/-, or with both, and, for the second or subsequent conviction, with imprisonment for a term which may extend to 2 years and with fine which may extend to Rs. 3,000/-.

Q.7. Specified health warnings are seen on cigarettes, beedis and gutkhas, what about products like tuibur, sahdah, pan masala, hookah, tooth powder which contain tobacco but does not have specified health warnings inscribed on them?

Ans: All tobacco products have to bear specified health warnings on them. If some products like tuibur, sahdah, pan masala, hookah and tooth powder containing tobacco does not contain specified health warnings then it is a clear violation of the law. Some gutkha and pan masala companies claim that they do not contain tobacco, which in most of the cases is not true. Thus if in doubt, the authorized officer can submit a sample to the local Food & Drug Administration and get it tested in the approved laboratories. If the product is tested positive with tobacco then the manufacturer and the seller both shall be punished.

Q.8. Several products e.g.pan masala containing tobacco and/or nicotine has an added descriptor in its packet which reads as “No Tobacco – No Nicotine”. Is it a violation? What are the other misleading descriptors?

Ans: Yes, this phenomenon is a violation because according to the law tobacco product package cannot contain any information that is false, misleading, or deceptive, or that is likely to create an incorrect impression about the characteristics, health effects, or health or other hazards of the tobacco product or its emissions. The phrase “No Tobacco – No Nicotine” here creates an erroneous impression and deceptive information about the characteristics of the product which is not allowed under the law. If the product contains a twin pack of tobacco which is meant to be sold together. it is also a violation. Other misleading descriptors are light, ultra-light, mild, ultra mild, low tar, slim, safer, or similar words and descriptors.

Specified Health Warnings displayed on Local Tobacco Products



VAIHLO CANCER THLENTU

QUIT TODAY CALL 1800-11-2356



VAIHLO THIHNA RAPHLAK THLENTU

QUIT TODAY CALL 1800-11-2356



WARNING
Meizuk hrawk cancer thlentü



WARNING
Vaihlo ka chung cancer thlentü



Vaihlo · Thihna Thlentü



Vaihlo · Thihna Thlentü



Meizuk · Thihna Thlentü



Meizuk · Thihna Thlentü



Vaihlo · Thihna Thlentü



Vaihlo Thihna Thlentü



Meizuk · Thihna Thlentü



Meizuk · Thihna Thlentü



Signages developed in local language

Section 4 Signage

60 CM WIDE



**Meizuk Phal Lohna
Hmun**

**Zuk Laih Chu Dan
Bawhchhiatna a ni**

Cigarettes and Other Tobacco Product Act (COTPA) - Government of Mizoram

30 CM WIDE

Section 6 (a) Signage



Vaihlo thihna thlentu

**Kum 18 tlinglo hnen a
Vaihlo atanga thil siam
reng reng hralh hi hrem
theih a ni.**

Section 6 (b) Signage

**“Zirna In compound atanga Yard 100 (300 ft)
huam chhungah vaihlo leh a kaihhnawih thil
reng reng zawrh khap tlat a ni. A zuar lui chu
Cigarettes and Other Tobacco Product Act
(COTPA) 2003, Section - 24 na hmangin ₹ 200/-
thleng chawitir theih an ni”**

Stickers formulated by MSTCS

MOTOR CHHUNGAH MEIZUK PHAL A NI LO



Zuk Laih Chu Dan Bawhchhiatna A Ni
Dan Bawhchhiate Chu Rs.200/- Thleng Chawitir Theih An Ni



Complaint Theihna:
Traffic Control Room: 0389-2322307

MEIZUK PHAL LOHNA HMUN



Zuk Laih Chu Dan Bawhchhiatna a ni
Dan Bawhchhiate Chu Rs.200/- Thleng Chawitir Theih An Ni



Complaint theihna:
Traffic Control Room:
0389-2322307



Khawngaihin
Mei zu lo hram rawh



Mei Zu Suh

Mei zu lo khalh ngeiah aw...

MIZORAM STATE TOBACCO CONTROL SOCIETY
Chuan

Chhuang takin he **MOTOR** hi meizuk khu
awm lohna motorah a puang e.



Supported by the Union

Pictures of Anti Tobacco Squad Drives on Section 4,5, 6 & 7 of COTPA, 2003



Section - 4



Section - 5



Section - 6



Section - 7



UNIT - 3

Important Notifications issued for constitution of Anti - Tobacco Squad in Mizoram

(Pages 87 to 93)

s



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Rs. 2/- per issue

VOL - XXXIX Aizawl, Wednesday 24.2.2010 Phalgun 4, S.E. 1931, Issue No. 47

NOTIFICATION

No. J. 11011/28/2009-HFW, the 10th February, 2010. In the interest of the public service, the Governor of Mizoram is pleased to constitute 'Anti-Tobacco Squad' in the District of Aizawl, Lunglei, Saiha, Champhai, Serchhip, Kolasib, Lawngtlai, Mamit, Saitual, Khawzawl and Hnahthial consisting of the following member with immediate effect and until further order.

- 1) Medical Doctor (who are keen Anti-Tobacco activists and do not consume tobacco in any form).
- 2) Para-Medical Staff (Pharmacists, Nurses etc.) 2 members.
- 3) Police Personnel (Sub Inspector & above) 2 members.
- 4) NGO member [e.g. ISTH (M)] 2 members.
- 5) All staff of Mizoram State Tobacco Control Society (MSTCS).

Van Hela Pachuau,
Chief Secretary.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 1/- per page

VOL - XLIII Aizawl, Friday 12.9.2014 Bhadrapada 21, S.E. 1936, Issue No. 464

NOTIFICATION

No.J.11011/28/2012-HFW, the 4th September, 2014. In supersession of this Department's Notification No.J.11011/28(i)/2011-HFW dt.12th July, 2011 and in the interest of public service, the Governor of Mizoram is pleased to authorize all Deputy Commissioners to re-constitute Anti-Tobacco Squad in their respective jurisdiction consisting of the following members to monitor and check the effectiveness of compliance of Section 4,5,6 and 7 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Prohibition, Supply & Distribution) Act, 2003 with immediate effect and until further order :-

- | | | | |
|----|--|---|------------------|
| 1. | Deputy Commissioner | - | Chairman |
| 2. | Chief Medical Officer or his representative | - | Member/Secretary |
| 3. | S.D.O. (Sadar) | - | Member |
| 4. | Other staff from Health & F.W. Deptt. (Like Nurses, Pharmacists etc. not less than 2 persons) | - | Member |
| 5. | Police Personal (Sub-Inspector & above not less than 2 persons) | - | Member |
| 6. | Excise Personal (Sub-Inspector or above not less than 2 persons) | - | Member |
| 7. | Official (s) from Deptts. of School Education, Higher & Technical Education, Transport, Taxation, Trade & Commerce, Customs etc. (At least one each). | - | Member |
| 8. | Representatives from NGOs like MZP, MUP, MHIP, YMA, ISTH(M) etc. (At least one each) | - | Member |

Notes :

1. Addl. Members may be added by the Chairman from time to time as and when required.
2. Care may be taken while identifying Squad members to ensure that they do not consume tobacco in any form.

3. Half of the fine collected during enforcement drive may be utilized for incidental expenses, transport charges etc. The remaining half is to be deposited into the following head of accounts :-

| | | |
|------|---|---|
| 0210 | - | Medical & Public Health |
| 04 | - | Public Health |
| 104 | - | Fees & Fines etc. |
| 01 | - | Compounding fees on Cigarette & other Tobacco products. |

4. Sample Challan and receipt forms are enclosed herewith for reference and use.

L. Tochhong,
 Chief Secretary to the Govt. of Mizoram,
 Aizawl, Mizoram.

COMPOUNDING CHALLAN

Book No
 Receipt No

Received Rs. (in words)
 from Mr/Mrs/Miss..... S/o,D/o.....
R/o..... on account of compounding fees for
 offence committed by him at.....(name of place) under the provisions of
 Section 21/24 of the Cigarettes and Other Tobacco Products(Prohibition of Advertisement and Regulation
 of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA) 2003.

Signature of Offender

Signature of the Authorized Officer.

**GOVERNMENT OF MIZORAM
 Health and Family Welfare Department**

Book No.....

Serial No.....

CHALLAN

[Under the provisions of Section 21/24 of the Cigarettes and Other Tobacco Products(Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA) 2003]

1. Name and address of the Accused Person(s)

2. Scene of Offence with date, time and place.

3. Particulars of offence under COTPA.[Briefly state the charge]

4. Whereas you are hereby being prosecuted for the offence described above, you are required to attend the court of Sh./Smt..... Judicial Magistrate of the first Class..... District at..... on Dt..... to answer the said charge unless otherwise ordered by the court.

Signature/Thumb Impression of the Accused

Signature of Witness

Address of Witness
.....

MONTHLY REPORTING FORMAT FOR ANTI TOBACCO SQUAD

DISTRICT : _____

MONTH : _____

| Sl.No. | Date | Anti Tobacco Squad Drive Undertaken | | Other Activities | Remarks |
|--------|------|-------------------------------------|------------------|------------------|---------|
| | | Penalized offenders | Amount Collected | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Any other Comments :

Signature : _____

Name : _____

Date : _____



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIII Aizawl, Thursday 30.10.2014 Kartika 8, S.E. 1936, Issue No. 518

NOTIFICATION

No.J.11011/28/2012-HFW, the 22nd October, 2014. In supersession of this Department's Notification of even No. dt.4th Sept. 2014 and in the interest of public service, the Governor of Mizoram is pleased to authorize all Deputy Commissioners to re-constitute Anti-Tobacco Squad in their respective jurisdiction consisting of the following members to monitor and check the effectiveness of compliance of Section 4, 5, 6 and 7 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Prohibition, Supply & Distribution) Act, 2003 with immediate effect and until further order :-

- | | | |
|---|---|------------------|
| 1. Deputy Commissioner | - | Chairman |
| 2. Chief Medical Officer or his representative | - | Member/Secretary |
| 3. S.D.O. (Sadar) | - | Member |
| 4. Other Staff from Health & F.W. Deptt. (Like Nurses, Pharmacists etc. not less than 2 persons) | - | Member |
| 5. Police Personnel (Sub-Inspector or above not less than 2 persons) | - | Member |
| 6. Excise Personnel (Sub-Inspector or above not less than 2 persons) | - | Member |
| 7. Official (s) from Deptss. of School Education, Higher & Technical Education, Transport, Taxation, Trade & Commerce, Customs etc. (At least one each) | - | Member |
| 8. Representatives from NGOs like MZP, MUP, MHIP, YMA, ISTH(M) etc. (At least on each) | - | Member |
| 9. Representatives from MJA of the District concerned | - | Member |
| 10. Staff of Mizoram State Tobacco Control Society (MSTCS) | - | Member |

Notes :

1. Addl. Members may be added by the Chairman from time to time as and when required.
2. Care may be taken while identifying Squad members to ensure that they do not Consume tobacco in any form.
3. Half of the fines collected during enforcement drive may be utilized for incidental expenses, transport charges etc. The remaining half is to be deposited into the following head of accounts :-

| | | |
|------|---|---|
| 0210 | - | Medical & Public Health |
| 04 | - | Public Health |
| 104 | - | Fees & Fines etc. |
| 01 | - | Compounding fees on Cigarette & other tobacco products. |
4. Sample Challan and receipt forms are enclosed herewith for reference and use.

L. Toehong,
Chief Secretary to the Govt. of Mizoram,
Aizawl, Mizoram.

UNIT - 4

Important Committees constituted for Tobacco Control in Mizoram

(Pages 94 to 111)

1. Mizoram Smoke Free Group*Page 95*
2. Smoke Free Mizoram Coalition*Page 96*
3. State / District Level Task Force*Page 97-102*
4. State / District Level Anti tobacco Cell*Page 103-104*
5. State Level Co-ordination Committee*Page 105 -107*
6. Special Committee For Article 5.3 of FCTC*Page 108 - 110*
7. “Joint Task Force” for Joint Operation on Contraband Cigarettes and
Other Illegal Tobacco Products*Page 111*

NO.F.21016/6/2009-MSTCS
MIZORAM STATE TOBACCO CONTROL SOCIETY
GOVERNMENT OF MIZORAM

NOTIFICATION

Dated Aizawl, the 9th June, 2010

NO.F.21016/6/2009 – MSTCS: In the interest of the public service, Mizoram Smoke Free Group is constituted as follows

1. **Chairman** : Mr.Lal Thanhlawla, Hon'ble Chief Minister of Mizoram
2. **Vice Chairman** : Mr.Lalrinliana Sailo, Hon'ble Health Minister
3. **Secretary** : Mr.Van Hela Pachuau, Chief Secretary to the Government of Mizoram cum Chairman Mizoram State Tobacco Control Society
4. **Members:**
 1. Mr.R.Lalzirliana, Hon'ble Minister (Home Department, etc)
 2. Mr.H.Liansailova, Hon'ble Minister (Agriculture Department, etc.)
 3. Mr.S.Hato, Hon'ble Minister (Industries Department, etc.)
 4. Mr.P.C.Zoramangliana, Hon'ble Minister (Transport Department, etc.)
 5. Mr.J.H.Rothuama, Hon'ble Minister (Land Revenue and Settlement Department etc.)
 6. Mr.Lalsawta, Hon'ble Minister (School Education Department etc.)
 7. Mr.H.Rohluna, Hon'ble Minister (Food and Civil Supplies & Consumer Affairs Department etc.)
 8. Mr.Zodintluanga, Hon'ble Minister (Sports & Youth Services Department etc.)
 9. Mr.Nihar Kanti Chakma, Hon'ble Minister (Animal Husbandry & Veterinary Department etc.)
 10. Mr.Lalduhawma, M.L.A
 11. Mr.K.Liantlinga, M.L.A
 12. Mr.C.Ramhluna, M.L.A
 13. Mr.Lalthansanga, M.L.A
 14. President, C.Y.M.A
 15. President, M.U.P
 16. President, ISTH(M)
 17. President, M.H.I.P
 18. Moderator, MKHC
 19. Bishop of Aizawl (Catholic Church)
 20. Rev. Biakchawna, 7th Day Adventist
 21. General Superintendent, U.P.C (N.E.I)
 22. Territorial Commander (Salvation Army)
 23. Executive Secretary (Mizoram Baptist Church)
 24. Director, Directorate of Health Services
 25. Director, Directorate of Hospital and Medical Education.
 26. State Nodal Officer cum Project Officer (Smoke Free Mizoram), Mizoram State Tobacco Control Society

Terms of Reference: To mobilize all Departments under the Government towards effective tobacco control and implementation of Cigarettes and Other Tobacco Product Act, 2003

Sd/-

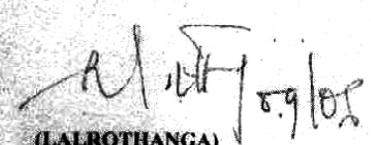
(VAN HELA PACHUAU)
Chief Secretary to the Govt. of Mizoram
Cum Chairman (MSTCS)

Memo NO.F.21016/6/2009 – MSTCS

Dated Aizawl, the 9th June 2010

Copy to:

1. Secretary to Governor of Mizoram
2. P.S to Chief Minister, Mizoram
3. P.S to all Minister/Speaker
4. P.S to all Minister of State/Deputy Speaker, Govt. of Mizoram
5. P.S to all Parliamentary Secretary, Govt. of Mizoram
6. Sr. PPS. to Chief Secretary, Govt. of Mizoram
7. Persons concerned
8. Personal file
9. Guard file


(LALROTHANGA)

Joint Secretary to the Govt. of Mizoram
Health & Family Welfare Department
Cum Vice Chairman (MSTCS)

NO.21016/6/2009-MSTCS
MIZORAM STATE TOBACCO CONTROL SOCIETY
GOVERNMENT OF MIZORAM

NOTIFICATION

Dated Aizawl, the 9th June, 2010

NG.F.21016/6/2009 – MSTCS: In the interest of the public service, Smoke Free Mizoram Coalition is constituted as follows:

1. Chairman : Mr.Lalrindiana Saifo, Hon'ble Health Minister
2. Vice Chairman : Mr.S.Laldingliana, Parliamentary Secretary
3. Secretary : Mr.Van Hela Pachuau, Chief Secretary to the Government of Mizoram cum Chairman Mizoram State Tobacco Control Society

4. Members:

1. President Central Y.M.A.
2. President MHIP General Headquarters.
3. President M.Z.P Headquarter.
4. President M.U.P.
5. President I.S.T.H (M).
6. President and Secretary M.K.H.C.
7. State Chief Commissioner Scouts and Guides Mizoram.
8. Zonal Director, N.C.C.
9. State Liaison Officer, N.S.S
10. President, Mizoram Amature Taekwando Association.
11. President, Mizoram Cancer Control Society, H & FW Dept.
12. President, Mizoram Positive Living with HIV/AIDS Society.
13. President, Positive Network of Mizoram.
14. Director, Health Services
15. Director, Hospital & Medical Education
16. Mission Director, National Rural Health Mission
17. Project Director, Mizoram State Aids Control Society
18. Programme Officer, R.N.T.C.P, Directorate of Health Services.
19. State Nodal Officer cum Project Officer (Smoke Free Mizoram), Mizoram State Tobacco Control Society

Terms of Reference: To mobilize various NGO's, CBO's, etc in order to move towards effective tobacco control and implementation of Cigarettes and Other Tobacco Product Act, 2003

Sd/-

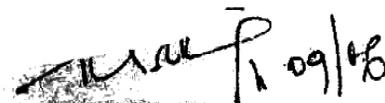
(VAN HELA PACHUAU)
Chief Secretary to the Govt. of Mizoram
Cum Chairman (MSTCS)

Memo NO.F.21016/6/2009 – MSTCS

Dated Aizawl, the 9th June 2010

Copy to:

1. Secretary to Governor of Mizoram
2. P.S to Chief Minister, Mizoram
3. P.S to all Minister/Speaker
4. P.S to all Minister of State/Deputy Speaker, Govt. of Mizoram
5. P.S to all Parliamentary Secretary, Govt. of Mizoram
6. Sr.P.P.S. to Chief Secretary, Govt. of Mizoram
7. Person concerned
8. Personal file
9. Guard file


(LAL ROTHANGA)
Joint Secretary to the Govt. of Mizoram
Health & Family Welfare Department
Cum Vice Chairman (MSTCS)



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Rs. 1/- per page

 VOL - XL Aizawl, Wenesday 27.7.2011 Sravana 5, S.E. 1933, Issue No. 315

NOTIFICATION

No.J.11011/28(iii)/2011-HFW, the 12th July, 2011. In supersession of this Department's Notification No.J.11011/28/2008-HFW dt. 2nd Sept., 2008 and in the interest of public service, the Governor of Mizoram is pleased to constitute the following Task Forces for working out strategies for implementation and also for monitoring under Section - 5 of the Indian Tobacco Act, 2003, consisting of the following members with immediate effect and until further order.

STATE LEVEL TASK FORCE :

- | | | | |
|-----|--|---|------------------|
| 1. | Commissioner/Secretary, Health & F.W. | - | Chairman |
| 2. | Nodal Officer/Focal point for Tobacco Control in the state | - | Member Secretary |
| 3. | Representative of Vice Chancellor, Mizoram University | - | Member |
| 4. | Director, Health Services | - | Member |
| 5. | Director, Hospital & Medical Education | - | Member |
| 6. | Director, School Education | - | Member |
| 7. | Director, Higher & Technical Education | - | Member |
| 8. | Director, Information & Public Relation | - | Member |
| 9. | Director, Transport | - | Member |
| 10. | Commissioner of Excise & Narcotics | - | Member |
| 11. | Representative of DGP | - | Member |
| 12. | Head of Psychology Department, Mizoram University | - | Member |
| 13. | Head of Sociology Department, Mizoram University | - | Member |
| 14. | Programme Officer, National Cancer Control Programme | - | Member |
| 15. | Programme Officer, Public Health Engineering | - | Member |
| 16. | President, Indian Society on Tobacco & Health (Mizoram Chapter) | - | Member |
| 17. | President, Central Young Mizo Association | - | Member |

DISTRICT LEVEL TASK FORCE :

- | | | | |
|-----|--|---|------------------|
| 1. | District Magistrate | - | Chairman |
| 2. | Nodal Officer/Focal point Tobacco Control in the District | - | Member Secretary |
| 3. | Chief Medical Officer | - | Member |
| 4. | District Superintendent of Police | - | Member |
| 5. | District Information & Public Relations Officer | - | Member |
| 6. | District Education Officer | - | Member |
| 7. | Superintendent, Excise & Narcotics | - | Member |
| 8. | Drug Inspector (Senior most) | - | Member |
| 9. | President, YMA Sub Headquarter/CYLA/MTP (as Considered appropriate by Chairman within their Respective district) | - | Member |
| 10. | Principal of leading College in the District | - | Member |
| 11. | Academician/Psychologist/Sociologist one to be Nominated as considered appropriate by Chairman | - | Member |

FUNCTIONS

I. The functions of the State Level Committee will be :

- 1) To see whether District/Local Committee have been formed.
- 2) To see whether the meeting is held regularly at quarterly interval.
- 3) To see whether the authorized officers are effectively performing their duties.
- 4) To see how many cases are handled by them and what decisions are arrived at.
- 5) To give suggestion/guidance to District/Local Level Committee.
- 6) To take decision on the matters referred to it by District/Local Level Committee.
- 7) To collate data/information from District/Local Level Committee and forward it to Ministry of Health & Family Welfare, Government of India from time to time or as may be prescribed by Ministry of Health & Family Welfare.
- 8) To recommend and initiate action in specific cases or violation of section - 5 of the Indian Tobacco Control Act, brought to the notice of the committee.
- 9) To set in place a mechanism for reporting of violations including starting guidelines/tobacco help-lines.
- 10) In respect to interstate violation(s), the state level committee may initiate action, as per prescribed procedure and such cases may be forwarded to the Director, Public Health, MOHFW, GOI.

II. The Functions of District Level Committee will be :

- 1) To provide a forum where the public may lodge a complaint regarding direct, indirect/surrogate advertisement(s) of tobacco & allied products in media (print as well as electronic) and take action on the same as per procedure.
- 2) To review the action taken by the committee for enforcement of the section - 5 of the Indian Tobacco Control Act of 2003.
- 3) To immediately bring to the notice of State and Central Government if any programme is affecting public order.

- The nominated members State/District level committee shall have terms of two years. They shall not be eligible for re-nomination. Any vacancy can be filled by nominating a new member for a fresh term.
- The State/District level monitoring will review deliberate and take decision against the complaints received in accordance with the Law of the land.
- Meeting of State/District level committee may be convened within one month of issue of this notification and action taken report may as submitted to the undersigned with a copy of State Nodal Officer-cum-Project Officer, Smoke Free Mizoram, MSTCS, M-15, Chaltlang Venglai, Aizawl.

M. Zohmingthangi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973 Postal Regn. No. NE-313(MZ) 2006-2008 Re. 1/- per page
 VOL - XLI Aizawl, Monday 16.1.2012 Pausa 26, S.E. 1933, Issue No. 16

NOTIFICATION

No. J. 11011/28/2011-HFW, the 21st December, 2011. In supersession of this Department's Notification of even No. dt. 1st September, 2011 and in the interest of public service, the Governor of Mizoram is pleased to constitute the following Task Forces for working out strategies for implementation and also for monitoring under Section - 4, 5, 6 and 7 of the Cigarettes & Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Prohibition, Supply and Distribution) Act, 2003, consisting of the following members with immediate effect and until further order.

STATE LEVEL TASK FORCE :

- | | | |
|---|---|------------------|
| 1. Commissioner/Secretary, Health & F.W | - | Chairman |
| 2. Nodal Officer/Focal Point for Tobacco Control in the State | - | Member Secretary |
| 3. Representative of Vice Chancellor, Mizoram University | - | Member |
| 4. Director, Health Services | - | Member |
| 5. Director, Hospital & Medical Education | - | Member |
| 6. Director, School Education | - | Member |
| 7. Director, Higher & Technical Education | - | Member |
| 8. Director, Information & Public Relation | - | Member |
| 9. Director, Transport | - | Member |
| 10. Commissioner of Excise & Narcotics | - | Member |
| 11. Representative of DGP | - | Member |
| 12. Head of Psychology Department, Mizoram University | - | Member |
| 13. Head of Sociology Department, Pachhunga University College | - | Member |
| 14. Programme Officer, National Cancer Control Programme | - | Member |
| 15. Programme Officer, (Public Health or appropriate Programmes- as identified by DHS/DHME) | - | Member |
| 16. President, Indian Society on Tobacco & Health (Mizoram Chapter) | - | Member |
| 17. President, Central Young Mizo Association | - | Member |

DISTRICT LEVEL TASK FORCE :

- | | | |
|--|---|------------------|
| 1. District Magistrate | - | Chairman |
| 2. Nodal Officer/Focal Point Tobacco Control in the District | - | Member Secretary |
| 3. Chief Medical Officer | - | Member |
| 4. District Superintendent of Police | - | Member |
| 5. District Information & Public Relation Officer | - | Member |
| 6. District Education Officer | - | Member |
| 7. Superintendent, Excise & Narcotics | - | Member |

- | | | | |
|-----|--|---|--------|
| 8. | Drug Inspector (Senior most) | - | Member |
| 9. | President, YMA Sub-Headquarter/CYLA/MTP (as Considered appropriate by Chairman within their Respective district) | - | Member |
| 10. | Principal of leading College in the District | - | Member |
| 11. | Academician/Psychologist/Sociologist one to be Nominated as considered appropriate by Chairman | - | Member |
| 12. | Member(s) of Indian Society on Tobacco and Health, Mizoram Chapter. | - | Member |

FUNCTIONS

I. The Functions of the State Level Committee will be .

- 1) To see whether District/Local Committee have been formed.
- 2) To see whether the meeting is held regularly at quarterly interval.
- 3) To see whether the authorized officers are effectively performing their duties.
- 4) To see how many cases are handled by them and what decisions are arrived at.
- 5) To give suggestion/guidance to District/Local Level Committee
- 6) To take decision on the matters referred to it by District/Local Level Committee.
- 7) To collate data/information from District/Local Level Committee and forward it to Ministry of Health & Family Welfare, Government of India from time to time or as may be prescribed by Ministry of Health & Family Welfare.
- 8) To recommend and initiate action in specific cases or violation of section-4, 5, 6 and 7 of the Indian Tobacco Control Act, brought to the notice of the Committee.
- 9) To set in place a mechanism for reporting of violations including starting guidelines/tobacco help lines.
- 10) In respect to interstate violation(s), the state level committee may initiate action, as per prescribed procedure and such cases may be forwarded to the Director, Public Health, MOHFW, GOI.

II. The functions of District Level Committee will be .

- 1) To provide a forum where the public may lodge a complaint regarding violation of Section-4, 5, 6 and 7 of the Indian Tobacco Control Act of 2003 and take action on the same as per procedure.
- 2) To review the action taken by the committee for enforcement of the Section - 4, 5, 6 and 7 of the Indian Tobacco Control Act of 2003.
- 3) To immediately bring to the notice of the State and Central Government if any programme is affecting public order.

- * The nominated members State/District level committees shall have terms of two years. They shall not be eligible for re-nomination. Any vacancy can be filled by nominating a new member for a fresh term.
- * The State/District level monitoring will review deliberate and take decision against the complaints received in accordance with the Law of the land.
- * Meeting of State/District level committee may be convened within one month of Issue of this notification and action taken report may be submitted to the undersigned with a copy of State Nodal Officer-cum-Project Officer, Smoke Free Mizoram, MSTCS, M/D-15A, Chalflang Venglai, Aizawl.

M. Zohmingthangi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLVII Aizawl, Monday 30.7.2018 Sravana 8, S.E. 1940, Issue No. 435

NOTIFICATION

No.J.11011/28/2012-HFW/Pt-I, the 20th July, 2018. In continuation of this Department's Notification No.J.11011/28/2011-HFW dated Aizawl, the 21st December, 2011 and in the interest of public service, the Governor of Mizoram is pleased to notify and add the following member in the District Level Task Force for effective co-operation and co-ordination of National Tobacco Control Programme (NTCP) & Revised National TB Control Programme (RNTCP) in the implementation of "National Framework for Joint TB - Tobacco Collaborative Activities" framed by Ministry of Health & Family Welfare, Government of India and other Joint TB - Tobacco related activities and programmes with immediate effect and until further order.

1. District TB Officer, RNTCP - Member

Further, in the functions of District Level Committee/District Level Task Force the following points shall be added:-

1. To establish mechanism and formulate important policies for affective implementation of National Framework for Joint TB - Tobacco Collaborative Activities for reducing the burden of co-morbidity due to TB and tobacco use in the district level.
2. To work out strategies and action plan for effective implementation of National Framework for Joint TB - Tobacco Collaborative Activities in the district level.
3. To undertake necessary inter-department co-operation and co-ordination of NTCP & RNTCP for effective implementation of other Joint TB - Tobacco related activities and programmes in the district level.

Lalrinliana Fanai,

Commissioner & Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Rs. 1/- per page

 VOL - XL Aizawl, Thursday 21.7.2011 Asadha 30, S.E. 1933, Issue No. 306

NOTIFICATION

No. J.11011/28(ii)/2011- HFW, the 12th July, 2011. In supersession of this Department's Notification No.J.11011 / 28 / 2008-HFW date 10th Nov, 2005, the Governor of Mizoram is pleased to reconstitute a Anti Tobacco Cells at the State and District Levels as follows:

STATE LEVEL ANTI TOBACCO CELL:

- | | | | |
|-----|---|---|------------------|
| 1. | Secretary, Health & Family Welfare | - | Chairman |
| 2. | Joint Secretary, Health & Family Welfare | - | Vice Chairman |
| 3. | Director, Health Services | - | Member |
| 4. | Director, Hospital & Medical Education | - | Member |
| 5. | Medical Superintendent Civil Hospital, Aizawl | - | Member |
| 6. | Mission Director, NRHM | - | Member |
| 7. | State TB Officer, RNTCP | - | Member |
| 8. | Head of Department (Medicine), Civil Hospital, Aizawl. | - | Member |
| 9. | State Mass Education & Media Officer | - | Member |
| 10. | State Nodal Officer-cum-Project Officer, MSTCS | - | Member Secretary |

Terms of reference:

1. Formulate important policy makers related to tobacco control in the state.
2. Undertake necessary inter-departmental and intra-departmental cooperation for more effective tobacco control in the state.
3. Undertake necessary monitoring of all tobacco related committees with follow up action at state and district level.
4. Give necessary directions to District Anti Tobacco Cell and coordinate with district level functionaries.
5. Undertake meeting at least once every quarter.

II. **DISTRICT LEVEL ANTI TOBACCO CELL**

- | | | | |
|----|---|---|-------------------|
| 1) | Chief Medical Officer | - | Chairman |
| 2) | District Medical Superintendent | - | Member |
| 3) | District TB Officer | - | Member |
| 4) | Specialist Doctor | - | Member. |
| 5. | District Programme Manager (NRHM) | - | Member |
| 6. | Health Educator / Block Extension Educator | - | Member |
| 7. | Staff of NTCP/ MSTCS (where available) | - | Member |
| 8. | Appropriate Medical Officer may be identified | - | Member Secretary. |

Terms of reference:

1. Formulate necessary action plans to effectively undertake tobacco control activities at district level.
2. Undertake necessary inter-departmental and intra - departmental cooperation and coordination for more effective tobacco control in the district.
3. Undertake necessary monitoring of all tobacco related committees with follow up action at state and district level.
4. Monthly meeting report to be submitted to the State Anti Tobacco Cell. Monthly reporting format for Anti Tobacco Cell is enclosed for use.

Note : **Additional members may be added by the Chairman from time to time as and when required**

Action taken report including 'order' identifying various members by name is to be submitted within 30 days from the date of issue of this notification to the undersigned with a copy to State Nodal Officer -cum-Project Officer, Smoke Free Mizoram, Mizoram State Tobacco Control Society. M-15, Chaltlang Venglai, Aizawl.

M. Zohmingthangi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

**GOVERNMENT OF MIZORAM
HEALTH & FAMILY WELFARE DEPARTMENT**

NOTIFICATION

Dated Aizawl, the 30th Sept.,2013

No.J.11011/28/2012-HFW : In the interest of public service, the Governor of Mizoram is pleased to constitute State Level Co-ordination Committee for overall planning, implementation and monitoring of the different activities and achievement of physical and financial targets planned under the National Tobacco Control Programme (NTCP) in the State, consisting of the following members with immediate effect and until further order.

STATE LEVEL CO-ORDINATION COMMITTEE:

| | | | |
|-----|---|---|------------------|
| 1. | Chief Secretary, Government of Mizoram | - | Chairman |
| 2. | Principal Secretary/Secretary (Health & Family Welfare) | - | Member Secretary |
| 3. | Principal Secretary/Secretary (Home) | - | Member |
| 4. | Principal Secretary/Secretary (School Education) | - | Member |
| 5. | Principal Secretary/Secretary(Higher & Technical) | - | Member |
| 6. | Principal Secretary/Secretary (Finance) | - | Member |
| 7. | Principal Secretary/Secretary (Rural Development) | - | Member |
| 8. | Principal Secretary/Secretary (Transport) | - | Member |
| 9. | Principal Secretary/Secretary (Agriculture) | - | Member |
| 10. | Principal Secretary/Secretary (Information & Public Relation) | - | Member |
| 11. | Principal Secretary/Secretary (Labour & Employment) | - | Member |
| 12. | Principal Secretary/Secretary (Law & Judicial) | - | Member |
| 13. | Principal Secretary/Secretary (Taxation) | - | Member |
| 14. | Principal Secretary/Secretary (Trade & Commerce) | - | Member |
| 15. | Principal Secretary/Secretary (L.A.D.) | - | Member |
| 16. | Principal Secretary/Secretary (Social Welfare) | - | Member |
| 17. | Principal Secretary/Secretary (PHE) | - | Member |
| 18. | Principal Secretary/Secretary (Sericulture) | - | Member |
| 19. | Principal Secretary/Secretary (Horticulture) | - | Member |
| 20. | Principal Secretary/Secretary (Power & Electricity) | - | Member |
| 21. | Principal Secretary/Secretary (Industries) | - | Member |
| 22. | Principal Secretary/Secretary (Tourism) | - | Member |
| 23. | Principal Secretary/Secretary (Food & Civil Supply) | - | Member |
| 24. | Principal Secretary/Secretary (Land Revenue & Settlement) | - | Member |
| 25. | Principal Secretary/Secretary (Art & Culture) | - | Member |
| 26. | Principal Secretary/Secretary (UD & PA) | - | Member |
| 27. | Principal Secretary/Secretary (Sport & Youth Services) | - | Member |
| 28. | Principal Secretary/Secretary (Environment & Forest) | - | Member |
| 29. | Principal Secretary/Secretary (Fisheries) | - | Member |
| 30. | Principal Secretary/Secretary (AH & Vety) | - | Member |
| 31. | Principal Secretary/Secretary (DM & R) | - | Member |
| 32. | Principal Secretary/Secretary (GAD) | - | Member |
| 33. | Principal Secretary/Secretary (PWD) | - | Member |
| 34. | Principal Secretary/Secretary (Soil & Water Conservation) | - | Member |
| 35. | Director General of Police | - | Member |
| 36. | Commissioner (Excise & Narcotics) | - | Member |
| 37. | Deputy Commissioner, Aizawl District | - | Member |
| 38. | President, Indian Society on Tobacco & Health (Mizoram Chapter) | - | Member |
| 39. | President, Mizo Ziri, Pawl, Gen Hqrs. | - | Member |
| 40. | President, Mizo Hmeichhe Insuihkhawm Pawl (MHIP), Gen. Hqrs. | - | Member |
| 41. | President, Mizoram Journalist Association (MJA) | - | Member |
| 42. | State Nodal Officer cum Project Officer, Mizoram State Tobacco control Society. | - | Member |

The Functions of the State Level Co-ordination Committee:

1. To supervise and monitor the various activities of tobacco control programmes and other existing relevant guidelines as may be issued from time to time.
2. To ensure effective functioning of State/District Tobacco Control Cells, enforcement of Cigarettes and other Tobacco product Act (COTPA), adapt IEC materials developed by National Tobacco Control Cell (NTCC) and disseminate it to the districts, undertake advocacy and networking with NGOs, National Service Scheme, National Cadet Corps, Indian Medical Association, Indian Dental Association etc for creating awareness against tobacco, ensure regular reporting and timely submission of Utilization Certificate (UC) to NTCC and document the best practices on tobacco control in the state and sharing thereof within the state and beyond etc.
3. To coordinate with relevant Departments like Agriculture, Social Welfare, Rural Development, Labour etc. and other stakeholders for developing sustainable alternative crops and livelihood for tobacco growers/workers and those involved in local tobacco products manufacture and sale.
4. To coordinate with the Finance/Taxation Department for progressive increase of taxes on tobacco, tobacco products and inputs their own.
5. To coordinate with Departments of School Education and Higher and Technical Education for reaching out to the youth and young children.
6. To co-ordinate and work with all Government Departments and Civil society for effective implementation of Tobacco Control Programme in the state so as to reduce tobacco use prevalence and morbidity and mortality due to tobacco use.

Sd/-
ESTHER LALRUATKIMI
Chairman
Mizoram State Tobacco Control Society
Cum
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

Memo No.J.11011/28/2012-HFW : **Dated Aizawl, the 30th Sept., 2013.**
Copy to:-

1. Secretary to His Excellency the Governor, Mizoram for kind information.
2. P.S. to Hon'ble Speaker of the Mizoram State Legislative Assembly for kind information.
3. P.S. to Chief Minister, Mizoram for kind information.
4. P.S. to all Ministers for kind information.
5. P.S. to all Parliament Secretary, Govt. of Mizoram for kind information.
6. Member concerned for kind information and necessary action.
7. Guard File.


(R.LALCHHANHIMA)
Deputy Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLVII Aizawl, Thursday 26.7.2018 Sravana 4, S.E. 1940, Issue No. 428

NOTIFICATION

No.J.11011/28/2012-HFW/Pt-I, the 20th July, 2018.

In continuation of this Department's Notification No.J.11011/28/2012-HFW dated Aizawl, the 30th September, 2013 and in the interest of public service, the Governor of Mizoram is pleased to notify and add the following member in State Level Co-ordination Committee for effective co-operation and co-ordination of National Tobacco Control Programme (NTCP) & Revised National TB Control Programme (RNTCP) in the implementation of "National Framework for Joint TB - Tobacco Collaborative Activities" framed by Ministry of Health & Family Welfare, Government of India and other Joint TB - Tobacco related activities and programmes with immediate effect and until further order.

1. State Programme Officer, RNTCP - Member

Further, in the functions of State Level Co-ordination Committee the following points shall be added :-

The Steering Committee shall-

1. To establish mechanism and formulate important policies for effective implementation of National Framework for Joint TB - Tobacco Collaborative Activities for reducing the burden of co-morbidity due to TB and tobacco use in the State level.
2. To work out strategies and action plan for effective implementation of National Framework for Joint TB - Tobacco Collaborative Activities in the State level.
3. To undertake necessary inter-departmental co-operation and co-ordination of NTCP & RNTCP for effective implementation of other Joint TB - Tobacco related activities and programmes in the State level.

Lalrinliana Fanai,

Commissioner & Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLV Aizawl, Tuesday 31.5.2016 Jyaistha 10, S.E. 1938, Issue No. 148

NOTIFICATION

No. J.11011/28/2015-HFW, the 20th May, 2016. In the interest of public service, the Governor of Mizoram is pleased to constitute **Special Committee to Implement Article 5.3 of WHO Framework Convention on Tobacco Control** in order to deal with any kind of interference by the Tobacco Industry, whether registered or local manufacturer/seller or any person(s) intended to act as representative for the same.

The Committee will have the following members :

- | | | | |
|-----|---|---|------------------|
| 1. | Principal Secretary/Commissioner/Secretary, Health & Family Welfare Department | - | Chairman |
| 2. | Principal Director, Health & F.W. Department Cum Commissioner of Food Safety | - | Vice-Chairman |
| 3. | Commissioner, Taxation Department | - | Member |
| 4. | Director, Trade & Commerce Department | - | Member |
| 5. | Director, Information & Public Relation Department | - | Member |
| 6. | Director, Hospital & Medical Education | - | Member |
| 7. | Jt. Controller, Legal Metrology Department | - | Member |
| 8. | Dy. Secretray, Law & Judicial Department | - | Member |
| 9. | Dy. Secretary, Home Department | - | Member |
| 10. | Superintendent of Police (CID Crime) | - | Member |
| 11. | State Nodal Officer (Tobacco Control) | - | Member Secretary |

The Committee will ensure that proper protocol (enclosed) are followed while dealing with the Tobacco Industry and its representative.

All Head of Departments are hereby insturcted to refer any cases related to this matter to the Chairman or State Nodal Officer (Tobacco Control) as and when necessary.

Lalrinliana Fanai,
Commr. & Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

Protocol
FOR
Special Committee
to Implement Article 5.3. of WHO Framework Convention on Tobacco Control.

This protocol is being developed due to the increasing incidence of interference by Tobacco Industry in Mizoram. There have been various reported incidents where Tobacco Industry representative have met with officials including Ministers & politicians. Therefore, it is imperative for our State to have strong guidelines to give clear instruction in the matter.

General guidelines :

1. Government officials and employees shall limit interactions with the tobacco industry and/or their representatives.
2. Meeting shall be conducted only in the event that it is strictly necessary for the interest of the public.
3. The Committee, in all its proceedings shall look out for the welfare of the public, prioritized mainly for the improvement of Public Health.
4. The Committee shall endeavor to maintain complete recordings of the meeting (audio and/or video) along with written documentation of the proceedings.

A : Fixing the meeting :

- 1) If any representative of Tobacco Industry desires to meet any officials, the matter should be brought to the **Special Committee to Implement Article 5.3 of WHO Framework Convention on Tobacco Control** in writing before any further communication is made.
- 2) Representative of Tobacco Industry should clearly identify (in writing) what they want to discuss (their agenda) in the meeting.
- 3) The Chairman and Member Secretary of the Special Committee will decide whether to agree with the meeting or not and set the agenda if required.
- 4) Representative from Law & Judicial Department, must be present and closely advice the Officials during the meeting.
- 5) Predetermine the meeting participants (Tobacco Industry) by asking for the names and positions of those who will attend the meeting.
- 6) Before the meeting, it must be clarified that such interaction does not imply partnership, dialogue or collaboration and indicate it in writing to the tobacco industry that they may not mischaracterize the nature of the meeting.
- 7) Meeting should be conducted at any of the premises of Government Department and ensure that any photograph taken of this meeting is strictly for documentation purposes and not for public relation activities of the tobacco industry.
- 8) All unmediated exchanges (in person, phone or email) between officials, employees and representatives of the agency (Tobacco Industry) should be avoided.

B : Conducting the meeting :

- 1) Meeting should be brief and only pre-fixed agenda is to be discussed.
- 2) Detailed discussion points should be minute in detail. A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting and further should be filed for record purposes.
- 3) If there are questions that needs to be answered after the meeting, following further investigations or study, these points may be noted for the Committee to respond through correspondence.

C : Code of Conduct for Public Officials and employees :

- 1) They shall not harbor any interest in the tobacco industry.
- 2) They shall not demand or receive any contribution/gift of any kind from tobacco industry for themselves, their families, relatives, friends, or any other person or organizations with which they have close links. Contribution/gift shall include, but are not limited to, payments, gifts and services, monetary or in-kind, research funding, financial aid, policy draft and legal advice.
- 3) They shall avoid the creation of any perception of real or potential partnership or cooperation with the tobacco industry, and shall publicly correct any perception of partnership that may have been created.
- 4) Government officials and employees of agencies which have a role in formulating and implementing public health policies with respect to tobacco control, shall inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not.
- 5) In case any Government officials and employees of agencies face/experience any kind of tobacco industry interference or have met any representative from the Tobacco Industry without prior knowledge, they shall immediately refer the matter to this committee in written, seeking for necessary instructions and guidance.



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLV Aizawl, Tuesday 27.9.2016 Asvina 5, S.E. 1938, Issue No. 366

NOTIFICATION

No.J. 11011/28/2015-HFW, the 19th September, 2016. In the interest of public service and as per the decision taken on "Joint Operation on Contraband Cigarettes & Others Illegal Tobacco Products"- Kick Off Programme cum Meeting held on the 3rd May, 2016, the Governor of Mizoram is pleased to constitute "**Joint Task Force**" to formulate important policy, action plan and workout strategies for the "Joint Operation on Contraband Cigarettes & Others Illegal Tobacco Products" in order to strictly enforce and control the Contraband Cigarettes and Other Illegal Tobacco Products in Mizoram.

The Committee will have the following members .

- | | | | |
|----|--|---|---------------|
| 1. | Controller, Legal Metrology | - | Chairman |
| 2. | Deputy Commissioner, Taxation Department | - | Vice Chairman |
| 3. | (i) Superintendent of Police, CID (Crime) | - | Secretary |
| | (ii) State Nodal Officer (Tobacco Control) | - | Secretary |
| 4. | All Inspectors and above of Legal Metrology | - | Members |
| 5. | All Inspectors and above of Taxation Department | - | Members |
| 6. | All Inspectors and above of CID (Crime) | - | Members |
| 7. | All Police Officers of Economic Offence Wing under CID (Crime) | - | Members |
| 8. | All Inspectors and above of Trade and Commerce | - | Members |
| 9. | All Staff of National Tobacco Control Programme, Mizoram | - | Members |

Terms of Reference .

1. Formulate important policies for effective functioning of the "Joint Operation on Contraband Cigarettes & Others Illegal Tobacco Products".
2. To undertake necessary inter-departmental cooperation and coordination for effective functioning of the "Joint Operation on Contraband Cigarettes & Others Illegal Tobacco Products".
3. Working out strategies and action plan for effective enforcement drive on Contraband Cigarettes & Others Illegal Tobacco Products in Mizoram.
4. Undertake meeting at least every quarter.
5. Any other matters related to this issue.

Lalrinliana Fanai,

Commissioner & Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

UNIT - 5

Other Important Landmark Notifications

(Pages 112 to 117)

1. Declaration of Mizoram as “**Smoke Free Mizoram**”*Page 113*
2. Declaration of Mizoram as “**Tobacco Free Mizoram**”*Page 114*
3. Declaration of Thingsul Tlangnuam Village as “**Tobacco Free Village**”*Page 115*
4. Declaration of “**Mizoram State Anti Tobacco Day**”*Page 116*
5. Declaration of Mizoram as “**Point of Sale Advertisement Board Free Mizoram**”0.....*Page 117*



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn.No. NE-313(MZ) 2006-2008

VOL - XLII Aizawl, Friday 6.9.2013 Bhadrapada 15, S.E. 1935, Issue No. 36

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2012-HFW/Pt-II, the 26th August, 2013. In the interest of public service, the Governor of Mizoram is pleased to declare Mizoram as Smoke Free Mizoram i.e. strictly compliant to Section - 4 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 w.e.f. 29th June, 2011. All concerned departments are instructed to strictly comply with the said rule in the interest of public health.

Esther Lal Ruatkimi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI No.27009/1973

Postal Regn.No. NE-313(MZ) 2006-2008

VOL - XLII Aizawl, Friday 6.9.2013 Bhadrapada 15, S.E. 1935, Issue No. 36

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11012/28/2012-HFW/Pt-II, the 26th August, 2013. In the interest of public service, the Governor of Mizoram is pleased to declare Mizoram as Tobacco Free Mizoram as part of Campaign for Tobacco Free North East - Mizoram Launch i.e. strictly compliant to Section - 4, 5, 6 & 7 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 w.e.f. 26th April, 2013. All concerned departments are instructed to strictly comply with the said rule in the interest of public health.

Esther Lal Ruatkimi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLII Aizawl, Friday 6.9.2013 Bhadrapada 15, S.E. 1935, Issue No. 36

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2012-HFW/Pt-II, the 26th August, 2013. In the interest of public service, the Governor of Mizoram is pleased to declare Thingsul Tlangnuam Village as Tobacco Free Village, the first in Mizoram, w.e.f. 24th May, 2013. This joint venture and initiative has been taken up by the Mizoram State Tobacco Control Society, Indian Society on Tobacco & Health (Mizoram Chapter) and Anti Tobacco Committee, Thingsul Tlangnuam.

Esther Lal Ruatkimi,
Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973 Postal Regn.

No. NE-313(MZ) 2006-2008

VOL - XLIII Aizawl, Friday 12.9.2014 Bhadrapada 21, S.E. 1936, Issue No. 37

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATIONS

No.F.20016/16/2014-GAD, the 4th September, 2014. In the interest of public service and to expedite tobacco control activities in the State, the Governor of Mizoram is pleased to declare 11th September as **"Mizoram State Anti Tobacco Day"** which will henceforth be observed every year throughout the State by all government departments with a view to spread awareness about the adverse health consequences of tobacco use and to strengthen tobacco control activities. Participation of Community Based Organization, Non Governmental Organizations, faith Based Organizations and any interested Organizations is solicited.

L. Toichong,

Chief Secretary to the Government of Mizoram.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973 Postal Regn.

No. NE-313(MZ) 2006-2008

VOL - XLV Aizawl, Friday 30.9.2016 Asvina 8, S.E. 1938, Issue No. 39

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATIONS

No.J.11011/28/2015-HFW, the 19th September, 2016. In the interest of public service, the Governor of Mizoram is pleased to declare the State of Mizoram as **"Point of Sale Advertisement Board Free Mizoram"** i.e. strictly compliant to Section 5 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) with effect from 31st May, 2016. This declaration follows after verification by Anti-Tobacco Squad in all districts. All necessary action to maintain the status is to be taken by concerned departments and officials.

Lalrinliana Fanai,

Commissioner & Secretary to the Government of Mizoram,
Health & Family Welfare Department.

UNIT - 6

Other important Acts and Rules with Guidelines relevant for Tobacco Control

(Pages 118 to 129)

1. **The Food Safety and Standards Act, 2006 & The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011** **Page 119 - 124**
 - a) *Ban of Gutkha etc. under The Prevention of Food Adulteration Act, 1954.....(Page 121)*
 - b) *Ban of sale of Gutkha etc. under Regulation 2.3.4 of The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011.....(Page 122)*
 - c) *Ban of manufacture, distribution and/or storage of any food items containing tobacco or . nicotine etc.....(Page 123)*
 - d) *Order issued by The Commissioner of Food Safety for ban of Twin Packs.....(Page 124)*

2. **The Motor Vehicles Act, 1988, The Central Motor Vehicles Rules, 1989, The Mizoram Motor Vehicles Rules, 1995 etc.** **Page 125 - 126**

3. **The Legal Metrology Act, 2009 & The Legal Metrology (Packaged Commodities) Rules 2011** **Page 127 -128**

4. **The Juvenile Justice (Care and Protection of Children) Act, 2015.** **Page 129**

Various provisions of The Food Safety and Standards Act, 2006 & The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 that are relevant for Tobacco Control

1. Tobacco and Nicotine as ingredients in food products:

As per **Regulation 2.3.4** of The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, no product must contain any substance which may be injurious to health: **Tobacco and Nicotine shall not be used as ingredients in any food products.**

In Mizoram, the sale, manufacture, distribution and/or storage of any food item containing tobacco and nicotine as ingredients by whatever name it is available in the market is prohibited under Regulation 2.3.4 of The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011.

2. Unsafe Food:

As per **Section 3(1)(zz)** of FSSA, 2006, “**unsafe food**” means an article of food whose nature, substance or quality is so affected as to render it injurious to health (v) by addition of a substance directly or as an ingredient which is not permitted or (xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter etc.

Thus, all food items e.g. Gutkha, Pan Masala etc. and any other food items containing tobacco and/or nicotine as its ingredients comes under the ambit of “unsafe food” and thus can be penalized under Section 59 of FSSA, 2006.

3. Penalty for Unsafe Food :

As per **Section 59** of FSSA, 2006, any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,—

- (i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to 6 months and also with fine which may extend to 1 lakh rupees;
- (ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to 1 year and also with fine which may extend to 3 lakh rupees;
- (iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to 6 years and also with fine which may extend to 5 lakh rupees;
- (iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than 7 years but which may extend to imprisonment for life and also with fine which shall not be less than 10 lakh rupees.

4. Penalty for possessing Adulterants:-Section 57 of FSSA, 2006:

As per **Section 57** of FSSA, 2006 if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable—

- (i) where such adulterant is not injurious to health, to a penalty not exceeding 2 lakh rupees;
- (ii) where such adulterant is injurious to health, to a penalty not exceeding 10 lakh rupees.

There are certain tobacco products which are given as free gift/twin pack along with some other food items e.g. pan masala packets by conjoining them or packed separately. These type of tobacco products that are given as free gift/twin pack which comes with food items falls under the ambit of 'adulterant' as mentioned in Section 57 of FSSA, 2006.

In Mizoram, the manufacture, storage, distribution or sale of pan masala or any other products intended for human consumption by whatever name it is called with flavored chewing tobacco; packed in a separate sachet (whether conjoined or packed separately) but is/are intended to be sold together as one product so that consumers can buy the twin packs i.e. pan masala etc. and flavored chewing tobacco and/or nicotine as final product is/are prohibited.(refer page 124)

5. Penalty for failure to comply with the directions of Food Safety Officer.

As per **Section-55** of FSSA, 2006, if a food business operator or importer without reasonable ground, fails to comply with the requirements of FSSA, 2006 or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to 2 lakh rupees.

6. Penalty for contraventions for which no specific penalty is provided

As per **Section – 58** of FSSA, 2006, whoever contravenes any provisions of FSSA, 2006 or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in Chapter IX of FSSA, 2006 i.e. 'Offences and Penalties', shall be liable to a penalty which may extend to 2 lakh rupees.

7. Penalty for subsequent offences

As per **Section –64** of FSSA, 2006: -

- (1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—
 - (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence ;
 - (ii) a further fine on daily basis which may extend upto 1 lakh rupees, where the offence is a continuing one ; and
 - (iii) his licence shall be cancelled
- (2) The Court may also cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

8. Power of Commissioner of Food Safety of the State:

As per **Section 30 (2) (a)** of FSSA, 2006, the Commissioner of Food Safety in the State shall prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn.

No. NE-313(MZ) 2006-2008

VOL - XLIII Aizawl, Friday 6.6.2014 Jyaistha 16, S.E. 1936, Issue No. 23

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2011-HFW/Part, the 14th July, 2011. In exercise of the powers conferred by clause (iv) of Section 7 of the Prevention of Food Adulteration Act, 1954 and in the interest of public services, the Governor of Mizoram is pleased to prohibit the sale of Gutkha or any chewing material having tobacco as one of its ingredients (by whatever named called), in the State of Mizoram with immediate effect and until further order.

M. Zohmingthangi,

Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLI Aizawl, Friday 31.8.2012 Bhadrapada 9, S.E. 1934, Issue No. 35

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

NOTIFICATION

No.J.11011/28/2012-HFW, the 22nd August, 2012. In the interest of public service, the Governor of Mizoram is pleased to notify complete ban on sale of gutkha/pan masala/zarda or other chewable products containing tobacco and nicotine under Regulation 2, 3, 4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation 2011 with immediate effect and until further order.

Esther Lal Ruatkimi,
Secretary-cum-Food Safety Commissioner,
Govt. of Mizoram,
Health & Family Welfare Department.



The Mizoram Gazette

Published by Authority

RNI. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Friday 5.6.2015 Jyaistha 15, S.E. 1937, Issue No. 22

Government of Mizoram

PART - II (A)

**Resolutions, Regulations, Orders, Notifications, Rules and Acts, Awards of Tribunal,
Requisition, Acquisition and declaration relating to Land and Forest etc.,
by the State Govt. and Head of Departments.**

ORDER

No.B.11014/16/2015-CFS/HFW/Pt, the 28th May, 2015. In addition to Health & Family Welfare Departments Notification No. J. 11011/28/2011-HFW dated Aizawl, the 22nd August 2012, the Commissioner of Food Safety of Mizoram, in exercise of the power conferred by clause (a) of sub- section (2) of section 30 of The Food Safety and Standards Act,2006, in interest of the public health prohibit in the whole of the State of Mizoram the manufacture, distribution and/or storage of any food item containing tobacco and nicotine as ingredients by whatever name it is available in the market with immediate effect and until further order.

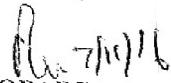
Dr. K. Ropari,
Commissioner of Food Safety,
Govt. of Mizoram,
Health & Family Welfare Department.

OFFICE OF THE FOOD SAFETY COMMISSIONER
GOVERNMENT OF MIZORAM
HEALTH & FAMILY WELFARE DEPARTMENT

ORDER

Dated Aizawl, the 7th November, 2016

No.B.11014/16/2015-CFS/HFW-63 In pursuance of the The Hon'ble Supreme Court of India's order dated 23.09.2016 in Central Areca Nut Marketing Corporation & Others Vs Union of India (Transfer Case (C) 1 of 2010) and in addition to this Office Notification No. J.11011/28/2012-HFW dated the 22nd August, 2012 and Order No. B. 11014/16/2015-CFS/HFW/Pt. dated the 28th May, 2015, the manufacture, storage, distribution or sale of pan masala or any other products intended for human consumption by whatever name it is called with flavoured chewing tobacco; packed in separate sachets (whether conjoint or packaged separately) but is/are intended to be sold together as one product so that consumers can buy the twin packs i.e. pan masala etc. and flavoured chewing tobacco and mix them both and consume the same to constitute as Gutkha or Pan Masala containing tobacco and/or nicotine as final product, is, in the interest of public health, strictly prohibited in the whole of the State of Mizoram under Regulations 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 with immediate effect and until further order.


(Dr. K. ROPARI)

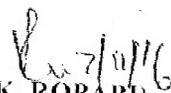
Commissioner of Food Safety cum
Principal Director,
Health & Family Welfare Dept.
Govt. of Mizoram

: Dated Aizawl, the 7th November, 2016

Memo No B.11014/16/2015-CFS/HFW-63

Copy to:-

1. P.S to Hon'ble Health Minister, Govt. of Mizoram for kind information.
2. P.S to Hon'ble Parliamentary Secretary, Health & Family, Govt. of Mizoram for kind information
3. Commissioner & Secretary, Health & Family Welfare Dept. for kind information
4. All Deputy Commissioners for kind information
5. All Superintendent of Police for kind information
6. Director, Hospital & Medical Education for kind information
7. Director, Health Services for kind information
8. Deputy Commissioner of Food Safety for kind information
9. All Adjudicating Officers for kind information
10. All Designated Officers & Food Safety Officers for kind information and necessary action
11. President, Indian Society on Tobacco & Health, Mizoram Chapter for kind information
12. State Nodal Officer, National Tobacco Control Programme for kind information


(Dr. K. ROPARI)

Commissioner of Food Safety cum
Principal Director,
Health & Family Welfare Dept.
Govt. of Mizoram

Various provisions of The Motor Vehicles Act & its related rules that are relevant for Tobacco Control

- *The Motor Vehicles Act, 1988*
 - *The Central Motor Vehicles Rules, 1989*
 - *Notification No. CB/VII-8/89/671 dated the 6th June, 1989*
 - *The Mizoram Motor Vehicles Rules, 1995*
1. **Power of Licensing Authority to disqualify from holding a driving licence or to revoke such licence:-**
 As per **Section 19 (1) (f) of The Motor Vehicles Act, 1988**, the Licensing Authority have the power to **disqualify** the licence holder from holding a driving licence or **revoke** such licence if he/she has committed any such act which is likely to cause **nuisance** or **danger** to the public, as may be prescribed by the Central Government, having regard to the objects of the MV Act, 1988.

 2. **Smoking while driving public service vehicle is considered as an act that cause nuisance & danger to the public:-**
 As per **Rule 21(14) of The Central Motor Vehicles Rules, 1989**, “*smoking while driving public service vehicles*” is considered as an act that cause **nuisance** or **danger** to the public which is mentioned in **Section 19 (1) (f) of The Motor Vehicles Act, 1988**.
 Thus, any person who is/are found smoking while driving any public service vehicle are deemed to cause ‘**nuisance**’ or ‘**danger**’ to the public and therefore they are liable to be punished in accordance with the law.
 (*Rule 21 of The Central Motor Vehicles Rules, 1989 = “For the purpose of clause (f) of sub-section (1) of section 19, the commission of the following acts by holder of a driving license shall constitute nuisance or danger to the public namely - (14) smoking while driving public service vehicles”*)

 3. **Prohibition of Smoking while driving two wheelers:-**
 In order to regulate movement of vehicular of traffic in the interest of public safety and to avoid accident, Mr. Lalrokhuma Pachuau, IPS, the then Superintendent of Police, Aizawl District, Aizawl, issued **Notification vide No. CB/VII-8/89/671 dated the 6th June, 1989** which prohibits smoking while driving by riders of two wheelers.

 4. **Rule 23(b) of The Mizoram Motor Vehicles Rules, 1995:-**
Rule 23 (b) of The Mizoram Motor Vehicles Rules, 1995 mandates that the driver of a transport vehicle while on duty shall not smoke.
 As per **Section 2(47) of The Motor Vehicles Act, 1988**, ‘**Transport Vehicle**’ means “*a public service vehicle, a goods carriage, an educational bus or a private service vehicle*”.

 5. **Transport of goods prohibited under any law :-**
 As per **Rule 21(5) of The Central Motor Vehicles Rules, 1989**, “*Transport of goods prohibited under any law*” is also considered as an act that caused ‘**nuisance**’ or ‘**danger**’ to the public as mentioned in **Section 19 (1) (f) of The Motor Vehicles Act, 1988**.

##Thus, as per Section 19 (1) (f) of The Motor Vehicles Act, 1988 r/w Rule 21(5) of The Central Motor Vehicles Rules, 1989, any person who is/are found transporting any goods prohibited under any law e.g. Tobacco Products that are prohibited like Gutkha Products, Contraband Cigarettes without specified health warnings etc. is/are deemed to cause nuisance or danger to the public and are therefore liable to be punished in accordance with law.

6. Use of motor Vehicle to commit cognizable offence:-

As per **Section 19 (1)(c) of The Motor Vehicles Act, 1988**, the Licensing Authority have the power to disqualify the license holder from holding a driving license or revoke such license if he/she is using or has used a motor vehicle in the commission of a cognizable offence.

7. General Provision for Punishment of Offences:-

As per **Section 177 of The Motor Vehicles Act, 1988**, whoever contravenes any provision of this Act (i.e. MV Act, 1988) or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence, be punishable as follows:-

1st Offence - Upto Rs. 100/- fine

2nd or Subsequent Offence - Upto Rs. 300/- fine

###Thus any act commissioned in violation of the provisions enumerated below can be penalized under the above mentioned provision (i.e. Section 177 of MV Act, 1988) if there is no separate penal provision provided:-

- i) Section 19 (1) (f) of The Motor Vehicles Act, 1988,*
- ii) Rule 21(14) of The Central Motor Vehicles Rules, 1989*
- iii) Rule 21(5) of The Central Motor Vehicles Rules, 1989*
- iv) Notification No. CB/VII-8/89/671 dated the 6th June, 1989*
- v) Rule 23(b) of The Mizoram Motor Vehicle Rules, 1995*

8. Disobedience of orders, obstruction and refusal of information - Section 179 of The Motor Vehicles Act, 1988: -

- (1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to Rs.500/-.

It is to be noted that the Transport Department, Government of Mizoram issued a Notification Vide No.B.12021/1/16-TRP(Part) dated 18th August, 2017 which orders/directed all the owners, proprietors, manager, supervisor or in-charge of the affairs of public transport vehicles to ensure compliance of all the rules mandated by The Prohibition of Smoking in Public Places Rules, 2008 and whoever disobey this order/direction shall be liable to be punished with fine upto Rs.500/- under Section 179(1) of MV Act, 1988. (refer page 146 & 147)

**Various provisions of The Legal Metrology Act, 2009 &
The Legal Metrology (Packaged Commodities) Rules, 2011
that are relevant for Tobacco Control**

1. Declarations to be made on pre – packaged commodities -

As per **Section 18(l)** of The Legal Metrology Act, 2009, “No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed”.

Prescribed declarations to be made on every pre-packaged commodity:-

As per **Rule 6** of The Legal Metrology (Packaged Commodities) Rules, 2011, following declarations are prescribed to be made on every pre-packaged commodity:-

- a) Name & Address of Manufacturer/Packer/ Importer
- b) Common or generic name of the commodity (e.g. cigarettes)
- c) Net quantity (e.g. 10 or 20 cigarettes)
- d) Month & year in which the commodity is manufactured, pre-packed or imported
- e) Retail sale price of the package (i.e. MRP)... etc.

Definition of Pre – Packaged Commodity:-

As per **Section 2(l)** of The Legal Metrology Act, 2009, pre – packaged commodity means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity.

(Thus, all kinds of packaged tobacco products falls under the ambit of pre - packaged commodity as mentioned in Section 2(l) of The Legal Metrology Act, 2009 and the declarations prescribed by Rule 6 of The Legal Metrology (Packaged Commodities) Rules, 2011 must also be displayed on all tobacco products packages. Thus, any tobacco products e.g. Contraband Cigarettes, Local Tobacco products etc. failing to display the above mentioned prescribed declarations are punishable under the LM Act)

2. Penalty for selling etc., of non-standard packages:-

As per **Section 36 (1)** of the LM Act, 2009, whoever manufactures, packs, imports, sells, distributes, delivers etc... for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in the Act shall be punished as given below :-

1st Offence - Upto Rs. 25,000/- fine

2nd Offence - Upto Rs. 50,000/- fine

Subsequent Offence - With fine not less than Rs. 50,000/- but which may extend to Rs. 1 lakh or upto 1 year imprisonment or both

(Almost all the contraband cigarettes coming from our neighboring countries like Myanmar and Bangladesh fails to display the declarations prescribed by Rule 6 of The Legal Metrology (Packaged Commodities) Rules, 2011. Thus, in order to strictly control these non-standard contraband cigarettes, the above highlighted sections and rules are applicable and appropriate for penalizing the offenders)

3. Registration of Manufactures, packers and importers -

As per **Rule 27(1)** of PCR, 2011, every manufactures, packers and importers of a packaged commodity shall apply for registration to the Director or the Controller of Legal Metrology.

As per **Rule 32** of PCR, 2011, whoever contravenes **Rule 27** by failing to register himself/herself as mentioned in the said rule shall be punishable with fine of Rs. 4,000/-.

(Thus, under this rule, the manufacturer, importer or packer of tobacco products especially contraband cigarettes are liable to be punished if they fail to register themselves to the Director or the Controller of Legal Metrology)

4. Penalty for which no separate penalty is provided-

As per **Rule 32(2)** of PCR, 2011 :- Whoever contravenes any other provisions of PCR, 2011, for the contravention of which no punishment has been provided either in the Act or in the rules, shall be punished with fine of Rs. 2,000/-.

5. Compounding of Offences

As per **Section 48** of LM Act, 2009, offence punishable under **Section 36** i.e. *Penalty for selling etc., of non-standard packages*, may either before or after the initiation of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

Various provisions of The Juvenile Justice (Care and Protection of Children) Act, 2015 that are relevant for Tobacco Control

Under **Section 77** of the Juvenile Justice (Care and Protection of Children) Act, 2015, 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 **7 years** and shall also be liable to a fine which may extend **up to 1 lakh rupees**.

Section 107 (1) of JJ Act, 2015 also makes it mandatory for every police station to appoint a Child Welfare Police Officer. As per this sub-section, in every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the Child Welfare Police Officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organisations.

Further, Section 107(2) of JJ Act, 2015 mandates that to co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each District and City, headed by a police officer not below the rank of Deputy Superintendent of Police or above and consisting of all police officers designated under sub-section (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

Thus, in pursuance of sub-sections (1) & (2) of Section 107, Special Juvenile Police Officer/ Juvenile Child Welfare Officer are appointed in Police Stations/Out Posts of all the districts and in order to strengthen tobacco control activities and for effective implementation of enforcement of the prohibition of sale of cigarettes and other tobacco products to minors throughout the state, the Special Juvenile Police Officer/Juvenile Child Welfare Officer who are appointed in various Police Stations/Out Posts are also nominated as Anti Tobacco Squad members.

UNIT - 7

Important Letters, Circulars, Orders etc. issued by other departments for Tobacco Control in Mizoram

(Pages 130 -155)

1. Action Taken by Taxation Department on Tobacco Control in Mizoram.....**(Page 131 to 133)**
2. Circular Issued by Directorate of School Education regarding compliance to COTPA - Smoke Free Rules by Educational Institutions.....**(Page 134)**
3. Notifications issued by Trade and Commerce Department on compliance to Section-4 of COTPA, 2003 in market area.....**(Page 135 -136)**
4. Letter issued by Food & Drugs Administration on E – Cigarettes **(Page 137)**
5. Circular issued by Mission Director, NHM for compliance to Section-4 of COTPA, 2003..... **(Page 138)**
6. Circular issued by Secretariat Administration Department for compliance to Section-4 of COTPA, 2003 within Secretariat Compound.....**(Page 139-140)**
7. Circular & Letter issued by Deputy General of Police, Mizoram regarding inclusion of COTPA as one of the agenda in Monthly Crime Review Meeting etc **(Page 141-144)**
8. Circular, Notification, Order etc . issued by Transport Department on compliance to COTPA-Smoke Free Rules by public transport vehicles **(Page 145 - 148)**
9. Letter issued by Superintendent of Police, Traffic regarding display of No Smoking Sticker in Public Transport vehicles **(Page 149)**
10. Notification issued by General Administration Department for compliance to The Prohibition of Smoking in Public Places Rules, 2008 and for constitution of ‘Tobacco Control Team’ by all departments **(Page 150-151)**
11. Letter & Order issued by Joint Controller of Legal Metrology regarding seizure of Foreign/Contraband Cigarettes.....**(Page 152-153)**
12. Letter issued by Ministry of Trade & Commerce regarding removal of tobacco products from the Indo-Myanmar border trade item list.....**(Page 154)**
13. Circular issued by Mizoram Pollution Control Board regarding ban on manufacturing of Tuibur (Liquid Tobacco) **(Page 155)**

**No.J.11020/1/2012-TAX
GOVERNMENT OF MIZORAM
TAXATION DEPARTMENT**

NOTIFICATION

Dated Aizawl, the 30th May, 2014.

In the exercise of the powers conferred by sub-section (3) of Section 11 read with Section 19 of the Mizoram Value Added Tax Act, 2005, (Act No. 1 of 2005), the Governor of Mizoram is pleased to amend and revise the rate of tax collected in respect of Tobacco products including "Cigarettes, Cigar, Cigarillos and vaihlo in all forms" from the existing 13.5% to 20% in Scheduled 11 part 'D' of the Mizoram Value Added Tax Act, 2005 (Act No. 1 of 2005) with effect from the date of issue of this Notification.

This issues with the approval of the Council of Ministers conveyed vide No.J. 11011/2/2014-Pol/Fri :Dt30.5.2014

Sd/- L.TOCHHONG
Chief Secretary to the Govt. of Mizoram

Memo No.J.11020/1/2012-TAX
Copy to :-

Dated Aizawl, the 30th May, 2014.

1. P.S. to Governor, Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. All P.S. to Minister/Minister of State/Speaker/Deputy Speaker, Mizoram.
4. P.S. to Chief Secretary, Government of Mizoram.
5. All Administrative Departments, Government of Mizoram.
6. All Heads of Department, Government of Mizoram.
7. The Commissioner of Taxes, Mizoram.
8. The Controller, Printing & Stationeries with 6 (six) spare copies for favour of publication in the mizoram Gazette Extra Ordinary.
- ✓ 9. The Deputy Commissioner of Taxes, Mizoram.
10. All Assistant Commissioner of Taxes, Mizoram.
12. All Officer-in-Charge Taxation Check-Gate, Mizoram.
13. All Treasury Officers, Mizoram.
14. Guard file.


(LALTANPUIA)

Under Secretary to the Govt. of Mizoram,
Taxation Department.
Ph : 0389 - 2300314



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLV Aizawl, Tuesday 12.1.2016 Pausa 22, S.E. 1937, Issue No. 4

NOTIFICATION

No. J. 11020/1/2012-TAX, the 8th January, 2016. In continuation of this Department's letter No. J. 11020/1/2012-TAX : Dt. 9.9.2015, revision of VAT rate on Tobacco Products including Cigarettes, Cigars, Cigarillos and Vaihlo in all forms from the existing 20% to 30% in Scheduled - II Part 'D' of Mizoram Value Added Tax Act, 2005 will be effective w.e.f. 1.4.2016 (Friday).

L.N. Tochwang,
Secretary to the Govt. of Mizoram,
Taxation Department.

128
No.G.28042/13/2007-COMTAX/262
GOVERNMENT OF MIZORAM
OFFICE OF THE COMMISSIONER OF TAXES
MIZORAM : AIZAWL

Dated Aizawl, the 9th August, 2016.

To,

The Assistant Commissioner of Taxes,
Aizawl North/South/Central/Lunglei/Saiha/Kolasib/
Champhai/Mamit/Sercchip/Lawngtlai Zone.

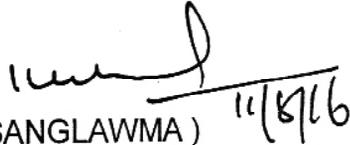
Subj:-

**Deletion of Gutkha, Pan Masala etc. from Registration
Certificate of Dealers under MVAT Act, 2005.**

Sir,

In enclosing herewith photo copy of letter No.C.31012/1/2016-NHM/STCC dt 28th June, 2016 with its enclosures on the above mentioned subject received from Leaders of National Tobacco Control Programme, Mizoram, I am to request you to take necessary action for deletion of items such as Gutkha, Pan Masala etc from the Registration Certificate of Dealers under the Mizoram Value Added Tax Act, 2005 as the said items are prohibited/banned by the Government of Mizoram.

Yours faithfully,


(K.SANGLAWMA)
Commissioner of Taxes,
Mizoram : Aizawl.

Memo No.G.28042/13/2007-COMTAX/262 : Dated Aizawl, the 9th August, 2016.
Copy to :-

The State Nodal Officer, National Tobacco Control Programme,
State Referral Hospital, Falkawn for information.


Commissioner of Taxes,
Mizoram : Aizawl.

No.F.17013/1/2011-DTE(EDN)
GOVERNMENT OF MIZORAM
DIRECTORATE OF SCHOOL EDUCATION

Dated Aizawl, the 31st March, 2014

CIRCULAR

President, Indian Society on Tobacco & Health (Mizoram Chapter) (ISTH (M)) leh Mizoram State Tobacco Control Society (MSTCS – Nodal Officer) ten Vaihlo dona-a hma la zel tura min ngenna hi a zahawmin kan zavai tana tha a ni e. India rama vaihlo hmang nasa ber State kan la ni fo te hi chhuanawm lo tak a ni tih hria in heta tarlan ang leh mahni hun tawn ang zela tan la thar tura hriattir in ni e.

1. (a) Principal/Headmaster ten zirlaite hnen ah vaihlo that lohzia a zing thei angin sawi nise.
(b) School compound ah Teacher ten meizuk loh tur common room ah meizuk loh tur. Common room a meizu te chungah a tul anga dan anga action lak tur a ni.
(c) Uniform hak laia meizu zirlai zingah an awm a ni tih hriat a ni hi a zahthlak-in strict taka khap tur a ni.
2. Zirna in-ah COTPA hnuaia dan dinglai angin Yard 100 aia hnaiah vaihlo eng chi mah zawrh loh tur tih hi Head of Institution ten ken kawh theuh ni se.
3. "Tobacco Free Institution" ni vek thei ngei ila a duhawm a, chutiang ni thei school te chuan mahni Bialtu District Education Officer / Sub-Divisional Education Officer hnenah report pe in Directorate of School Education ah a copy thawn ni se. Recognition/Appreciation etc. te remchan anga neih a ni ang.
4. Sl.No 1, 2, 3 bakah hengah te hian hma la thei ila:-
(a) School-ah leh District Education Office / Sub-Division Office ah "No Smoking" signage tar.
(b) Office leh School ah "Complaint Board/Box" mumal taka dah
5. Head of Office/Head of Institution ten Vaihlo leh a kaihhnawih dona hmalak dan, Dan bawhchhia te chungah action lak (a awm chuan), Hmasawna te mahni Controlling Officer hnenah report pek ni se.

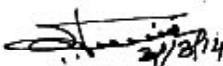
Sd/- R.LALVENA
Director of School Education
Mizoram : Aizawl

Memo No.F.17013/1/2011-DTE(EDN)

Dated Aizawl, the 31st March, 2014.

Copy to :-

- 1) All District Education Officer/Sub-Divisional Education Officer for strictly compliance and further instruction to Schools within their respective jurisdiction.
- 2) President Indian Society on Tobacco & Health (ISTH) (Mizoram Chapter)
- 3) State Nodal Officer cum Project Officer, Mizoram State Tobacco Control Society (MSTCS).
- 4) Relevant file


(J.H. BIAKMAWIA)
Joint Director of School Education
Mizoram : Aizawl

No.B.12014/3/97-TC
GOVERNMENT OF MIZORAM
TRADE & COMMECRE DEPARTMENT

NOTIFICATION

Dated Aizawl, the 23rd February, 2016

"The Prohibition of Smoking in Public places Rules, 2008" in a phut angin Mizoram chhunga District tina Market/Bazar leh a chhehvel huam chhung zawng zawng te chu vantlang hmun a ni a, heng hmun te hi "NO SMOKING AREA" (MEIZUK LOHNA TUR HMUN) ah Trade & Commerce Department, Government of Mizoram chuan he Notification chhuah ni atanga thu leh awm hma chuan a puang a.

He dan pawisa lova bawhchhiate hemi huamchhunga Meizu man an nih chuan "Tobacco Products (Prohibition of Advertisement & Regulation of Trade & Commerce, Production, Supply & Distribution) Act, 2003 dan thlawhchhanin pawisa chawitir an ni ang.

He dan kengkawh a dan bawhchhiate chawitir theihna thu neihna chu a hnuai officer te hnenah hian pek an ni.

1. District Marketing Officers
2. Marketing Inspectors

Sd/-ZOTHAN KHUMA

Commissioner/Secretary to the Govt. of Mizoram

Memo No. B.12014/3/97-TC : **Dated Aizawl, the 23rd February, 2016**

Copy to :

1. P.S. to Chief Minister, Mizoram.
2. P.S. to Minister/Minister of State/Speaker/Dy. Speaker, Mizoram
3. P.P.S to Chief Secretary, Mizoram.
4. All Principal Secretaries/Commissioner, Govt. of Mizoram
5. All Administrative Department.
6. All Heads of Department.
7. Director, Trade & Commerce for information and necessary action.
8. State Nodal Officer, Mizoram State Tobacco Control Society.
9. All India Radio/Dordarshan/LPS & Zonet for wide publication and broadcasting.
10. All DMOs for information and compliance.
11. All Marketing Inspector for information and compliance.
12. Guard file.

Dte. of Trade & Commerce

Receipt No. 865

(V. LALTLANLIANA)

Under Secretary to the Govt. of Mizoram
 Trade & Commerce Department

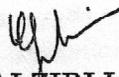
NO.C.31015/1/2011-DTC
GOVERNMENT OF MIZORAM
DIRECTORATE OF TRADE & COMMERCE

Dated Aizawl, the 9th March, 2016.

OFFICE ORDER

Ni 23.2.2016 (Thawhlelni) atang khan Mizoram Sawrkar chuan The Prohibition of Smoking in Public Places 2008 tlawhchhanin Bazar leh a chhehvelte chu No Smoking Area = Meizuk lohna tur hmunah a puang a, he dan hi zawma kengkawh vek turin District tina Market hotute ngen leh hriattir in ni e.

Tin, he dan kengkawha dan bawhchhiate chawi tir theihna thuneihna pawh District Marketing Officer leh Marketing Inspector -te pek in ni e (copy enclosed).


(C.LALZIRLIANA)

Director

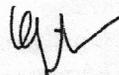
Trade & Commerce Department.

Dated Aizawl, the 9th March, 2016.

Memo : No.C.31015/1/2011-DTC

Copy to :

1. State Nodal Officer, (Tobacco Control), Mizoram State Tobacco Control Society for information.
2. Under Secretary, Trade & Commerce Department for information and necessary action.
3. District Marketing Officer (Lunglei/Champhai/Kolasib) for information and compliance.
4. Marketing Inspector, New Market/Bawngkawn/Vaivakawn/Ngaizel/ Tlabung, for information and compliance.
5. AMI, Vairengte for information and compliance.
6. M.I Serchhip for information and compliance
7. Market Checker, Kanhmun/Hnahthial for information and compliance.


(C.LALZIRLIANA)

Director

Trade & Commerce Department.

NO.B.17011/634/08/DHS/DRUGS
 GOVERNMENT OF MIZORAM
 DIRECTORATE OF HEALTH SERVICES
 (FOOD & DRUGS ADMINISTRATION WING)
 MIZORAM: AIZAWL

Dated Aizawl, the ____ June, 2016

To,

1. The Deputy Director (F&D), _____ District
2. The Asst. Director (F&D), _____ District

Subj: *Illegal procurement & Sale of Electronic Nicotine Delivery System (ENDS) popularly known as E – Cigarettes – regarding.*

There is an information to the effect that one particular drugs preparation known as Electronic Cigarette (E-Cigarette) containing Nicotine as the main ingredient is coming to the State of Mizoram which is an 'Unapproved drugs' under the Drugs & Cosmetics Act/Rules' 45.

You are therefore directed to be vigilant about the spread of E-Cigarettes in the area under your jurisdiction and take action accordingly under intimation to this office.

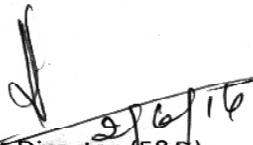
(LALSAWMA)

Joint Director (F&D),
 Controlling & Licensing Authority
 Directorate of Health Services
 Mizoram: Aizawl
 Dated Aizawl the .. June, 2016

Memo NO.B.17011/634/08/DHS/DRUGS

Copy to:-

1. Principal Director, Health & Family Welfare Department for information.
2. State Nodal officer, Mizoram State Tobacco Control Society, State Referral Hospital, Falkawn for information.


 Joint Director (F&D),
 Controlling & Licensing Authority
 Directorate of Health Services
 Mizoram: Aizawl

NO.C.31012/1/2016-NHM/STCC
NATIONAL TOBACCO CONTROL PROGRAMME MIZORAM
NATIONAL HEALTH MISSION

CIRCULAR

It has been noted with concern that the air inside the office buildings of our Health Directorate and NHM (SPMU) has high levels of Second Hand Smoke due to rampant cigarettes/zoial smoking in indoor spaces which is strictly prohibited under Section 4 of COTPA, 2003. Hence it is mandatory to ensure that nobody smokes inside office buildings so as to provide clean and healthy work spaces to all staff. All staff who smoke are hereby required to smoke outside in open air, and to come back in only after all traces of smoking is erased in order to do away with the present risk and hazards of passive smoking on the part of their non-smoking colleagues and friends.


(Dr. K.LALBIAKZUALA)
Mission Director, NHM
Mizoram

Memo No. C.31012/1/2016-NHM/STCC.....Dated, Aizawl the 25th February 2016

Copy to:

1. Principal Director, H & FW, Mizoram for kind information and appropriate necessary action
2. Director, Health Services, Mizoram for kind information and appropriate necessary action
3. Director, Hospital and Medical Education, Mizoram, for kind information and appropriate necessary action
4. All State Programme Officers for kind information and appropriate necessary action
5. Chairman, Anti-Tobacco Squad, Aizawl District for kind information and necessary actions to intensify vigilances by the Anti Tobacco squad
6. Guard File.


Mission Director, NHM
Mizoram

GOVERNMENT OF MIZORAM
SECRETARIAT ADMINISTRATION DEPARTMENT

C I R C U L A R

(Office chungah meizuk phalloh chungchang)

Dated Aizawl, the 4th May, 2016.

No. C. 31018/1/2009-SAE : Mizoram Secretariat compound leh building chungah hian meizuk phalloh a ni tih signboard tar bakah Circular te chhuah tawh thin a ni a. Tun thleng hian thupek zawm lova Secretariat compound leh building chungah meizu an la awm niin hriat a ni a, a paw hle a ni.

Secretariat compound leh building chungah meizuk phalloh a ni tih kan inhriattir nawn leh a, he hriattirna hi officers leh staff zawng zawng te pawhin zawm vek turin kan inngen nawn leh baw a ni.

Hei hi Chief Secretary thutlukna anga siam a ni.

Sd/- K. LALDINGLIANA

Deputy Secretary to the Govt. of Mizoram
 Secretariat Administration Department

Memo No. C. 31018/1/2009-SAE

:

Dated Aizawl, the 4th May, 2016.

Copy to :

1. *Sr. P.P.S to Chief Secretary, Govt. of Mizoram.*
2. *All Administrative Department/All Personal Branch. A tul anga hmalakna min lo neih sak tura ngen an ni.*
3. *O.C, Secretariat Security, office compound leh building chungah meizu thin te strict zawk a lo enfiah thin tura hriattir a ni.*
4. *President, Indian Society on Tobacco & Health (M), Aizawl, Mizoram.*
5. *Guard file.*


 (LALREM RUATA RALTE)

Under Secretary to the Govt. of Mizoram
 Secretariat Administration Department

**GOVERNMENT OF MIZORAM
SECRETARIAT ADMINISTRATION DEPARTMENT**

* * * * *

CIRCULAR

(Office chung leh Office Compound a meizuk phalloh chungchang)

Dated Aizawl, the 18th May, 2016

No. C. 31018/1/2009 - SAE : Ni 4.5.2016 a Circular chhuah tawh ang in Mizoram Secretariat Office chung leh Office Compound ah reng reng meizuk phalloh a ni a.

He hriattirna hian Officers leh Staff bakah Office dawrtu/tlawhtu (Visitors) zawng zawng te pawh a huam vek a ni tih kan in hriattir nawn leh a ni.

Sd/- K. LALDINGLIANA

Deputy Secretary to the Govt. of Mizoram,
Secretariat Administration Department

Memo No. C. 31018/1/2009 - SAE: Dated Aizawl, the 18th May, 2016

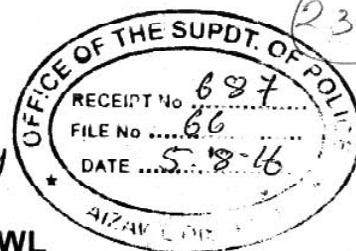
- Copy to :-
1. Sr. PPS to Chief Secretary.
 2. P.S to Commissioner & Secretary, SAD
 3. All Administrative Departments/All Personal Branches.
Meizuk phallohna hmun ah hian Meizu lui an awm lohna tura hmalakna min neih pui tura ngen an ni.
 4. Officer in-charge Secretariat Security, Office Building chung leh Office Compound a meizu thin te atul anga lo dap chhuak tur leh hmalakna min neih sak tura ngen leh hriattir a ni.
 5. President, Indian Society on Tobacco & Health (M), Aizawl
 6. Guard File

3, 19/5/16
(E)

PB. of Dy. Secretary
Sectt. Admn. Deptt.
Receipt No 769
Date 19/5/16


(ZOTHANMAWIA KHIANGTE)
Under Secretary to the Govt. of Mizoram,
Secretariat Administration Department

No. CB/PHQ/DGP/CIR/04/304
 GOVERNMENT OF MIZORAM
 POLICE HEADQUARTERS : AIZAWL



C I R C U L A R

Dated Aizawl, the 4 August, 2016.

Pi Rii, President, State Anti Tobacco Society with her team met the DGP today i.e 4th Aug. 2016 at 11:30 am. and requested the following points for follow up actions :

1. In police Crime Review Meeting conducted by both DIG Ranges, separate column on cases under COTPA be included (a draft proforma is enclosed)
2. In every police sammelan, the ill effects of various products of tobacco be highlighted and requested all police personnel to refrain from use of tobacco products.
3. Information be passed on to police personnel about the presence of Tobacco Cessation Centre in every district headquarters' Hospitals. Police personnel who have the habits of smoking cigarettes be encouraged to approach the Centre for cessation of their habits.
4. Checking and seizure of various cigarettes which do not carry mandatory warnings label be continued by police more vigorously especially in respect of wholesale dealers.
5. All types of Gutkha products have been prohibited in Mizoram. Any sale, transport from interstate border be checked especially by Bairabi and Vairengte police in their check gates. Shopkeepers selling these items should also be appropriately booked.

Considering the health problems caused by tobacco consumptions and the fact that the principal cause of cancers in Mizoram being tobacco consumptions, the above request from the President, Anti Tobacco Society who is none other than the wife of the Hon'ble Chief Minister of Mizoram be given importance by all unit heads. DIG NR and SR are also requested to include COTPA report in their

crime review meeting. Action taken reports be included in monthly reports given to SP CID Crime which is already in practice.

Enco : As stated.

(Signature)
 (THIANGHLIMA PACHUAU)
 Director General of Police,
 Mizoram, Aizawl

No. CB/PHQ/DGP/CIR/04/304 : Dated Aizawl, the 4 Aug. 2016.
 Copy to :

1. All DisG
2. All Unit

SP-Ad.

(Signature)
 (L.R. DINGLIANA SAILO) AIG-I,
 for Director General of Police,
 Mizoram, Aizawl.

Format
COTPA

Draft Format for COTPA Enforcement Report to be inserted in the Consolidated Crime Figure for Mizoram (Under Local and Special Law)

| Sl./No. | Crime Heads | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------|-----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| 14 | <u>COTPA</u> Sec 4 | | | | | | | | | | | | | |
| | Sec 5 | | | | | | | | | | | | | |
| | Sec 6 | | | | | | | | | | | | | |
| | Sec 7 | | | | | | | | | | | | | |

No.CB/PHQ/COTPA/GOI/15/24
GOVERNMENT OF MIZORAM
POLICE HEADQUARTERS: AIZAWL

Dated Aizawl, the 7th August, 2017.

To,

The Dy. Inspector General of Police (NR/SR)
 Mizoram, Aizawl.

Subject: *Violations of COTPA, 2003 as one of the agenda items in the Monthly Crime Review Meetings.*

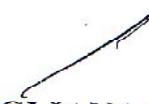
Sir,

In continuation to this Office letter issued to your good Office vide No.CB/PHQ/LSQ/2017/70 dt.3.8.2017 regarding Lok Sabha Unstarred Question Diary No.3624- "Monthly Crime Review Meeting", I am enclosing herewith the referred letter vide D.O. No.17011/45/2014-IS.VI (Pt.V) dt.5.5.2014. with its enclosures. As stated in above quoted D.O. letter, you are requested to incorporate violations of COTPA, 2003 as one of the agenda items in the Monthly Crime Review Meeting at the level of District/ Range/State.

The requisite compiled information/reports in this regard may kindly be submitted to this Office **thrice a year** in the prescribed format for further submission to Ministry of Home Affairs and Ministry of Health & Family Welfare.

Encl: As above.

Yours faithfully,


(L.R. DINGLIANA SAILO) AIG-I,
for Director General of Police,
 Mizoram, Aizawl.

No.CB/PHQ/COTPA/GOI/15/24 : Dated Aizawl, the 7th August, 2017.
 Copy to:-

- 1) The Superintendent of Police, CID(Crime) for information.
- 2) Dr. Jane R. Ralte, State Nodal Officer (Tobacco Control), Mizoram State Tobacco Control Society for information.


(L.R. DINGLIANA SAILO) AIG-I,
for Director General of Police,
 Mizoram, Aizawl.

No. CB/PHQ/DGP/CIR/17/24
GOVERNMENT OF MIZORAM
POLICE HEADQUARTERS : AIZAWL

C I R C U L A R

Dated Aizawl, the 18th July, 2017.

In collaboration with Mizoram State Tobacco Control Society and Indian Society on Tobacco & Health (Mizoram Chapter), several numbers of No Smoking stickers are prepared. All the district SPs are requested to take proactive actions for sticking these stickers at public transport vehicles/commercial vehicles such as Maxi Cabs, Buses, Taxis, Auto Rickshaw etc. District SPs will be responsible for executing works in 7 districts outside Aizawl and at Aizawl District, SP Traffic is given the responsibility of taking up these works. If necessary, discussion may be held with concerned association leaders of respective commercial vehicles so that there is no complaints later on for our intended honourable works. It may be mentioned that as per Rule 3(1)(b) of the Prohibition of Smoking in Public Places Rules, 2008 r/w Section 4 of COTPA 2003 Act, it is mandated that no smoking signage/stickers has to be displayed in all public places which includes all public conveyances. It may be further mentioned that permission for display of No Smoking Stickers in all commercial vehicles has been given by State Transport Authority (STA) in respect of MSTCS vide their letter no.F.20016/33/2005-DTE(MVW)4865 dt. 3.2.2017.

The numbers of No Smoking stickers for 8 districts are distributed as under :-

- | | | |
|------------------------|---|---------------|
| 1. Aizawl District | - | 1000 nos. |
| 2. All Other Districts | - | 500 nos. each |

It is requested that display of stickers be completed on or before 15th August, 2017.

(L.R. DINGLIANA SAILO) AIG-I,
for Director General of Police,
Mizoram, Aizawl.

No. CB/PHQ/DGP/CIR/17/24

Dated Aizawl, the 18th July, 2017.

Copy to :

1. All DIsG for information.
2. All District SsP for favour of information and necessary action.
3. SP Traffic for favour of information and necessary action.
4. The President, Indian Society on Tobacco & Health (Mizoram Chapter) for kind information.
5. The State Nodal Officer, National Tobacco Control Programme, Mizoram for kind information.


(L.R. DINGLIANA SAILO) AIG-I,
for Director General of Police,
Mizoram, Aizawl.

**GOVERNMENT OF MIZORAM
OFFICE OF THE DISTRICT TRANSPORT OFFICER (A)
MIZORAM : AIZAWL**

CIRCULAR

Tun atanga thu leh awm hma chuan heng Motor Passenger Vehicle chi hrang hrang te VIZ Bus, Maxicab, Taxi, Auto Rickshaw ah Vaihlo khuahkhirh na dan, the **Cigarettes and other Tobacco Act-2003** in Driver, Conductor leh passengers ten khauh taka vawn tlai tur a ni. Office bikah Government of Mizoram Health & Family Welfare notification Dt. 10th Feb 2010 thu pek chhuah angin a motor khalh tu leh conductor te hnenah he khapna dan bawhchhia te ₹. 200 (*Cheng zahnih*) chawitir theih na a pek angin, an motor a he dan bawhchhia an awm chuan an chawitir tur a ni. Thu pek bawhchhia Driver leh Conductor te chu ₹. 200 chawitir an ni ang.

Tin, The Central Motor Vehicles Rules, 1989 **Section 21 (14)** in a sawi angin, passenger phur chi Motor reng reng khalh tu Driver chu man an nih chuan an Driving license tih tawp thleng a hrem theih a ni.

(C. LALBIAKTHANGA)
District Transport Officer (A)
Mizoram : Aizawl.

Memo No. E. 11012/1/2010-DTO(A) : Dated Aizawl the, 6th Dec, 2010

Copy to:-

1. The Director, Transport alo hriat atan.
2. JD (OP) u lo hriat atan.
3. President, ACBOA/MMOA (Maxi Cab)/MTOA/ZTOA, Aizawl lo zawm ngei tur a ngen leh hriatir an ni.
4. Auto Rickshaw Owner Assn, Thungvel / Thingsul / Sairang/ Seling / Saitual / Lengpui / Keifang.
- ✓ 5. Dist. Co-ordinator,
6. State Tobacco Control Society, Mizoram Aizawl.
7. All MVI'S Aizawl District for information and necessary action.
8. All Enforcement Inspector, Aizawl District for information and necessary action.

C. (2)

Jan
13/12/10


District Transport Officer (A)
Mizoram : Aizawl.

**No.B.12021/1/16-TRP(Part)
GOVERNMENT OF MIZORAM
TRANSPORT DEPARTMENT**

NOTIFICATION

Aizawl, the 18th August, 2017

In pursuance of sub-rule (1) & (2) of rule 3 of the Prohibition of Smoking in Public Places Rules, 2008, the Government of Mizoram hereby ordered that

(1) The owner, proprietor, manager, supervisor or in charge of the affairs of public transport vehicles shall ensure that :

a) No person smokes in the public transport vehicle under his jurisdiction

b) The board as specified in schedule II of these rules, *ibid.* is displayed prominently at the entrance of the public transport vehicle, in case there are more than one entrance at each such entrance and conspicuous place(s) inside.

c) No ashtrays, matches, lighters or other things designed to facilitate smoking are provided in the public transport vehicle.

(2) The owner, proprietor, manager, supervisor or incharge of a public transport vehicle shall notify and cause to be displayed prominently the name of the person(s) to whom a complaint may be made by a person(s) who observes nay person violating the provision of these Rules.

Whoever willfully disobeys this order shall be punishable with fine which may extend to five hundred rupees for such offence under sub-section (1) of section 179 of the Motor Vehicles Act, 1988.

Sd/-LALTHANGPUIA SAILO
Secretary to the Government of Mizoram
Transport Department.

Memo No.B.12021/1/16-TRP(Part)

Dated Aizawl, the 18th August, 2017

Copy to :

1. Secretary to Governor, Mizoram Aizawl for information.
2. P.S to Chief Minister, Mizoram, Aizawl for information.
3. P.S to All Minister/Speaker/Deputy Speaker/Parliamentary Secretaries/Dy. Chief Whip.
4. PPS to Chief Secretary, Govt. of Mizoram.
5. All Administrative Deptt./All Heads of Department.
6. Director, Transport Department.
7. Director, I&PR Department With 6 copies for publication in Mizoram Official Gazette.
8. Guard file.


(VANLALVUANA)

Deputy Secretary to the Govt. of Mizoram
↳ Transport Department.

GOVERNMENT OF MIZORAM
DIRECTORATE OF TRANSPORT
(MOTOR VEHICLE WING)

No.F.20016/33/05-DTE(MVW)

Dated Aizawl, the 24th Sept., 2018.

To,

The District Transport Officer
Aizawl(Urban),Aizawl(Rural),Lunglei,Siaha
Champhai,Kolasib,Serchhip,Mamit,Lawngtlai.

Subj: Lirthei chhunga Mcizial zuk loh thu leh "No Smoking" tar thu.

A chhunga subject tarlan chungchangah hian sub-rule (14), of rule 21 of CMV Rules,1989 leh sub-rule(a) of rule 23 of the Mizoram Motor Vehicle Rules,1996 sawi angin, lirthei Public Service Vehicles chhungah meizial zuk khap tlat a ni. Heliang tilui te chu a tul anga hremna pek ngei tur a ni. Hemi chungchanga Govt. of Mizoram Transport Department Notification No.B.12021/1/16-TRP (Part) dt 18.08.2017 pawh ka rawn thawn tel e.

Tin, State Transport Authority Mizoram, Aizawl meeting thuchhuak ni 13.12.2016 in phalna a pek tawh angin, Public Service Vehicles chhung remchang laiah "No Smoking" tih tar ngei tura.hma lo la tura hriattir in ni e. Hei hi a bik takin Certificate of Fitness, motor thar ah leh renewal tih dawn laiin, khauh taka kan ken kawh tur ani.

Encl:Necessary photo copies.



(R.REMMAWIA)

Director

Transport Department
Mizoram, Aizawl

Memo No.F.20016/33/05-DTE(MVW)

Dated Aizawl, the 24th Sept., 2018.

Copy to: The State Nodal Officer, Mizoram State Tobacco Control Society for information

(R.REMMAWIA)

Director

Transport Department
Mizoram, Aizawl

**OFFICE OF THE SUPERINTENDENT OF POLICE
TRAFFIC, AIZAWL CITY**

Ph : 0389 2310003 email : sptrafficmz@gmail.com

No.RO/TRF/COTPA-121/13/

Dated Aizawl, the Nov, 2017.

To,

Officer-in-Charge
Traffic Station
Aizawl, Mizoram

Subj : Forwarding of Stickers received from Mizoram State Tobacco Control Society.

I am forwarding herewith 4000 numbers of 'No Smoking Stickers' received from Mizoram State Tobacco Control Society. It has been learnt that 'No Smoking Stickers' previously distributed to Taxis were not properly displayed or not at all displayed in a number of Taxis plying within Aizawl City. Hence, you are requested to distribute the Stickers to Taxis and ensure that 'No Smoking Stickers' are displayed on all Taxis within Aizawl City by 18th November, 2017.

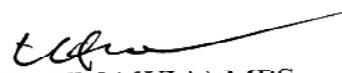
This is for your information and necessary action.

Enclosed : As above.

(C. LALTHANMAWIA) MPS
Superintendent of Police
Traffic, Aizawl City
Dated Aizawl, the 2nd Nov, 2017.

No.RO/TRF/COTPA-121 /13/ 1208
Copy to :

1. Dy. Superintendent of Police, Traffic for information.
2. State Nodal Officer, Mizoram State Tobacco Control Society for information.


(C. LALTHANMAWIA) MPS
Superintendent of Police
Traffic, Aizawl City

No. F. 20016/17/2015-GAD
GOVERNMENT OF MIZORAM
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

Aizawl, the 21st April, 2017

Subject : *Prohibition of Smoking in Public Places in Government Offices.*

Attention of all Heads of Departments/ Heads of Offices is invited to that Section 4 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production Supply and Distribution) act, 2003 which prohibits smoking inside office premises and violation of which is liable to be penalized under Section 21 of COTPA, 2003.

Further, as per the Prohibition of Smoking in Public Places Rules, 2008, it is mandatory for all Government Offices to display 'No Smoking - Signage' and 'Complaint Board' - displaying prominently the name of the person(s) to whom a complaint may be lodged in case of violation. Moreover, no ashtrays, matches, lighters or any other things designed to facilitate smoking should be provided/displayed inside the office.

Therefore, all Administrative/Heads of Departments are hereby instructed to strictly ensure that-

1. Prohibition of smoking inside offices is strictly enforced.
2. To strictly fine all offenders.
3. Display of 'No Smoking Signage'.
4. Display of 'Complaint Board'.
5. No ashtrays, matches, lighters or any other things designed to facilitate smoking are provided/displayed inside the office.
6. Separate 'Tobacco Control Team' be constituted in every Department.
7. The 'Tobacco Control Team' will strictly check and monitor the level of compliance of COTPA - Smokefree Rules in their respective offices at least twice every month.
8. **Monthly Action Taken Report** of compliance shall be submitted to their respective Deputy Commissioners (format enclosed).

Sd/- ZOTHANKHUMA

Commissioner & Secretary to the Govt. of Mizoram
General Administration Department

Memo No. F. 20016/17/2015-GAD

Aizawl, the 21st April, 2017

Copy to:

- 1) Secretary to Governor, Mizoram.
- 2) P.S. to Chief Minister, Mizoram.
- 3) P.S. to all Ministers/Speaker/Deputy Speaker/Vice Chairman, State Planning Board.
- 4) P.P.S to Chief Secretary, Government of Mizoram.
- 5) All Administrative Departments, Government of Mizoram.
- 6) Secretary, MPSC/MSIC/SEC.
- 7) All Heads of Departments, Government of Mizoram.
- 8) All Deputy Commissioners, Government of Mizoram.
- 9) Chief Controller of Accounts, Accounts & Treasures, Mizoram
- 10) Controller of Printing & Stationeries, Mizoram with 6(six) spare copies for publication in Mizoram Gazette Extra Ordinary.
- 11) State Nodal Officer, Mizoram State Tobacco Control Society.
- 12) Guard File.

P.B. of Joint Secretary

Health & Family Welfare

Receipt No. 1603

Date 26/4/17

(LALKINZUALA)

Under Secretary to the Govt. of Mizoram
General Administration Department

(263) 205
DRAFT

MONTHLY ACTION TAKEN REPORT
(For all Head of Department)

To

The Deputy Commissioner,
Cum Chairman, Anti Tobacco Squad,
_____ District.

Subject: Monthly Action Taken Report of Compliance to COTPA - Smokefree Rules

Sir/Madam,

I am submitting herewith Monthly Report on compliance to Section 4 of COTPA, 2003 (i.e. Prohibition of Smoking in Public Places) and Prohibition of Smoking in Public Places Rules, 2008 by _____ for the Month of _____.

The findings are given below:-

| Sl. No | Checklist (Monthly Findings) | | Remarks |
|--------|--|--|---|
| 1 | Presence of Active Smoking | Yes <input type="checkbox"/> No <input type="checkbox"/> | No. of Offenders: _____ Fines Collected: _____ |
| 2 | Whether Complaint Board is displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 3 | Whether No Smoking Signage is/ are displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 4 | Whether Smoking Materials (ashtray, lighter, matches etc.) are displayed/found | Yes <input type="checkbox"/> No <input type="checkbox"/> | |

(SIGNATURE)

Name: _____

Designation: _____

Address: _____

NO.C.31015/1/13/DTE(WM)/24
GOVERNMENT OF MIZORAM
OFFICE OF THE CONTROLLER OF LEGAL METROLOGY
MIZORAM : : AIZAWL

.....
Dated Aizawl, the 9th Sept./2015

To

- 1) The Deputy Controller, Legal Metrology, Lunglei.
- 2) The Assistant Controller, Legal Metrology, Kolasib/Saiha
- 3) The Inspector of Legal Metrology, Aizawl/ Champhai/Serchhip/Lawngtlai

Subj : Seizure of Foreign Cigarettes
(Incomplete Declaration)..regarding..

You are hereby informed to seized Foreign Cigarettes which bears incomplete declaration and every seized articles must be kept in safe custody with detailed record for further necessary action.

This order is issued in continuation to Council of Ministers meeting minute.

Report must be submitted to the undersigned every month.


(THANGTINLIANA PACHUAU)
Joint Controller of Legal Metrology
Mizoram, Aizawl

NO.C.28012/4/10/(DTE(WM)/13
GOVERNMENT OF MIZORAM
OFFICE OF THE JOINT CONTROLLER OF LEGAL METROLOGY
MIZORAM : : AIZAWL

ORDER

It has come to the notice of the authority that contraband cigarettes are found in many shops in Aizawl in spite of inspection & seizure by the Legal Metrology Enforcement.

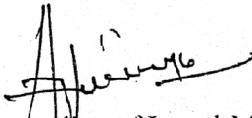
The Inspector of Legal Metrology in Aizawl are hereby instructed to conduct frequent & vigorous inspection of contraband cigarettes within their respective jurisdiction and submit their reports to the undersigned before 15th August, 2017.

(Dr. ANDREW H.VANLALDIKA)
Joint Controller of Legal Metrology
Mizoram, Aizawl

Memo No.C.28012/4/10/DTE(WM)/13 : : Dated Aizawl, the 27th July, 2017

Copy to:

Inspector of Legal Metrology within Aizawl District.


Joint Controller of Legal Metrology
Mizoram, Aizawl

No. 5/2/2013-EP(Agri-VI)
Department of Commerce

(163)

Udyog Bhavan,
New Delhi-110011,
9th June, 2014

To,
Principal Secretary to the Government of Mizoram
Department of Health & Family Welfare
Civil Secretariat, Aizawl
Mizoram

Subject: Removal of Tobacco Products from trade items approved for border trade.
Reference: Letter No. C31012/1/2013-MSTCS dated 21st April, 2014

Sir,

With reference to our letter I would like to inform you that an agreement on border trade between India and Myanmar was signed on 21st January, 1994 and operationalized on 12th April, 1995 for permitting locally produced commodities, to be traded as per prevailing customary practices on both sides of the border.

In view of the above, it is very clear that only locally produced tobacco is allowed for Indo Myanmar Border Trade. Hence, the cigarettes and scented tobacco which are not produced locally by the growers do not come under the purview of the above agreement.

Thus, the Government of Mizoram may treat the trade is "not locally produced tobacco & tobacco products' on Indo-Myanmar Border as illegal and may take action as per law such violators.

Thanking you,

Yours faithfully,

(Signature)
(Asit Tripathy)

Copy to :

1. Sh. Arvind Mehta, Joint Secretary
Department of Commerce
Udyog Bhawan, New Delhi.
2. Sh. Rayi Capoor, Joint Secretary
Department of Commerce
Udyog Bhawan, New Delhi
3. Sh. Madan Lal Meena, Joint Secretary (Revenue)
Department of Revenue
46, North Block, New Delhi

ATS
19/6

17/6
20/6

PS(HFW)

19-06-14

(Asit Tripathy)

P.S. Principal Secretary
H&FW Departments
Receipt No. 1130
Date: 17/6/14

P.B. of Addl. Secretary
Health & Family Welfare Deptt.
Receipt No. 62
Date: 12/6

17/6/14
TS

ATS
17/6
(Signature)

MIZORAM POLLUTION CONTROL BOARD.
AIZAWL: MIZORAM.

No. F-660666/Gen/91-MPCB/

Di. 21st July 2008

HRIATTIRNA

Mizoram Pollution Control Board chuan mipuite kan lo hrisel zawk theih nan Water (Prevention & Control of Pollution) Act, 1974 hnuaia Section 33A-in thuneihna a pek angin lui luang lai leh tuihna awmna chi reng-reng awmna leh tihbawhlawn theihna hmunah vaihlo leh a kaihnawih chi reng-reng sawngbawl leh tuibur thlawte hi a khap flat a ni.

He hriattirna zawm lo apiangte chu Water (Prevention & Control) of Pollution Act, 1974 leh Environment (Protection) Act, 1986 hnuaia hremna dan awmte hmanga hrem theih an ni ang.

Sd/- C.LALDUHAWMA

Member Secretary,

Mizoram State Pollution Control Board

UNIT - 8

Standard Operating Procedure (SoP) for disposal of seized Tobacco Products

(Pages 156 - 158)

NO.C.31012/1/2015 - MSTCS
NATIONAL TOBACCO CONTROL PROGRAMME MIZORAM
Dated Aizawl, the 14th July, 2015.

OFFICE ORDER

Standard Operating Procedure for Disposal of Seized Tobacco Products

This is for information and necessary action to all concerned that in the interest of public health and in order to have unified procedure for disposal of seized tobacco products under COTPA, 2003 and the Rules made there under, the following Standard Operating Procedure shall be followed until and unless separate manner of disposal is prescribed by the adjudging court.

It shall be the responsibility of the person(s) authorized to dispose off any seized tobacco products to take necessary actions along with all preventive measures/precautions which are enumerated as follows:-

1. To ensure that the seized tobacco items are properly handled and disposed off without adverse effect to human health and to the environment due to the emission/effluent emanating from the disposed product.
2. To ensure that seized tobacco products are disposed without burning as far as possible.
3. To ensure that all seized tobacco products are incinerated where incinerator is/are available.
4. In case incinerator is not available or not functional, all seized tobacco products shall be disposed in a specified dumping area/ground allocated by the Government of Mizoram by carefully following the procedures framed in this matter.
5. In case incinerator or specified dumping grounds are not available, the seized tobacco products shall be destroyed by thoroughly soaking it in water. The soaked tobacco products shall then be buried only in the deep pit site authorized by the Government of Mizoram.
6. In case no separate dumping ground or deep pit is present, effort should be made to ensure that the burial site is at a safe distance from habitation and vegetation and also located in such a place so as to ensure that no contamination occurs to surface water or ground water and also that the area should not be prone from flooding or erosion.
7. To ensure that all disposed tobacco products are destroyed thoroughly so that there shall be no secondary handling or usage.

8. To ensure that records of all disposed items and the manner of its disposal shall be maintained.

Jane Ralte
12/7/15

(DR. JANE R.RALTE)

State Nodal Officer

National Tobacco Control Programme, Mizoram

State Referral Hospital, Falkawn

Email – smokefreemizoram@gmail.com

Memo No: NO.C.31012/1/2015-MSTCS

Dated: 14th July, 2015

Copy to:-

1. All Chairman, Anti Tobacco Squad for information and necessary action.
2. All Member Secretary, Anti Tobacco Squad for information and necessary action.
3. All District Nodal Officer, NTCP for information and necessary action.
4. State Consultant, NTCP for information and necessary action.
5. Legal Consultant, NTCP for information and necessary action.
6. All District Consultant, NTCP for information and necessary action.
7. Guard File

Jane Ralte

(DR. JANE R.RALTE)

State Nodal Officer

National Tobacco Control Programme, Mizoram

State Referral Hospital, Falkawn

Email – smokefreemizoram@gmail.com

UNIT - 9

Budget Head for deposition of Fees & Fines under COTPA, 2003

(Pages 159 to 160)

No.J.11011/28/2009-HFW
GOVERNMENT OF MIZORAM
HEALTH & FAMILY WELFARE DEPARTMENT

Dated Aizawl the 23rd Nov. 2009.

To,

1. The Director of Health Services,
Mizoram, Aizawl.
2. The Director,
Hospital & Medical Education
Mizoram, Aizawl.
3. State Focal Point, MSTCS.

Subject :- Identification of budget head for enforcement of COTPA.

Reference: Your letter No.C.31012/1/2009-MSTCS Dt. 29th June 2009.

Sir,

With reference to the above and in enclosing herewith a copy of Draft challan and a copy of compounding challan duly vetted by Law & Judicial Deptt. respectively, vide ID.No.LJ.15/2009/598 Dt. 16.11.2009, I am directed to reproduce observation of Finance Department vide their I.D.No.FIN(B)107/09 Dt. 23.07.2009 as under.

"The Department is informed that, the appropriate head of account for depositing receipt on account of compounding fees for violation of the Cigarettes and other tobacco products (Prohibition of Advertisement and regulation of Trade & Commerce, production, supply & Distribution) act, 2003 is as under :-

- 0210 – Med. & Public Health
- 04 – Public Health
- 104 – Fees & Fines etc.
- 01 – Compounding Fees on Cigarettes and other Tobacco products.

Further, the Department is advised that, receipts on account of compounding fees cannot be appropriated by the Department but should be credited into the above cited receipt head of account."

Yours faithfully,


(VANLALMAWII NGENTE)

Under Secretary to the Govt. of Mizoram,
Health & Family Welfare Department.

UNIT - 10

Office Order issued by District & Sessions Judge, Aizawl Judicial District for designating Magistrate to take up COTPA cases

(Pages 161 - 165)

OFFICE OF THE DISTRICT AND SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT : AIZAWL

.....

OFFICE ORDER

Dated Aizawl, the 14th March, 2014.

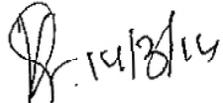
No. A.46013/1/2009-D&SJ(A)/ : In pursuance and continuation of this Office Order vide Memo No. A.46013/1/2009-D&SJ(A)/10 dated 30th August, 2013 and for effective and structured implementation of the COTPA-2003, the timing of Court hours of Pu Vincent Lalrokima, Judicial Magistrate First Class-IV, Aizawl to take up cases filed for commission of offences under the said Act is hereby scheduled to be held on the Second and last Friday of every month at 2:00 P.M. with immediate effect and until further order.

Sd/-VANLALMAWIA
District & Sessions Judge,
Aizawl Judicial District,
Aizawl, Mizoram.

Memo No. No. A.46013/1/2009-D&SJ(A)/ :
Copy to: -

Dated Aizawl, the 14th March, 2014.

- ✓ Secretary, Helath & Family Welfare Department-cum-Chairman, Mizoram State Tobacco Control Society for information and reference to her letter No.C.31012/1/2013 MSTCS dated 21.8.2013.
2. Officer concerned.
3. President/Secretary, Mizoram BAR Association for information.
4. Public Prosêcutor for information.
5. Establishment Order book.


(K.VANLALNGHAKA)
Chief Administrative Officer,
Aizawl Judicial District,
Aizawl, Mizoram.

☺

Jan
20/6/14

**OFFICE OF THE
DISTRICT & SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT: AIZAWL
(Judicial Section)**

OFFICE ORDER

Dated Aizawl, the 17th June, 2014

No. A.36019/11/2009-DJ(A)/ 114 : In the interest of public service, Pu Laldinpuia Tlau, Civil Judge cum Judicial Magistrate 1st Class is hereby designated as Magistrate for the Court cases relating to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA).

Furthermore, the timing of Court hours to take up cases filed for commission of offences under the said Act is hereby scheduled to be held on the second and last Friday of every month at 2:00 P.M. with immediate effect and until further order.

This shall supersede all previous Orders in this regard.

By Order,

(R. THANGA)

District & Sessions Judge
Aizawl Judicial District: Aizawl

Memo No No. A.36019/11/2009-DJ(A)/ 114 : Dated the 17th June, ~~2013~~ 2014

Copy to :-

1. P.A to District & Sessions Judge, Aizawl.
2. Pu Laldinpuia Tlau, JMFC for information and necessary action.
3. State Nodal Officer cum Project Officer Smoke Free Mizoram, Referral Hospital, Falkawn for information.
4. All Judicial Officers under District Court, Aizawl.
5. Secretary, Mizoram Bar Association, Aizawl for information.
6. Public Prosecutor for information.


 (R. THANGA)
 District & Sessions Judge
 Aizawl Judicial District: Aizawl

**OFFICE OF THE
DISTRICT & SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT: AIZAWL
(Judicial Section)**

OFFICE ORDER

Dated Aizawl, the 7th October, 2014

No. A.36019/11/2009-DJ(A)/ 164 : In the interest of public service, Pu Thomas Lalrammawia, Civil Judge cum Judicial Magistrate 1st Class is hereby designated as Magistrate for the Court cases relating to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA).

Furthermore, the timing of Court hours to take up cases filed for commission of offences under the said Act is hereby scheduled to be held on the second and last Friday of every month at 2:00 P.M. with immediate effect and until further order.

This shall supersede all previous Orders in this regard.

By Order,

(R. THANGA)
District & Sessions Judge
Aizawl Judicial District: Aizawl

Memo No No. A.36019/11/2009-DJ(A)/ 164 : Dated the 7th October, 2014

Copy to :-

1. P.A to District & Sessions Judge, Aizawl.
2. Pu Thomas Lalrammawia, JMFC for information and necessary action.
3. State Nodal Officer cum Project Officer Smoke Free Mizoram, Referral Hospital, Falkawn for information.
4. All Judicial Officers under District Court, Aizawl.
5. Secretary, Mizoram Bar Association, Aizawl for information.
6. Public Prosecutor for information.

(R. THANGA)
District & Sessions Judge
Aizawl Judicial District: Aizawl

**OFFICE OF THE DISTRICT & SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT: AIZAWL
(Judicial Section)**

Dated Aizawl, the 18th July, 2016

OFFICE ORDER

No. A.36019/11/2009-DJ(A)/210 : In the interest of public service, Sh. R.Vanlalena, Sr.Civil Judge-cum-Judicial Magistrate First Class, Aizawl is hereby designated as Magistrate for the Court cases relating to **The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA)**.

Further, the timing of Court proceeding to take up cases filed under the said Act is hereby scheduled to be held on the second and last Friday of every month at 2:00 P.M. with immediate effect and until further order.

This Order supersedes all previous Orders in this regard.

(VANLALENMAWIA)

District & Sessions Judge
Aizawl Judicial District
Aizawl, Mizoram

Memo No. A.36019/11/2009-DJ(A)/

Dated Aizawl, the 18th July, 2016.

Copy to :-

1. P.S to District & Sessions Judge, Aizawl Judicial District, Aizawl, Mizoram.
2. Sh.R.Vanlalena, Sr.Civil Judge-cum-Judicial Magistrate First Class, Aizawl for information and necessary action.
3. Chairman, Mizoram State Tobacco Control Society, Mizoram, Aizawl for information.
4. All Judicial Officers under District Court, Aizawl for information.
5. Secretary, Mizoram Bar Association, Aizawl for information.

Handwritten signature/initials

Handwritten signature/initials
District & Sessions Judge
Aizawl Judicial District
Aizawl, Mizoram.

UNIT - 11

Challan, Seizure Memo, Compounding Challan & Reporting Format used in Mizoram for Enforcement of COTPA, 2003

(Pages 166 - 170)

| | | |
|--|---|-----------------------|
| Book No: <u>7</u> | Government of Mizoram Health & Family Welfare Department | Serial No: <u>314</u> |
| CHALLAN | | |
| (Ref. No: _____) | | |
| (Under The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003) | | |
| 1. Name and Address of the Accused Person(s): _____ | | |
| 2. Scene of Offence with date, time and place: _____ | | |
| 3. Particulars of Offence (Briefly State the charge): _____ | | |
| 4. Whereas you are hereby being prosecuted for the offence described above, you are required to attend the Court of Shri/Smt. _____ 1 st Class Judicial Magistrate. _____ District, at _____ AM/PM on Date _____ to answer the said charge unless otherwise ordered by the court. | | |
| Signature/Thumb Impression of the Accused | | |
| Name & Address of Civilian Witnesses: | | |
| Witness -1 | Witness -2 | |
| Name : _____ | Name : _____ | |
| Address : _____ | Address : _____ | |
| Contact : _____ | Contact : _____ | |
| Signature: _____ | Signature: _____ | |
| (_____) Name & Signature of Authorized Officer | | |
| Designation: _____ | | |
| Place: _____ Date: _____ | | |

Fig. 1.1 - Challan for Section - 4 & 6 of COTPA, 2003

| | |
|--|------------------------------|
| Government of Mizoram COMPOUNDING CHALLAN | |
| Book No. <u>288</u> | Receipt No. <u>6671</u> |
| Received ₹ _____ (Rupees _____) | |
| from Mr./Mrs./Miss _____ | |
| S/o / D/o _____ | |
| R/o _____ | |
| on account of Compounding fees for offence committed by him at _____ on Dt. _____ | |
| under the provision of section 21 (for section 4)/section 24 (for section 6) of COTPA, 2003. | |
| Offender Signature | Authorized Officer Signature |

Fig. 1.2 - Compounding Challan for Section - 4 & 6 of COTPA, 2003

Book No: **5** **SEIZURE MEMO** Serial No: **208**

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA)

Reference No: _____

1. District _____ Police Station _____

2. Property seized (a) Date _____ (b) Time _____ (c) Place from where seized/recovered _____

3. Person from whom seized:

Name _____ Sex _____ Age _____

Father's/Husband's name _____

Address _____ Contact No. _____

4. Details of properties seized/recovered: In exercise of the powers delegated to me under Section 12 and 13 of COTPA, 2003, I hereby seize/detain the under mentioned tobacco products/tobacco advertisement materials which contravenes the provisions of Section _____ of COTPA, 2003.

| Sl. No. | Particulars | Quantity/ numbers | Approx value | Name of owner/possessor | Name and signature of owner/possessor |
|---------|-------------|-------------------|--------------|-------------------------|---------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

5. Grounds of Seizure: _____

6. Action taken/recommended for disposal of seized properties: _____

The above mentioned properties were seized in accordance with the provisions of law in the presence of the under mentioned witnesses and a copy of the seizure memo was given to the person/the occupant of the place from whom seized. The products detained/seized have been duly sealed and left in the custody of Shri/ Smt _____ with the instruction not to tamper with seals and not to dispose off the products till further order.

Civilian Witness-1

Signature: _____

Name: _____

Address _____

Contact No: _____

Civilian Witness -2

Signature: _____

Name _____

Address _____

Contact No: _____

Seizing Officer

Signature: _____

Name: _____

Designation: _____

Place _____ Date _____

Fig. 1.3 - Seizure Memo for Section - 5&7 of COTPA, 2003

MONTHLY REPORTING FORMAT FOR ANTI TOBACCO SQUAD

DISTRICT : _____

MONTH : _____

| Sl.No. | Date | Anti Tobacco Squad Drive Undertaken | | Other Activities | Remarks |
|--------|------|-------------------------------------|------------------|------------------|---------|
| | | Penalized offenders | Amount Collected | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Any other Comments :

Signature : _____

Name : _____

Date : _____

Monthly Action Taken Report for Head of Departments

Ex-185

2

**MONTHLY ACTION TAKEN REPORT
(For all Head of Department)**

To

**The Deputy Commissioner,
Cum Chairman, Anti Tobacco Squad,
-----District.**

**Subject : Monthly Action Taken Report of Compliance to COTPA - Smokefree Rules
Sir/Madam,**

I am submitting herewith Monthly Report on compliance to Section 4 of COTPA, 2003 (i.e. Prohibition of Smoking in Public Places) and Prohibition of Smoking in Public Places Rules, 2008 by ----- for the Month of-----

The findings are given below:-

| Sl. No. | Checklist (Monthly Findings) | | Remarks |
|---------|--|--|---|
| 1. | Presence of Active Smoking | Yes <input type="checkbox"/> No <input type="checkbox"/> | No. of Offenders:----- Fines Collected:----- |
| 2. | Whether Complaint Board is displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 3. | Whether No Smoking Signage is/are displayed | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 4. | Whether Smoking Materials (ashtray, lighter, matches etc.) are displayed/found | Yes <input type="checkbox"/> No <input type="checkbox"/> | |

(SIGNATURE)

Name:-----
Designation:-----
Address:-----

Published and Issued by the Controller, Printing & Stationery, Mizoram
Printed at the Mizoram Government Press, Aizawl C-50

Draft Reporting Format for COTPA Enforcement Report for Monthly Crime Review

*Format
COTPA*

**Draft Format for COTPA Enforcement Report to be inserted in the Consolidated
Crime Figure for Mizoram (Under Local and Special Law)**

| Sl./No. | Crime Heads | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| 14 | COTPA Sec 4 | | | | | | | | | | | | | |
| | Sec 5 | | | | | | | | | | | | | |
| | Sec 6 | | | | | | | | | | | | | |
| | Sec 7 | | | | | | | | | | | | | |

UNIT - 12

Public Notice issued for various provisions of COTPA, 2003

(Pages 171- 175)

For Section 4 of COTPA, 2003

FORMINAL

PUBLIC NOTICE

Section-4 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) chuan Puipunna Hmun (Public Place) hrang hrang heng - office, zirna-in, damdawiin, bazaar, taxi, bus, maxi cab, auto-rickshaw, hotel, restaurant, khelmual, community hall, indoor stadium etc. ah te meizuk a khap tlat a ni.

Hriattur tul dangte:-

- Puipunna hmun neitu, proprietor, manager, supervisor emaw in-charge tin ten an hnuai puipunna hmun theuh a khauh taka meizuk khap hi an mawhphurhna a ni.
- Meizuk khapna “No Smoking Signage” a hnuai hmun theuh ah te hian tar tur a ni:-
 - (i) Luhka (entrance) tin ah.
 - (ii) Inchhung hmun langsar lai berah.
 - (iii) In chhawng (floor) khat aia tam anih chuan chhawng tin a luhka (entrance) leh inchhung hmun langsar lai bakah step chhuah chiah (landing) ah.
 - (iv) Elevator/lift a awm anih chuan, elevator/lift luhka (entrance) ah a awm bawk tur a ni.
 - (v) No Smoking Signage len zawng hi a te berah 60cm x 30cm a ni tur a ni.
- Puipunna hmuna meizu an awm a complaint thelhuha tur tarlanna “Complaint Board”-complaint lo bawhzui tu tur hming, nihna leh phone number nen tar vek tur a ni.
- Puipunna hmuna meizukna hmanrua hrang hrang e.g. ashtray, nawhalh leh lighter etc. te chhawpchhuah phal a ni lo.
- Puipunna hmun neitu, proprietor, manager, supervisor emaw in-charge in puipunna hmun a meizuk anih a hma a la duh lo a nih chuan dan bawhchetute chawi ang zat chawitir ve theih an ni.
- Puipunna hmuna meizu chu Section-21 of COTPA, 2003 hmangin Rs. 200/- thleng chawitir theih an ni.

Puipunna Hmun (Public Place) a tar ngei ngei tur te chu:-
1. Meizuk khapna (No Smoking Signage) tar tur 2. “Complaint Board” tar tur

| | |
|--|--|
|  <p>MEIZUK PHALLOHNA HMUN A NI</p> <p>ZUK LUH CHU DAN BAWHCHHIATNA A NI</p> <small>Cigarettes And Other Tobacco Product Act(COTPA)- Government of Mizoram</small> | <p>Helai hmuna meizu an awm anih chuan ahnuai mi hnenah hian complaint tur a ni.</p> <p>Hming</p> <p>Nihna</p> <p>Phone No</p> |
|--|--|

**Issued in the interest of public by:-
National Tobacco Control Programme, Mizoram**

Handwritten: 8/4/2018

For Section 5 of COTPA, 2003

PUBLIC NOTICE

Section – 5 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 chuan vaihlo leh a kaihnawih reng reng fakmawi (advertise) leh promote a khap tlát a ni.

Hriat tur tulte:-

1% Vaihlo zawrhnaah Point of Sale Board a awm anih chuan a hnuai mi hi zawm ngei ngei tur a ni :-

- 60x45 cm aiin a lian tur a ni lo.
- Vaihlo product hming leh a lem (Brand Name leh Brand Pack Shot) tarlan tur a ni lo.
- Board tih en theih (illuminated) a ni tur a ni lo.
- Vaihlo fakmawina thu leh a lem (promotional message and picture) a tel tur a ni lo.

- Point of Sale Board tlang chunglam ah hian 20 cm x 15 cm a lian in vaihlo that lohna thu - Health warnings – ‘Tobacco causes cancer’ or ‘Tobacco kills’ tih background varah a duma fiah taka ziaak a awm ngei tur a ni.

Vaihlo leh a kaihnawih reng reng kum-18 hnuailam ten awlsam taka an ban phak/lei theih tura chhawpchuah khap tlát a ni.

Vaihlo product hrang hrang trade mark leh brand name promote na tura sponsorship, thilpek, lawmman leh scholarship pek phal a ni lo.

Loh theih lohna avanga Film leh TV programme a vaihlo product leh vaihlo hmang lai (e.g.tuibur hmuam/meizu lai) tihlan a ngaih pawhin a hnuai mi hi zawm ngei ngei tur a ni:-

1. Vaihlo product leh a hmang lai tihlan a pawimawhna chhan – **Strong Editorial Justification, Central Board of Film Certification** ah thehluh tur.

2. **Anti – Tobacco Health Spot**, 30 Seconds aia tawi lo, Film/ TV programme **tan tirh** (beginning) leh **a laihawl** (middle) ah dah tel/tarlan tur a ni.

3. Vaihlo product leh a hmang lai tihlan anih lain screen hnuai ah **Anti – Tobacco Health Warning** tihlan tur a ni. A zuk chi ah **“Smoking causes cancer”** emaw **“Smoking kills”** tih tarlan tur a ni a, hmuam chi ah chuan **“Tobacco Causes cancer”** emaw **“Tobacco kills”** tih tarlan tur a ni. Anti – Tobacco Health Warning hi **font dum** in **background var** ah chhiar theih a fiah taka tarlan tur a ni.

4. Vaihlo hman that lohna chungchang ‘**Audio – Visual Disclaimer**’, 20 Seconds aia tawi lo Film/ TV programme **tan tirh** (beginning) leh **a laihawl** (middle) ah dah tel/tarlan tur a ni.

1% Section-5 of COTPA, 2003 bawhchhia chu Section-22 of COTPA, 2003 hmangin a hnuai tarlan ang hian hremna pe theih an ni :-

1st Conviction Kum 2 thleng lungin tan emaw Rs. 1,000/- thleng chawi emaw a pahnihin

2nd or Subsequent conviction Kum 5 thleng lungin tan + Rs. 5,000/- thleng chawi

*Issued in the interest of public by:-
National Tobacco Control Programme, Mizoram*

For Section - 6 of COTPA 2003

VAIHLO LEH A KAIHNAWIHA SUMDAWNNA NEITE LEH ZIRNA-IN TE TANA HRIAT TUR PAWIMAWH (PUBLIC NOTICE)

The Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) hnuai Section-6 (a) chuan vaihlo leh a kaihnawih reng reng kum 18 hnuai lam hnena zawrh bakah zawrhtir a khap tlat a ni.

Tin, he dan hnuai Section – 6 (b) chuan vaihlo leh a kaihnawih reng reng Zirna-In (Educational Institution) atanga 100 yards (300 ft) bial huam chungah zawrh a khap tlat bawk a ni.

❖ Hriat tur tul dangte:

● Vaihlo leh a kaihnawih reng reng kum 18 hnuai lamten awlsam taka an ban-phak/lei theih tura chhawpchuah khap tlat a ni.

● Vaihlo leh a kaihnawih zuar-tute reng reng chuan a hnuai board ang hi an dawr hmun langsar lai takah an tar vek tur a ni.

● Zirna-In (Educational Institution) zawng zawngten a hnuai board ang hi an tar vek tur a ni.





Vaihlo thihna thlentu

Kum 18 tinglo hnen a
Vaihlo atanga thil siam
reng reng hralh hi hrem
theih a ni.



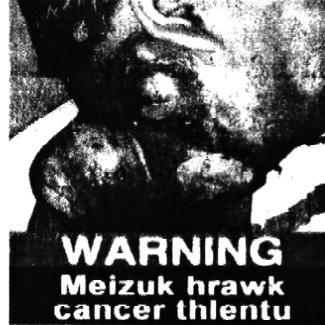
“Zirna In compound atanga Yard 100 (300 ft)
huam chungah vaihlo leh a kaihnawih thil
reng reng zawrh khap tlat a ni. A zuar lui chu
Cigarettes and Other Tobacco Product Act
(COTPA) 2003, Section - 24 na hmangin ₹ 200/-
thleng chawitir theih an ni”

● A chungah thupek hrang hrangte zawm lova bawhchhe lui chu Section-24 of COTPA, 2003 hmangin Rs. 200/- thleng chawitir theih an ni.

*Issued in the interest of public by:-
National Tobacco Control Programme, Mizoram*

For Section - 7 of COTPA, 2003**VAIHLO LEH A KAIHNAWIH SUMDAWNNA NEITE TANA HRIAT TUR PAWIMAWH**
(PUBLIC NOTICE)

Section-7 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) chuan vaihlo leh a kaihnawih hrang hrang i.e cigarette, sahdah, zozial, tuibur etc. funna /bawm tinah vaihlo-in hriselna a khawih chhiat theih dan thu (Textual Health Warning) bakah a lem (Pictorial Health Warning) tarlang vek turin thu a pe a ni. A hnuala tarlan Vaukhanna Thu leh a Lem (Specified Health Warnings) te hi **The Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014** in a rawn duan thar an ni a, **hei hi Mizorama vaihlo leh a kaihnawih (cigarette, sahdah, tuibur, zozial etc.) a sumdawnna hrang hrang neite tana zawm ngei ngei tur a ni.**

Vaukhanna Thu leh a Lem (Specified Health Warnings) tarlan ngei turte chu:**1. Ei/hmuam chi funna/bawm a tarlan tur****2. Zuk chi funna/bawm a tarlan tur***** Hriat tur tulte:-**

- A chung a Vaukhanna Thu leh a Lem (Specified Health Warnings) tarlan ang hi 1st April, 2017 leh a hnu lama vaihlo leh a kaihnawih siamchhuah zawng zawngah tarlan vek tur a ni.
- Vaukhanna Thu leh a Lem (Specified Health Warnings) hian Vaihlo funna bawm langsar lai (Principal Display Area) 85% a luah tur a ni.
- 85% ah hian Vaukhanna Lem (Pictorial Health Warning) in 60% a luah tur a ni a, Vaukhanna Thu (Textual Health Warning) in 25% a luah baw tur a ni.
- Vaihlo funna hawm ah vaihlo fakmawina leh promote na lam chi eng thu leh lem mah a chuang tur a ni lo.

*** Vaihlo funna bawm tin ah heng thu hi a chuang baw tur a ni:**

- a) Product hming.
- b) Manufacturer/ importer / packer hming leh address
- c) Product Origin (import bik ah)
- d) Product tam zawng (quantity of the product)
- e) Siam ni leh thla (manufacturing date) leh
- f) Central Sorkar in thildang engpawh International Standard zulzuia a phut te a chuang tur a ni.

*** Specified Health Warnings tar lo hremna:- Section-20 of COTPA, 2003**

| | Siamchhuaktu (Producer or Manufacturer) | Zuar /Semdarh tu (Seller or Distributor) |
|--|--|--|
| 1st Conviction | Kum 2 thleng lungin tan emaw Rs. 5,000 thleng chawi emaw a pahnihin | Kum 1 thleng lungin tan emaw Rs. 1,000 thleng chawi emaw a pahnihin |
| 2ndor Subsequent Conviction | Kum 5 thleng lungin tan + Rs. 10,000 thleng chawi | Kum 2 thleng lungin tan + Rs. 3,000 thleng chawi |

Issued in the interest of public by:-

For Section - 7 of COTPA, 2003

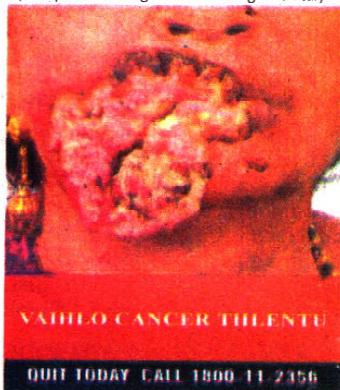
VAIHLO LEH A KAIHNAWIHA SUMDAWNA NEITE TANA HRIAT LEH ZAWM TUR PAWIMAWH (PUBLIC NOTICE)

Section-7 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), chuan vaihlo leh a kaihnaawih reng reng i.e cigarette, sahdah, zoial, tuibur etc. funna /bawm zawng zawngah vaihlo-in hriselna a khawih chhiat theih dan thu (Textual Health Warning) bakah a lem (Pictorial Health Warning) tarlang vek turin thu a pe a ni. A hnuai tarlan Vaukhanna Thu leh a Lem (Specified Health Warning) te hi **The Cigarettes and Other Tobacco Products (Packaging and Labelling) Second Amendment Rules, 2018** in a rawn duan niin 1st September, 2018 atanga hman tan tur a ni. Hei hi Mizorama vaihlo leh a kaihnaawih (cigarette, sahdah, tuibur, zoial etc.) a sumdawna hrang hrang neite tana zawm ngei ngei tur a ni.

Vaukhanna Thu leh a Lem (Specified Health Warning) tarlan ngei turte chu:

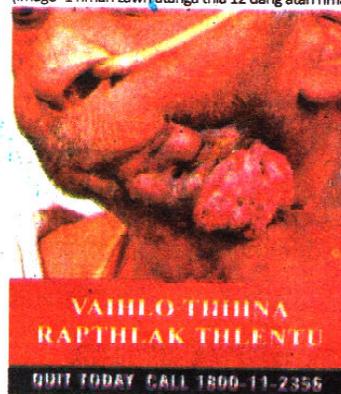
A. Image - 1

(1st Sept. 2018 atanga thla 12 chung hman tur)



B. Image -2

(Image 1 hman zawh atanga thla 12 dang atan hman leh tur)



Hriat tur tulte:

- A chungah Vaukhanna Thu leh a Lem (Specified Health Warning) tarlan ang hi 1st September, 2018 leh a hnu lama vaihlo leh a kaihnaawih siamchhuah zawng zawng ah tarlan vek tur a ni.
- Vaukhanna Thu leh a Lem (Specified Health Warning) hian a lo berah vaihlo funna bawm langsar lai (**Principal Display Area**) 85% a luah tur a ni.
- 85% ah hian Vaukhanna Lem (Pictorial Health Warning) in 60% a luah tur a ni a, Vaukhanna Thu (Textual Health Warning) in 25% a luah bawk tur a ni.
- Specified Health Warning ah hian vaihlo sim duh te tanpuina tura siam National helpline/quit-line number lanna "QUIT TODAY CALL 1800 - 11 - 2356" tih dah tel bawk tur a ni.
- Vaihlo funna-bawm ah vaihlo fakmawina leh promote na lam chi eng thu leh lem mah a chuang tur a ni lo.
- **Vaihlo funna bawm zawng zawngah heng thu hi a chuang bawk tur a ni:**
 - a) Product hming
 - b) Manufacturer/ importer / packer hming leh address
 - c) Product Origin (import bik ah)
 - d) Product tam zawng (quantity of the product)
 - e) Siam ni leh thla (manufacturing date) leh
 - f) Central Sorkar in thildang engpawh International practice zulzuia a phut te a chuang bawk tur a ni.

Specified Health Warning tar lo hremna:- Section-20 of COTPA, 2003

| | Siamchhuaktu (Producer or Manufacturer) | Zuar /Semdarhtu (Seller or Distributor) |
|---|--|--|
| 1st Conviction | Kum 2 thlang lungin tan emaw Rs. 5,000 thlang chawi emaw a pahnihin | Kum 1 thlang lungin tan emaw Rs. 1,000 thlang chawi emaw a pahnihin |
| 2nd or Subsequent Conviction | Kum 5 thlang lungin tan + Rs. 10,000 thlang chawi | Kum 2 thlang tan + Rs 3,000 thlang chawi |

*Issued in the interest of public by:-
National Tobacco Control Programme,
National Health Mission, Mizoram*

UNIT - 13

Enforcement Procedure for Section - 4, 5, 6 & 7 of COTPA, 2003

(Pages 176 - 178)

(As per 'Guidelines for Law Enforcers for Effective Implementation of Tobacco Control Laws 2013' - published by Ministry of Health & Family Welfare Department)

For Section 4 & 6 of COTPA, 2003

- a) **On the spot fine:** The person(s) authorized by the central or state government in this behalf, shall within his/her jurisdiction issue challans and recover on the spot fine (as the offence is compoundable). (Refer to section 21 and 24 of COTPA, 2003).

OR

Penalty before a Court: Issue challans with the direction that the offender pays the fine at the designated court or treasury on any given/fixed day(s) as may be decided by the State Government (when he fails to pay fine but furnishes his name and address).

- b) **Detention of violator:** in case a violator refuses to pay the fine and further fails to furnish his/her name and address, and otherwise fails to satisfy the authorized officer that he/she will duly answer any summons or other proceedings which may be taken against him/her, such person may be detained by the authorized officer (Refer to Section 25 of COTPA, 2003).
- c) The authorized person shall then hand over the detained person to the concerned police station and lodge a complaint under section 21 or 24 of COTPA, 2003.
- d) Any person detained shall forthwith be taken before the concerned Magistrate to be dealt with in accordance with law.
- e) **Place of trial:** Any person committing an offence under section 4 & 6 shall be tried for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he/she is liable to be tried under any law for the time being in force.
- f) An offence committed under section 4 & 6 of COTPA, 2003 may be compounded either before or after the institution of prosecution by the officers authorized by the Central Government or the State Government for an amount which may not exceed two hundred rupees (Refer to Section 28 of COTPA, 2003).
- g) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him/her in respect of such offence.

- h) **Summary Trial of offence:** All offences committed under section 4 & 6 of COTPA, 2003 shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

For Section 5 & 7 of COTPA, 2003

- a) The authorized officer suo-motu or on a complaint received of violation of section 5 or 7 of COTPA, 2003, shall proceed after forming a raiding team, for carrying out the search and seizure (**Refer to Section 12&13 of COTPA, 2003**).
- b) The raiding team shall include the Officer himself along with two independent witnesses and one police officer not below the rank of Sub – Inspector (optional).
- c) On the reason of suspect of contravention, the officer along with the raiding team or party shall enter and search the premises.
- d) Where the officer has reason to believe that the offence appears to have been committed, the officer shall seize the contravening products, (such as advertisement materials, tobacco products packages etc.,)
- e) The officer shall be required to give seizure memo / receipt to the owner / occupant / in-charge of the premises.
- f) A *Panchanama* shall be drawn in the presence of the two witnesses who shall narrate the place and the goods seized in their statements.
- g) The advertisement materials/package/goods seized shall be kept in sealed condition where the seal shall be affixed in the presence of the two witnesses and the owner / occupant/ in-charge of the premises.
- h) The advertisement materials/package/goods seized shall not be retained by the officer who seizes the package for a period exceeding ninety days from the date of the seizure, unless the approval of the District Judge or such other designated judge, within the local limits of whose jurisdiction such seizure was made, has been obtained for such retention (**Refer to Section 14 of COTPA, 2003**).
- i) The officer shall then proceed for confiscation of the seized material before the District Judge, of principal civil court of original jurisdiction within the local limits of whose jurisdiction the material was seized.
- j) In case of confiscation of packages for violation of Section 7 of COTPA, 2003, the Court adjudging the confiscation may, subject to such conditions as may be specified in the order give the owner thereof an option to pay, in lieu of confiscation, costs which shall be equal to the value of the goods confiscated. On payment of the costs ordered by the court, the seized packages shall be returned to the person from whom they were seized on condition that such person shall, before making any distribution, sale or supply of such packages of cigarettes or other tobacco products, or get the specified warning incorporated on each such package (**Refer to Section 15 of COTPA, 2003**).
- k) No order adjudging confiscation or direct payment of costs shall be made unless the owner or

Unit -13

person in possession of the package of cigarettes or any other tobacco products has been given a notice in writing within a period of ninety days from the date of the seizure of the package of cigarettes or any other tobacco products, informing him of the grounds on which it is proposed to confiscate such package, and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice, against the confiscation mentioned therein, and, if he so desires, of being heard personally or through a representative in the manner (**Refer to Section 18 of COTPA, 2003**).

[Note: Paragraphs - j) and k) are with reference to Section 7 of COTPA, 2003 only]

- l) Since the order of confiscation or payment of cost by the court of civil jurisdiction does not prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of COTPA or under any other law. The officer conducting the search and seizure will register a criminal complaint with the Police Station in whose jurisdiction the place / premises is situated. The officer shall be the complainant in the said complaint. Upon the criminal complaint being registered with the Police Station, the police officer shall then take appropriate action as per the provisions of the Criminal Procedure Code, 1973.
- m) The officer shall then file a complaint before the Metropolitan Magistrate, under Section 20 or 22 of COTPA, 2003.
- n) The officer shall bear in mind that the offence committed under Section 5 and 7 of COTPA, 2003 read with the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 and the Packaging and Labeling Rules, 2008 **IS NOT COMPOUNDABLE**.
- o) Authorized officers need to record and proceed against every instance of violations as second or subsequent offence has enhanced punishments under COTPA.

References

1. *Guidelines for Law Enforcers for effective implementation of Tobacco Control Laws - Published by Ministry of Health & Family Welfare, Govt. of India*
2. *The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and its relevant rules.*
3. *The Food Safety & Standards Act, 2006*
4. *The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011*
5. *The Legal Metrology Act, 2009*
6. *The Legal Metrology (Packaged Commodities) Rules, 2011*
7. *The Motor Vehicles Act, 1988*
8. *The Central Motor Vehicles Rules, 1989*
9. *The Mizoram Motor Vehicles Rules, 1995*
10. *The Juvenile Justice (Care and Protection of Children) Act, 2015*