



Govt. of West Bengal
Department of Health & Family Welfare
National Health Mission (NCD Cell)
Swasthya Bhawan Premises, Sector - V
Salt-Lake, Bidhannagar, Kolkata - 700091
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Memo no: HFW/NCD/NTCP/07/2026/NTCP-465

Date: 18.08.2026

Order

To

All Principals of MCHs/ Other teaching Institutions/Directors/CMOHs
Department of Health & Family Welfare
Government of West Bengal

Subject: Implementation of Tobacco-Free and Spitting-Free Health Institutions and Government Health Facilities

Sir/Madam,

This is to draw your attention to the order issued by the **Mission Director, NHM, West Bengal in 2017 vide Memo No: HFW/NCD/NTCP/139/2017 dated 05/07/2017**, whereby directions were issued to the Principals of Medical Colleges & Hospitals, Directors and Chief Medical Officers of Health for making health-care facilities and offices under the Department of Health & Family Welfare **tobacco-free**.

It has, however, been observed different hospitals and Medical Colleges that instances of **smoking, tobacco use and spitting** continue to occur within health institution premises. In view of the above, and with the objective of ensuring strict and uniform implementation of the existing legal provisions, the following directions are hereby issued for **immediate compliance**:

The applicable legal provisions and the corresponding penalties are set out below:

1. The West Bengal Prohibition of Smoking and Spitting and Protection of Health of Non-Smokers and Minors Act, 2001-

- Section 5: Prohibition of **smoking in places of public work or use**, including health institutions
- Section 6: Prohibition of **spitting in such places**.
- Section 11: Contravention of Sections 5, 6, may attract a fine up to **₹1,000 for the first offence**, while subsequent conviction may attract a fine ranging from ₹2,000 to ₹5,000.

2. The Cigarettes and Other Tobacco Products Act, 2003 (COTPA) and Rules made thereunder -

- Section 4: Prohibits **smoking in public places, including hospitals, health institutions, public offices and workplaces**. Violation is punishable with a fine up to **₹200**.

✓

- Section 6(a): Prohibits **sale of tobacco products to persons below 18 years** and **sale by persons below 18 years**.
- Section 6(b): Prohibits sale of tobacco products **within 100 yards of educational institutions**. Violation may attract **a fine up to ₹200 and confiscation of tobacco products**.

Directions

1. **All Government Health Institutions and health facilities** under the Department of Health & Family Welfare shall be maintained as **Tobacco-Free and Spitting-Free premises**, in accordance with the applicable provisions of the West Bengal Act, 2001 and COTPA, 2003.
2. A **Tobacco-Free and Spitting-Free Nodal Officer** shall be designated in every institution. The **name, designation and contact number** of the Nodal Officer shall be prominently displayed within the premises.
3. **Smoking, consumption of tobacco in any form and spitting** within the institutional premises shall be strictly prohibited. Regular inspection and enforcement shall be undertaken and **penalties/fines shall be imposed and collected under the applicable laws**.
4. Prominent **"Tobacco-Free / No Smoking / No Spitting" signage** shall be displayed throughout the premises, particularly at entrances, OPDs, corridors, toilets, lifts, canteens and **each corner and landing of staircases and other identified spitting hotspots**.
5. **Sale, storage or promotion of tobacco products within institutional premises shall be strictly prohibited**. Applicable provisions relating to prohibition of sale of tobacco products within **100 yards of educational institutions** shall also be enforced, wherever applicable.
6. Canteens, kiosks, vendors, contractors and other agencies operating within the premises shall be specifically instructed **not to sell, display or promote tobacco products**.
7. The **District Tobacco Control Cell/NTCP enforcement mechanism** shall undertake periodic enforcement drives and maintain records of violations, action taken and fines collected.
8. The Head of the Institution shall ensure **institution-level compliance and periodic review**, while the CMOH shall monitor implementation across the district.
9. Persons identified as tobacco users may be provided **tobacco cessation counselling and referral to Tobacco Cessation Centres (TCCs)**, wherever required.
10. **Institution-wise compliance shall be reviewed periodically**, and institutions repeatedly found non-compliant shall be placed under special monitoring and reported to the competent authority for appropriate action.

The above directions shall be implemented **with immediate effect**. The earlier **2017 order of the Mission Director, NHM, West Bengal dated 05/07/2017** shall **continue to remain applicable**, and the present order may be treated as a

reiteration and strengthening of the existing directions with specific action points for effective implementation.

All concerned shall ensure that these directions are **circulated to all Medical Colleges & Hospitals, District Hospitals, Sub-Divisional Hospitals, State General Hospitals, Rural Hospitals, Block-level health facilities and other Government health institutions and teaching institutions** under his/her jurisdiction for strict compliance.

A **consolidated compliance report** may be submitted to the State NCD Cell/NTCP. The detailed legal provisions, along with other relevant laws that may also be invoked or referred to, are set out in **Annexure 1**.

This may be treated as **MOST URGENT**.

Sanjay Kumar
18/08/26

**Director of Medical Education
Government of West Bengal**

Sanjay Kumar
18/08/26
**Director of Health Services
Government of West Bengal**

Memo no: HFW/NCD/NTCP/07/2026/NTCP-465

Date: 18.08.2026

Copy forwarded for kind information and necessary action

1. The Mission Director, NHM, Dept. of H& FW, Govt. of WB, Swasthya Bhawan
2. Director, Public Health, Dept. of H& FW, Govt. of WB, Swasthya Bhawan.
3. Additional Mission Director (NHM) Dept. of H& FW, Govt. of WB, Swasthya Bhawan
4. Special Secretary, Dept. of H& FW, Govt. of WB (PH), Swasthya Bhawan
5. P.O -I, NHM, Dept. of H& FW, Govt. of WB, Swasthya Bhawan.
6. PS to MIC, Dept. of H& FW, Govt. of WB, Swasthya Bhawan
7. Sr. PA to The Principal Secretary, Dept. of H& FW, Govt. of WB
8. DDHS NCD I & II, Dept. of H& FW, Govt. of WB, Swasthya Bhawan
9. ADHS, NCD -I& II, Dept. of H& FW, Govt. of WB, Swasthya Bhawan
10. Dy. CMOH-IV & DNO (NTCP) - All districts.
11. District Consultant - NCD-III - All districts.
12. State IT Cell for web posting
13. Office Copy.

Sanjay Kumar
18/08/26

**Joint Director, NCD
Government of West Bengal**

Annexure – 1

Background

The National Tobacco Control Programme (NTCP) was launched in West Bengal in 2007–08 in two pioneer districts on pilot basis and was subsequently expanded under the National Health Mission. At present, all 27 districts of the State are covered under NTCP.

The Programme undertakes awareness generation, capacity building, tobacco cessation, IEC activities and enforcement of tobacco-control laws, particularly the Cigarettes and Other Tobacco Products Act, 2003 (COTPA).

The State has an established legal framework for regulating tobacco use, smoking and spitting. In view of recent observations of smoking, tobacco use and spitting within hospital and Medical College premises, there is a need to strictly enforce the existing statutory provisions and strengthen the earlier departmental directions.

1. West Bengal Prohibition of Smoking and Spitting and Protection of Health of Non-Smokers and Minors Act, 2001

The Act specifically prohibits smoking/tobacco use and spitting in places of public work or use, including hospital buildings and health institutions, and provides protection to non-smokers and minors. The definition of smoking/chewing covers various forms of tobacco, including cigarettes, bidis, cigars, khaini, gul, gudakhu, zarda, gutkha, tobacco-containing supari, pan masala and similar products.

The relevant provisions are:

Section 5: Prohibition of smoking in places of public work or use, including health institutions.

Section 6: Prohibition of spitting in such places.

Section 7: Restriction on sale of tobacco products to persons below 18 years.

Section 9: Restrictions on storage, sale and distribution of specified tobacco products around educational institutions.

Section 10: Mandatory display of prominent “No Smoking/No Smoking Zone” boards indicating that smoking and spitting are offences.

Section 11: Contravention of Sections 5, 6, 9 or 10 may attract a fine up to ₹1,000 for the first offence, while subsequent conviction may attract a fine ranging from ₹2,000 to ₹5,000. Offences under Sections 7 and 8 also carry prescribed penalties.

Section 17: Provides for composition of specified offences by authorised officers/police officers of the prescribed rank, subject to the Act and relevant notification, with compounding amounts within the prescribed range.

The Act may therefore serve as the principal State-level legal basis for declaring and maintaining all Government Health Institutions as Tobacco-Free and Spitting-Free.

2. Cigarettes and Other Tobacco Products Act, 2003 (COTPA) under NTCP

The following provisions of COTPA are particularly relevant:

Section 4: Prohibits smoking in public places, including hospitals, health institutions, public offices and workplaces. Violation is punishable with a fine up to ₹200.

Section 5: Prohibits direct or indirect advertisement, promotion and sponsorship of tobacco products. Under Section 22, violation may attract imprisonment up to 2 years and/or fine up to ₹1,000 for the first offence, and imprisonment up to 5 years and/or fine up to ₹5,000 for subsequent offences.

Section 6(a): Prohibits sale of tobacco products to persons below 18 years and sale by persons below 18 years.

Section 6(b): Prohibits sale of tobacco products within 100 yards of educational institutions. Violation may attract a fine up to ₹200 and confiscation of tobacco products. Section 77 of the Juvenile Justice Act, 2015 separately provides punishment for giving tobacco products to a child below 18 years.

Section 7: Requires specified statutory and pictorial health warnings on tobacco product packaging. Violations attract prescribed penalties, including imprisonment and fines depending upon whether the offender is a manufacturer/producer/importer or seller/distributor.

For producers, manufacturers and importers, violation of packaging requirements may attract imprisonment up to 2 years or fine up to ₹5,000, or both, for the first offence, and imprisonment up to 5 years with fine up to ₹10,000 for subsequent offences. For sellers and distributors, the corresponding penalties are imprisonment up to 1 year or fine up to ₹1,000, or both, for the first offence, and imprisonment up to 2 years with fine up to ₹3,000 for subsequent offences.

3. Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 (BNS) may provide additional support, wherever legally applicable:

Section 270 – Public Nuisance: Covers acts or omissions causing common injury, danger or annoyance to the public.

Section 292 – Punishment for Public Nuisance: Provides for a fine up to ₹1,000, where the nuisance is not otherwise specifically punishable.

Section 280 – Making Atmosphere Noxious to Health: Punishable with a fine up to ₹1,000.

Section 223 – Disobedience of Order by Public Servant: May attract imprisonment up to 6 months or fine up to ₹2,500, or both; where disobedience causes or tends to cause danger to



human life, health or safety, punishment may extend to 1 year's imprisonment or fine up to ₹5,000, or both.

These provisions may be considered as additional enforcement measures wherever the statutory conditions are fulfilled, alongside the specific tobacco-control laws.

4. Food Safety and Standards Act, 2006

Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 prohibits the use of tobacco and nicotine as ingredients in food products. Accordingly, applicable action may be taken against manufacture, sale, storage or distribution of products containing tobacco/nicotine, including tobacco-containing gutkha, with penalties and other enforcement measures as prescribed under the Food Safety and Standards Act, 2006.

5. Existing Departmental Direction

An order was issued by the Mission Director, NHM, West Bengal in 2017 vide memo no: HFW/NCD/NTCP/139/2017 dated 05/07/2017 to the Principals of Medical Colleges & Hospitals, Directors and Chief Medical Officers of Health regarding making health-care facilities and offices under the Department of Health & Family Welfare tobacco-free.

In view of the recent observations and the need for effective enforcement, it is proposed that the said direction may be reiterated and strengthened through a uniform State-wide implementation mechanism.

6. Proposed Action

- All Health Institutions and Government health facilities under the Department may be directed to comply strictly with the West Bengal Act, 2001 and COTPA, 2003 and be maintained as Tobacco-Free and Spitting-Free Institutions.
- A Nodal Officer may be designated in every institution, with the name, designation and contact number prominently displayed.
- Regular enforcement drives and fine collection may be undertaken under the applicable provisions of the West Bengal Act, COTPA and other relevant laws.
- Mandatory No Smoking/No Spitting/Tobacco-Free signage may be displayed at entrances, OPDs, corridors, toilets, lifts, each corner and landing of staircases, and all identified spitting hotspots.
- Sale of tobacco products within institutional premises may be strictly prohibited and applicable provisions regarding sale within 100 yards of educational institutions may be enforced around Medical Colleges and other covered institutions.
- Tobacco-free compliance may be incorporated into routine hospital inspections and monitoring, with repeated non-compliant institutions placed under special monitoring.
- Identified tobacco users may simultaneously be linked with Tobacco Cessation Centres for counselling and cessation support.

In view of the above, the existing legal provisions provide adequate statutory support for implementation of a strict and uniform Tobacco-Free and Spitting-Free policy across all Health Institutions and Government health facilities. A coordinated mechanism combining

legal enforcement, institutional accountability, monitoring and cessation support may therefore be introduced across the State.

Indrajit Saha
18/12/26

Director of Medical Education
Government of West Bengal

Sanjay Saha
18/12/26

Director of Health Services
Government of West Bengal

Specification of the board:

1. The board shall be of a minimum size of 60 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 or a person spitting and crossed by a red band.
3. The width of the red band across the cigarette or a person spitting shall equal the width of the red perimeter.
4. The board shall contain the warning ' No smoking and No spitting Area – Smoking and spitting here is an offence', in English or in one Indian language, as applicable



**NO SMOKING AND
NO SPITTING AREA**

SMOKING AND SPITTING HERE IS AN OFFENCE



The violators may be fined Rs. 200/- to Rs. 5,000/-.

If someone smokes or spits here, please report to following authority.



Name:



Designation:



Phone Number: