

# **Tobacco Control Program**

## **TOBACCO CONTROL ACT, 2003**

Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, 2003

### **SCOPE OF THE ACT**

- The Act is applicable to all products containing tobacco in any form i.e. Cigarettes, Cigars, Cheroots, Bidis, Gutka, Pan masala (containing tobacco) Khaini, Mawa, Mishri, Snuff etc. as detailed in the schedule to the Act.
- The Act extends to whole of India.

### **MAIN PROVISIONS OF THE ACT**

- Prohibition of smoking in public places has been implemented from 2, Oct, 2008.in the whole of India.
- Prohibition of advertisement, sponsorship and promotion of tobacco products.(TAPS)
- Prohibition of sale & use of tobacco products with in the radius of 100 yards of educational institutions
- Regulation of health warning in tobacco products packs.
- Regulation of tar and nicotine contents of tobacco products.

### **PROHIBITION ON SMOKING IN PUBLIC PLACES (SECTION 4)**

- Smoking is prohibited in public places
- A “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 and the like which are visited by general public but does not include any open space.
- However, the prohibition shall also apply to certain open spaces visited by the public e.g. open auditoriums, stadiums, railway stations, bus stop and such other places.
- An offence punishable with fine up to Rs. 200 and is compoundable.

### **PROHIBITION OF ADVERTISEMENT OF ALL TOBACCO PRODUCTS (SECTION 5)**

- An advertisement includes any visible representation by way of notice, circular, label, wrapper or any other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas.
- All forms of audio, visual and print media are therefore included.
- Both direct & indirect advertisements are prohibited.

- Total ban on sponsoring of any sport/cultural events by cigarette and other tobacco product companies.
- No trade mark or brand name of cigarettes or any tobacco product can be promoted in exchange for sponsorship, gift, prize or scholarship.
- No person can under contract or otherwise promote or agree to promote any tobacco product.
- In case of any infringement of the law, the following persons will be held liable –
  - a) Person engaged in production, supply, distribution of tobacco products.
  - b) Person having control over a medium.
  - c) Person taking part in any advertisement, which directly or indirectly suggests or promote the use or consumption of tobacco products.
- Offence punishable with maximum of 2 years of imprisonment or/and with fine up to Rs. 1000. In subsequent offence, imprisonment up to 5 years and with fine up to Rs. 5000.

#### **PROHIBITION ON SALE TO MINORS {SECTION 6(a)}**

- Sale of tobacco products to person under the age of 18 years is prohibited.
- The seller should ensure that the person who is buying the tobacco product is not a minor.
- Offence punishable with fine up to Rs. 200 and is compoundable.

#### **PROHIBITION ON SALE OF TOBACCO PRODUCTS NEAR EDUCATIONAL INSTITUTIONS {Section 6(b)}**

- “Educational Institution” means places/centers where educational instructions are imparted according to the specific norms and include school, colleges and institutions of higher learning establishment or recognized by an appropriate authority.
- In order to restrict access of youth for tobacco products, the sale of the same is prohibited in an area within radius of 100 yards of any educational institution.
- Distance of one hundred yards shall be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

#### **DISPLAY OF BOARDS(SIGNAGES) IN PUBLIC PLACE**

- Board to be displayed prominently at least one at the entrance and one at a conspicuous place inside public place.
- Minimum size of the board should be 60 cms by 30 cms.
- It should contain the warnings namely, “No Smoking Area-Smoking here is an Offence” in the Indian language(s) as applicable.

#### **CREATION OF SMOKING AREAS**

- Smoking areas may be created in hotels having 30 rooms, restaurants having seating capacity of 30 persons and in airports.
- Smoking Area and Non-smoking area are to be physically segregated.

- The smoking area shall be located in such a manner that the public is not required to pass through it in order to reach the non-smoking area.
- Each area should contain board indicating thereon “Smoking Area-Non Smoking Area”.

#### **BOARD AT POINT OF SALE OF TOBACCO PRODUCTS**

- Size of board used for advertisement for tobacco products displayed on the entrance or inside warehouse or a shop where tobacco products are sold shall not exceed 90 cms by 60 cms and number of such boards will not exceed two.
- Each such board shall contain warning “Tobacco causes cancer” or “Tobacco kills” occupying 25% of top area of board.
- The board shall contain only brand name or picture of tobacco products and no other promotional message and picture.

#### **BOARD INDICATING NO SALE TO MINORS**

- A board is to be displayed at point of sale of tobacco products with a minimum size of 60 cms by 30 cms at conspicuous place(s) containing the warning “Sale of tobacco products to a person under the age of eighteen years is a punishable offence” in Indian language(s) as applicable.

#### **BOARD AT EDUCATIONAL INSTITUTIONS**

Board indicating no sale around educational institutions:-

- A board is to be displayed 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 with the fine which may extend to two hundred rupees.

## **Achievement of Punjab Government**

**The Punjab State is implementing the “Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, 2003” and Rules in letter and spirit. The following steps have been taken so far: -**

- i) Tobacco Control Cell has been set up in the office of Director Health Services, Punjab
- ii) **GOI** Letter date 10.3.04 sent to all Chief Secretaries to implement the provision of the Act by:-
  - Removal of tobacco hoarding.
  - Giving wide publicity in print and electronic media.
  - Issuing necessary notifications under the Act.
  - Setting up of Tobacco Control cell.

- iii) Government of Punjab, Department of Health & Family Welfare, Notification No. 21/51/95-5HBV/ 1022 dated 24<sup>th</sup> May 2010 and 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 (Central Act 34 of 2003) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to authorize the persons mentioned below as competent persons to Act against any person who commits any offence under Section 4 or Section 6 of the said Act , at any Public Place :-

<b>S.No</b>	<b>Persons Authorized as Competent Persons in the State of Punjab</b>
1	All Heads of the Departments.
2	All the Executive Magistrates.
3	All the Assistant Labour Commissioners.
4	All Gazetted officers of State & Central Govt. or equivalent rank and above in Autonomous Organization/ PSU.
5	All the Commissioners, Executive officers of Municipal Corporation and Municipal Councils of the Local Government.
6	All the Principals, Headmasters, Headmistress and other Heads of Educational Institutions in the State
7	Additional Director, Joint Director, Deputy Director of All Health Services/ Family Welfare/ ESI/ Research & Medical Education/ Homeopathic and Ayurvedic.
8	Inspector of Central Excise, Income-Tax, Customs, Sale-Tax, Transport and above
9	Station Masters, Asstt. Station Masters, Station Head, Station In-charge.
10	Post Masters & Above
11	Airport Managers, Officers of Airport Authority of India & Officers of All Schedule Airlines.
12	Director, Medical Superintendents, Senior Medical Officers & Medical officers (In-charge of Health institutions)
13	Nodal Officer & Co-ordinator, State Tobacco Control Cell/ Programme.
14	Assistant Civil Surgeons, Asstt. Drug Controller (Licensing Authority), District Health officers, Drug inspectors & Food inspectors.
15	Superintendent of Police or his representative not below the rank of Sub- Inspector

- iv) All the Deputy Commissioners and Civil Surgeons in the State have been asked to ensure that all shops selling cigarettes and other tobacco products in the radius of 100 yards of the Educational Institutions are removed. The Secretary Education, higher Education, Technical Education, Medical Education and Vice Chancellors of all the universities in the State have been sent copies of the notification of the aforesaid Act and the Rules with the request to implement the same in and around all the Educational Institutions.

- v) The Video CDs especially designed by the WHO on the harmful effects of smoking and chewing tobacco have been sent to all the District Educational officers, Deputy Commissioners, and Civil Surgeons with the special request to replicate and distribute the same to the Heads of the Educational institutions, so that it can be shown to the students and general public to sensitize them against smoking and use of chewing tobacco..
- vi) The matter has already been taken up with the Secretary Sports and Youth affairs and the Principal Secretary Cultural Affairs to ensure that no sponsorship of sports or cultural events is taken from Cigarette/Tobacco Companies where they advertise tobacco or tobacco products.
- vii) The Deputy Commissioners & Civil Surgeons have been requested to put up "No Smoking signages" at the public places to make people aware that smoking is prohibited in these areas. They have also been requested to put up the boards regarding "Sale of tobacco products to a person under the age of eighteen years is a punishable offence" on the shops/places where tobacco products are being sold and also to remove all tobacco advertisement hoardings in the district.
- viii) The Department is also making general public aware about harmful effects of smoking through print and electronic media.
- ix) The Tobacco Act and other Rules have been posted on official Web Site of the State Government. <http://punjabgovt.nic.in/reports> to give wide publicity of the Act & Rules to the general public.
- x) As per Govt. of Punjab, Department of Health & Family Welfare, Punjab Notification no. 21/51/2008-5 Hb5/ 1757 dated 25/8/2010 all the Head of Department, Division Commissioner, Register Punjab & all the Deputy Commissioner, District Sessions Judge All the Civil Surgeons & Principal, Medical & Dental Colleges, Patiala, Amritsar & Faridkot to ensure that the No Smoking boards 60 x 30 cm showing "No Smoking areas/Smoking here is an offence" are displayed at all the Public Places/ State Govt. Offices and Nigams /Boards under various Govt. departments.
- xi) Every year 31<sup>st</sup> May is celebrated in the State of Punjab as "World No Tobacco Day".

**Till October, 2012, about 13700 violaters have been Challaned under COTPA 2003 & A total fine/compounding fee of ₹ 10,44,000 has been realized.**

- Xiii) Government of Punjab Department of Health & Family Welfare, vide Notification No. 21/51/95-5HBV/ 2666 dated 29<sup>th</sup> Sep, 2011. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and

Distribution) Act, 2003 (Central Act 34 of 2003) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to authorize the persons mentioned below as competent persons under District Task Force to Act against any person who commits any offence under Tobacco Control Act & its provisions at any Public Place:-

**Officials**

- Deputy Commissioner or his representative.
- SSP or his representative not below the rank of DSP.
- Civil Surgeon or District level Nodal Officer, Tobacco Control Program.
- Drug Inspector
- Food Inspector
- District Attorney

**Non-Officials**

- One Local NGO or Social Activist /Religious Leader.

- xiv) **Districts Ajitgarh (SAS Nagar), Mansa, Amritsar and Rupnagar have been declared as 'Smoke Free' on the basis of compliance study report by PGIMER Chandigarh.**
- xv) **Letters have been written to DGP, PS Local Bodies, PS Transport, DGSE, Divisional Manager Railways, Ambala/Ferozepur to get COTPA 2003 implemented in letter and spirit.**

**Targets/ Goals**

- To declare entire state of Punjab as 'Smoke Free' in a phased manner.
- To get COTPA 2003 implemented in letter and spirit

**FOOD SAFETY AND STANDARD ACT OF INDIA (FSSAI)**

**The manufacture, the storage, the sale or the distribution of "Gutkha" and "Pan Masala" and any other food products containing Tobacco or Nicotine as ingredients by whatsoever name available in the market, has been prohibited under FSSAI for one year from the date of notification(5/9/12) in the State of Punjab, in the interest of public health.**

## **RECENT ACHIEVEMENTS UNDER TOBACCO CONTROL PROGRAMME PUNJAB**

- i) Districts Ajitgarh (SAS Nagar), Mansa, Amritsar and Rupnagar have been declared as 'Smoke Free' on the basis of compliance study report by PGIMER Chandigarh.
- ii) The manufacture, the storage, the sale or the distribution of "Gutkha" and "Pan Masala" and any other food products containing Tobacco or Nicotine as ingredients by whatsoever name available in the market, has been prohibited for one year from the date of notification in the State of Punjab, in the interest of public health.