

National Tobacco Control Programme

The GOI has launched the new National Tobacco Control Programme (NTCP) to implement the Anti- Tobacco laws and to sensitize all stakeholders. To implement NTCP, a State Tobacco Control Cell at the Directorate of Health and Family Welfare Punjab, Chandigarh and District Tobacco Control Units in the State of Punjab are to be set up at District Head Quarters. State Committee for the Tobacco Control is to be set up in consultation with the concerned officials. This committee will have members from official and Non-official departments. The official departments will be the departments of Health, Finance, Labor, Commerce, Home affairs, Information & Broadcasting, Public relations, Education, Police Department, Law & Agriculture. The Non-official members will be the members of the Civil Society like Social Activists, NGO's, students & Youth readers.

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. Implement from 2, Oct, 2008.in the hole of India.
- Prohibition of advertisement, sponsorship and promotion of tobacco products.
- Prohibition of sale of tobacco products near 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 radically starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

DISPLAY OF BOARD 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 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.

B. 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.

MAIN IMPLEMENTING AGENCY

- **State Governments**

Letter date 10.3 04 sent to all Chief Secretaries to implement the provision of the Act by:-

- a) Removal of tobacco hoarding by 30.4.04.
- b) Giving wide publicity in print and electronic media.
- c) Issuing necessary notifications under the Act.
- d) Setting up of an anti-tobacco cell.

The Punjab State is implementing the above said Act and Rules in letter and spirit. The following steps have been taken so far: -

- i) The State Government has notified 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) in the State Gazette on June 25, 2004.
- ii) Tobacco Control Cell has been set up in the office of Director Health Services, Punjab.

- iii) The Punjab Government has notified the following persons as authorized persons to take cognizance under the Act.
- ⇒ Drug Inspector Department of Health & Family Welfare at District Level
 - ⇒ Superintendent of police or his representative not below the rank of Sub-Inspector at the District Level.
 - ⇒ Civil Surgeons of each District & Medical Superintendent of Medical Colleges and Hospitals of Patiala, Amritsar & Faridkot.
 - ⇒ All Senior Medical Officers of the Civil Hospitals & Primary Health Centers in State of Punjab.
 - ⇒ All the Medical Officers in Charge of all dispensaries in State of Punjab.
 - ⇒ All Food Inspectors of the Department of Health & Family Welfare in the State of Punjab.
 - ⇒ All the Executive Magistrates in the State of Punjab.
 - ⇒ All the Heads of the Departments in the State of Punjab.
 - ⇒ All the Principals, Headmasters, Headmistress and other Heads of Education Institutions in the State of Punjab.
 - ⇒ All the Assistant Labour Commissioners in the State of Punjab.
 - ⇒ All the Commissioners, Executive Officers of Municipal Corporation and Executive Officers of Municipal Councils of the Local Governments in the State of Punjab.
- 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. They have also been asked to notify suitable officers under the Act to take cognizance of violation if any.

- v) The Video CDs especially designed by the WHO on the harmful effects of smoking and chewing tobacco have been sent to all the Educational Secretaries, 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.
- 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 Civil Surgeons had ensured that "No Smoking Boards" are put up at the public places to make the people aware that smoking is prohibited in these areas. They have ensured that Tobacco and Cigarette Vendors put up "No Sale to Minors" Boards on their vendors at prominent place. They have removed all Tobacco advertisement hoardings in the state

- viii) The Department is also putting Advertisements in print and electronic media to highlight harmful effects of smoking to the general public.
- 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) Every year 31st May is celebrated in the State of Punjab as "World No Tobacco Day"
- xi) District Level activities related with the implementation of the Act are reviewed in the Civil Surgeon Conference at the State Headquarters.
Till date no budget is allocated for TFI (Tobacco Free Initiative)

Activities under the National Tobacco Control Programme are as follows:-

- ⇒ **To arrange Exhibitions, Seminars, Banners at District level.**
- ⇒ **To implement the anti- tobacco act in letter and spirit.**
- ⇒ **To send the Monthly reports regarding the Anti-tobacco activities in the District level to the State Headquarters.**
- ⇒ **To promote IEC activities at the District level.**
- ⇒ **Multi-sectoral involvement for the implementation of the Act with the help of NGOs, Police department, Education Department and the Local administration.**