Guidelines
for implementation of Smoke Free Rules (Section 4) and
Tobacco Free Educational Institutions (Sections 6) of COTPA 2003

A Ready Reckoner for District and Sub-district Law Implementor

Tobacco Control Cell,
Department of Health & Family Welfare,
Punjab
Tobacco is possibly one of the greatest causes of preventable and premature deaths in human history. It is the single most important risk factor for major non-communicable diseases. Worldwide around 1.1 billion people smoke tobacco. This is expected to increase to 1.6 billion by the year 2025. In the high-income countries, smoking has been in overall decline for decades, although it continues to rise in some groups. In low- and middle-income countries, by contrast, cigarette consumption has been increasing. In India, it is estimated that ten lakh fatalities occur every year due to tobacco smoking. Smoking also affects the health of non-smokers. Babies born to smoking mothers have lower birth weights and are more likely to die of sudden infant death syndrome than babies born to non-smokers. Adult non-smokers face small but increased risks of fatal and disabling disease from second hand smoke.

The Government of India enacted the Cigarette and Other Product Tobacco Act (COTPA) in the year 2003 with the objective of protecting the health of the people by decreasing the epidemic of smoking tobacco. This act has been in existence for nearly a decade now. It is therefore a good time to assess its implementation status across various parts of our country. It is heartening that surveys done in a number of cities across India including Chandigarh have reported good compliance with the act.

The Government of Punjab has declared four of its Districts, namely Ajitgarh (Mohali), Mansa, Amritsar and Rupnagar as Tobacco “Smoke Free”, on the basis of compliance monitoring survey conducted by School of Public Health, PGI(MER) Chandigarh, in these four Districts. I am happy to know that Guidelines have been Developed by Tobacco control cell, Department of Health & Family Welfare Punjab which will serve as a Ready Reckoner for District Level Law Implementers.

I trust that all of us will continue making efforts in future for implementing COTPA effectively in Punjab.

Ms Vini Mahajan, IAS,
Principal Secretary, Government of Punjab
Department of Health & Family Welfare
The Indian government enacted 'The Cigarettes and Other Tobacco Products Act (COTPA) in 2003, which prohibits smoking in public places. The Government of Punjab declared Districts Ajitgarh (Mohali), Mansa, Amritsar and Rupnagar as tobacco ‘smoke free’ on the basis of compliance monitoring survey done by School of Public Health, PGIMER, Chandigarh. The results of this survey are encouraging. I hope that the results will be replicated in other districts of Punjab to make all public places Tobacco “smoke free”. Information, education and communication activities are being intensively carried out in the districts and violators of the act are being challaned. Also, capacity building of officials of various departments is being carried out and active monitoring of the activities is done by the health department in coordination with other departments.

An important first step in curbing the menace of tobacco smoking in public places is effective implementation of smoke free laws in our society. Since the implementation of this law is the responsibility of several departments in the state, there is a huge capacity building needs in the state about the law among the law enforcers. I am happy to know that Tobacco control cell, Department of Health & Family Welfare Punjab in collaboration with The International Union Against Tuberculosis and Lung Diseases (The Union), New Delhi developed the present document which will serve as a ready reckoner for district level law implementers in Punjab.

I am sure that all law enforcers under COTPA will find this small book an important guiding principal to ensure effective regulations of smoking in public places. Effective implementation of smoke free policy will create the ‘smoke-free’ society and finally enhance the health of the people in the state.

Dr. Ashok Nayyar
Director Health and FW,
Punjab
PREFACE

“Tobacco is not for the body, not for belly, and is not good for man, but is a herb for bruises and all sick cattle, to be used with judgment and skill” (The Bible)

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) is a comprehensive law governing tobacco control in India. As smoking is being banned in public places, people are now beginning to expect freedom from the toxic tobacco fumes.

In the last couple of years, some momentous steps have been taken by Punjab state government to break new grounds in controlling the tobacco menace. Districts Ajitgarh (Mohali), Mansa, Amritsar and Rupnagar have been declared as Tobacco ‘smoke free’ on the basis of compliance monitoring survey done by School of Public Health, PGIMER, Chandigarh.

I thank Hon’ble Health Minister, Sh. Madan Mohan Mittal, PSHFW, Ms. Vini Mahajan and DHS Dr. Ashok Nayyar for their encouragement and continuous support.

I congratulate all the dedicated officers of various departments of the districts and dedicated team of our State Tobacco Control Cell especially Dr. Deepinder Singh and Mr. Jasbir Singh who worked passionately in this endeavour.

Guidelines have been Developed by Tobacco control cell, Department of Health & Family Welfare Punjab in collaboration with the International Union Against Tuberculosis and Lung Disease (The Union), New Delhi, for Implementing Smoke Free Rules (section 4) and Tobacco Free Educational Institutions (section 6) of COTPA 2003. This will serve as a Ready Reckoner for District Level Law Implementers. I hope that all of us will sustain our efforts in making Punjab a Tobacco ‘Smoke free State’.

Dr. Rakesh Gupta
State Programme Officer
Tobacco Control Cell Punjab
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>COTPA</td>
<td>Cigarette and Other Tobacco Products Act</td>
</tr>
<tr>
<td>CBSE</td>
<td>Central Board of Secondary Education</td>
</tr>
<tr>
<td>CrPC</td>
<td>Criminal Procedure Code</td>
</tr>
<tr>
<td>DSR</td>
<td>Designated Smoking Room</td>
</tr>
<tr>
<td>DSA</td>
<td>Designated Smoking Area</td>
</tr>
<tr>
<td>DTCC</td>
<td>District Tobacco Control Cell</td>
</tr>
<tr>
<td>F FAQs</td>
<td>Frequently Asked Questions</td>
</tr>
<tr>
<td>GATS</td>
<td>Global Adult Tobacco Survey</td>
</tr>
<tr>
<td>GoI</td>
<td>Government of India</td>
</tr>
<tr>
<td>IPC</td>
<td>Indian Penal Code</td>
</tr>
<tr>
<td>NTCP</td>
<td>National Tobacco Control Program</td>
</tr>
<tr>
<td>PFM</td>
<td>Parents Facilitator Meeting</td>
</tr>
<tr>
<td>PTA</td>
<td>Parents Teachers Association</td>
</tr>
<tr>
<td>SHS</td>
<td>Second Hand Smoke</td>
</tr>
<tr>
<td>STCC</td>
<td>State Tobacco Control Cell</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
</tbody>
</table>
Section 4: Prohibition of Smoking in Public Places Rationale

1. Rationale
2. Key Terms and Definitions
3. Provisions of The Law
4. Commonly observed Violations Under Section 4
5. Key Stakeholders for Smoke Free Implementation
6. Developing a Road Map for Enforcement At District Level
7. Training Needs for Enforcers And Stakeholders
8. Enforcement Mechanism and Strategies
9. Monitoring Progress for Section 4 Enforcement
10. Experiences and Strategies Adopted by States

Section 6: Protecting minors from tobacco use and its influence

1. Rationale
2. Key Terms and Definitions
3. Provisions of the Law
   3.1 Section 6 (A): Prohibition on Sale of Tobacco Products to and by the Minor
   3.2 Section 6 (B) Prohibition on Sale of Cigarette and Other Tobacco Products around Educational Institutions
   3.3 Penalty Provision
4. Key Stakeholders For Section 6 Implementation
5. Developing a Road Map for Enforcement at District and State Level
6. Training Needs for Enforcers and Stakeholders
7. Monitoring Progress for Section 6 (a) and 6 (b) implementation
8. Experiences and Strategies adopted by States

Annexures
- Annexure 1: The Format of a Challan
- Annexure 2: The Format of a Receipt
- Annexure 3: Guidelines for Designated Smoking Area/Room Under Section 4
- Annexure 4: FAQs on Section 4 Implementation
- Annexure 5: Authorized/competent Persons for Section 4 & 6 implementation
- Annexure 6: Budget Head for depositing fine
- Annexure 7: Constitution of District Task Force
- Annexure 8 A: Constitution of State & District Tobacco Control Committee
- Annexure 8 B: Constitution of State & District Level Monitoring Committee
- Annexure 9: Other Acts & Rules That Support Implementation of Smoke Free Rules
- Annexure 10: Reporting Format for COTPA Violations
- Annexure 11: Other Acts, Rules and Guidelines that Support Implementation of Section 6 Rules
- Annexure 12: Resources for Section 4 Implementation
- Annexure 13: Resources for Implementation of Section 6

References
Section 4: Prohibition of Smoking in Public Places

1: Rationale:
Tobacco smoking causes a wide-range of diseases and adverse health impacts that affect nearly every organ of the body. The smoke from a smokers’ Beedi, Cigarette and other smoking forms called Second Hand Smoke (SHS) also causes serious health problems to those exposed to it. SHS has more than 7000 different chemicals, 69 of which are known to be associated with causing Cancer. Exposure to second-hand smoke causes an estimated 5% of the global burden of disease, slightly higher than the burden from direct use of tobacco (4%), but this is largely concentrated in a few countries. According to GATS, there are 111.2 million current smokers in India who expose 52% adults at home, 30% adults in indoor workplaces and 29% adults in any of the public places to the harmful effects of SHS. According to GATS there are 11.7% tobacco users in Punjab, 6.9% smoke tobacco and 6.5% use smokeless tobacco. There is no safe level to exposure to SHS. Only 100% smoke free environment can give complete protection. The exposure to second-hand smoke (SHS) is known to cause serious health problems among adults and children. The associated effects of SHS exposure include heart diseases, lung cancer, severe asthma attacks, sudden infant death syndrome, and many others. The common problems faced by the women who are exposed to SHS include reduced fertility, low birth weight babies, stillbirths and cervical cancer among others. Globally, about one third of adults are regularly exposed to SHS. Worldwide exposure to SHS causes nearly 603,000 premature deaths of non-smokers.

In India, smoking tobacco accounts for nearly one million premature adult deaths every year which is about 10% of all deaths at all ages. There are many reasons to ban smoking through smoke-free interventions. First, the ban on smoking in public places is a provision under current law, and is widely supported by the public and local implementers. Second, smoke free public places reduce exposure to SHS and help to “denormalise” (reduce social acceptance) of smoking in public places. Third, smoke free laws deter initiation, reduce consumption and promote quitting among existing users.

Section 4 of COTPA and subsequent rules notified (The Prohibition of Smoking in Public Places Rules, 2008) prohibits smoking in public places with the aim to protect people from SHS exposure.

2: Key Terms and Definitions
Second Hand Smoke (SHS): It is a mixture of smoke exhaled by a smoker and smoke emanating from the burning end of a Cigarette/Beedi/Cigar (side line smoke)

Exposure: Subjecting a Non-Smoker to SHS.

Public place: Any place to which the public have access, whether as of right or not, and includes Auditorium, Hospital Buildings, Railways 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. Open spaces under the Act shall not include any place visited by the public such as open Auditoriums, Stadiums, Railway Stations, Bus Stops/Stand and such other places. Public places shall also include Workplaces, Shopping Malls and Cinema Halls.
Violation: Any act of breach and deviation from the provisions of Section 4 to protect the people from Second Hand smoke constitutes violation.

Challan: It is an official procedure to take action against any person who violates the law by smoking in a Public Place. The Challan is made on a prescribed format. (Annexure 1)

Fine: It is a penalty for violating provision of COTPA.

Offence: any act of violation made punishable under COTPA, 2003

3: Provisions of the law: Section 4 of COTPA mandates that every Owner, Manager or In-Charge of a Public Place must ensure the following:

- Display the “No Smoking” signage prominently at the entrance, and additionally displaying at every entrance, every floor in addition to other conspicuous places within the public place.
- The signage must be in English or one Indian language as applicable (locally prevalent language).
- Displays the name of the person at prominent place to whom a complaint may be made. The specifications of signage is annexed.
- Smoking area is permissible only in restaurants with seating capacity of 30 or more; hotels with 30 or more rooms and airports. Such an area is to be used only for the purposes of smoking and no service(s) are allowed therein. In hotels, the rooms need to be designated as per the rules and monitored by relevant implementors. (More details in Annexure 3)
- Ensure that no smoking aids like ashtrays, matchboxes or lighters are present in public place. Whosoever contravenes the provisions of Section 4 shall be punishable with fine which may extend upto Rs. 200/-
- If the Manager, Owner or In-Charge of a public place fails to act on report of violation, s/he would be liable to pay a fine equivalent to the number of individual offences. (additionally see Annexure 4 for FAQs on Section 4 implementation)

Commonly observed violations under Section 4

4: Key stakeholders for Smoke Free implementation

All authorized enforcers have been notified. In addition, state government can notify more enforcing officers. Other key stakeholders must be made aware of Smoke Free Rules.
Some of these are:

1. Government: Head of all Departments at State level, urban and local bodies including Panchyati Raj Institutions, and all those In-charge of Public Places with access to public gathering such Bus Stands, Railway Station, Markets, Parks, Religious Places, Monument, and such places.

2. Private Stakeholders: Different Associations (Hotel, Bar, Restaurants, Eateries, Clubs, Taxi and Bus Owners, Transporters, Shops & Markets) Managers of Malls and Multiplexes, Religious Institutions, all Private and Public Offices of including Private Practices (like Clinics, Lawyer’s chambers etc.) and Professional Bodies Association (Bar, Medical, Press etc.)
5: Developing a Road Map for Enforcement at District Level

1. Communicate to all concerned Departments about the Authorized Persons and notify Additional Authorized Persons based on the State’s need (Annexure 5).
2. Identify or create a Budget Head for depositing Challan and fines collected (Annexure 6).
3. Print Challan and Receipt Books (Annexure 1 & 2). This can be done through State only.
4. Capacity building of enforcers through trainings and role play exercises.
5. Public Education about the law is essential. Public notices by Local Administration expressing their intent to go Smoke-Free and for implementing Smoke Free rules must be initiated.
6. Formation of Task Force/ Enforcement Squad, if needed (Annexure 7).
7. Conduct Compliance Studies and Opinion Polls
8. Seek appropriate Media support before, during and after enforcement.
9. Continuous appraisal of all Stakeholders, District Tobacco Control Committee, State Tobacco Control Committee (Annexure 8 A), State Level and District Level Monitoring Committees (Annexure 8B) and State Tobacco Control Cell on the progress and issues.
10. Maintain and Document all records on a regular basis (Monthly, Annually)
11. Conduct baseline and end line Compliance Survey using our standard tool.

6: Training needs for Enforcers and Stakeholders

Series of workshops can be planned at State, Zonal and District level to empower the enforcers with in-depth understanding of various provisions of the law, its enforcement process and ill effects of tobacco on human health. Informal sensitization meetings or workshops can be arranged for the different stakeholders regarding the importance of Smoke Free Environment and legal obligations.

7: Enforcement Mechanism and Strategies

- Every Authorized Person is a Public Servant under the Act and Rules (as per Section 25).
- According to Section 29, COTPA offers protection to all those Authorized.
- The offence is compoundable and bail able.
- The Authorized Person shall possess a challan book and a receipt book.
- The Authorized Person has the power to levy or impose a fine and compound the offence. They also have the power to fine the In-charge of any Public Place for any violation made by them.
- Authorized Person has power to detain the violator under Section 25 of the Act, in case the Authorized Person is satisfied with the identity of a violator, the proceeding/challan shall be taken to the Court under CrPC 1973.
- In case the offender does not agree for compounding by paying the fine at the spot, the challan shall be produced in the Court. In case the person does not disclose his/her identity, and then the detained person will be produced before a Magistrate or in the nearest Court of law.
- Several other legislations support Smoke Free efforts and the individual’s right to Smoke Free Environments (Annexure 9).

8: Monitoring progress for Section 4 enforcement (Annexure 10)

- Compile Monthly reports from each public place (where challan book has been provided).
9: Experiences and Strategies adopted by States

- State Governments and Local Administration can constitute Task Force/Enforcement Squads comprising of 4-5 members of different Departments like Police, Health, Food and Drug etc. They can be notified at State & District Level which will make surprise checks for controlling the violations. (Annexure 7).

- State can establish a mechanism for issue of challan or compounding of offence, a Budget Head(s) for depositing fines/compounding fee collected and reporting mechanism. (Annexure 6).

- State can permit Authorized Officers to issue challan 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. The State Government can also go for the combination of both options as per the convenience and feasibility.

- State can print the Challan Books and Receipt Books at State or District Level. In Punjab the State has also empowered all Authorized persons to deposit fine/compounding fee in savings bank a/c of State Tobacco Control Cell, which is being utilized for tobacco control activities as per guidelines. An annual audit is done for all collections and a comprehensive reporting mechanism monitors all collections made at the District and State Level.

Any violation of Smoke Free Rules can be reported at National Toll Free Help line No. 1800-110-456 (24×7) which is now operational throughout the country.
Section 6: Protecting Minors from Tobacco use and its Influence

1: Rationale:
Tobacco dependence is a “Pediatric Disease,” because most people begin tobacco consumption as adolescents and are likely to become dependent on nicotine. More than 39% of smokers and 40% of smokeless tobacco users initiated tobacco use before the age of 17 years when they were far too young to understand the risks of tobacco use like addiction or to resist social expectations. In spite of the fact, Everyday more than 5,500 children start tobacco use in India.

Section 6 of COTPA 2003 provides a clear need to protect the children and youths from tobacco use by restricting easy access of tobacco products to the minors.

2: Key terms and Definitions
Minor: A person below the age of 18 years
Educational Institution: It means any Place or Center including any School/College and Institution of Higher Learning Established or Recognized by an Appropriate Authority where education instructions are imparted according to the specific norms
Indian language: Languages listed in Eighth schedule of the Constitution of India

3: Provisions of the law:
Section 6 of the COTPA is aimed to restrict the access of a minor to tobacco products. The notified provisions related to the Section 6 are as follows:

3.1 Section 6 (a): Prohibition on sale of tobacco products to and by persons below the age of 18 years.
The Owner / Manager / In-charge of affairs of the place where tobacco products are sold shall ensure that:

a) A board from the two option shown, is at the Entrance of the Place where Cigarette and Other Tobacco Products are sold in a manner as given below:
   i. Minimum size of the board should be 60cm x 30cm with White Background.
   ii. The board should contain the warning “Sale of Tobacco Products to a Person below the age of 18 years is a Punishable Offence”, in Indian language(s) as applicable and a pictorial depiction of ill effects of tobacco use on health.
   iii. The board shall not have any Advertisement / Promotional Messages / Pictures / Images of Cigarette and any Other Tobacco Products.
b) No tobacco product is handled or sold by minors.
c) No tobacco product is sold through a vending machine.
d) No tobacco products are displayed in a manner that enables its easy access to minors.
e) The seller of tobacco product shall confirm that the buyer of tobacco product is not a minor. In case of doubt the seller may request the buyer to provide appropriate age proof/identity proof.

3.2 Section 6 (b): Prohibition on Sale of Cigarette and Other Tobacco Products around Educational Institutions
Vice Chancellor / Director / Principal / Headmaster / In-charge of an Educational Institution shall ensure the following:18

a) Display of Board – All Educational Institutions should have a board on their boundary wall or at the entrance of their premises. The board should state prominently that “Sale of Cigarette or any other tobacco products in an area within the radius of 100 yards of the Educational Institution is strictly prohibited; the offence is punishable with a fine upto Rs. 200”.

b) Measurement of the distance: Distance of 100 yards shall be measured radially from the outer limit of boundary wall/fence or as the case may be, of the educational institution, for the location of a tobacco vendor or point of sale.

3.3 Penalty Provision:
Violation of any provision(s) of Section 6 is a punishable offence with a fine up to Rs. 200. Officials of 12 different Government Departments/ Institutions/ PRIs have been authorized to act, challan and compound the offences committed in violations.19 Section 25 of the COTPA also empowers Central and State Governments to authorize more persons for better implementation of the Section 6.

4: Key stakeholders for Section 6 Implementation

- Government
  o Education Department
  o Local self government bodies i.e. Municipalities, Panchayats, Cantonment Boards, etc.
  o Police / Home Department
  o All other departments notified to act and compound in case of violation of the section 6

Other Key Stakeholders
  o Political Leaders of the respective area
  o Student Unions (in case of University / College)
  o Parents Teachers Association (PTA) / Parents Facilitator Meet (PFM)
  o Tobacco Vendors Shopkeeper’s Association / Market Association
  o Media (print and electronic both)
  o Civil Society Groups

5: Developing a Road Map for Enforcement at District and State Level
As a good practice, a circular for government departments and enforcers and a public notice to inform relevant
stakeholders can be issued by Competent Authority (in most of the cases District Administration and /or Local Self-Governance Body) about the enforcement of Section 6 (a) and (b).

Following should be mentioned in the circular & public notice:-
- Display of Mandatory Boards/Signage at Tobacco Selling Shops;
- Warning Boards for Educational Institutions with the penalty provisions.
- The punishment/penalty

Additionally State Government or concerned Department can also issue a Circular to all Educational Institutions within their jurisdiction to make all Educational Institutions Tobacco-Free. For example, the Ministry of Human Resource Development has issued Guidelines to make all educational Institutions “Tobacco-Free”, whereby Central Board for Secondary Education (CBSE) adopted these for all their schools.\textsuperscript{23}

6: Training needs for Enforcers and Stakeholders
Sensitization and Orientation of the stakeholders is very important for adequate enforcement and sustainability of the initiatives. In person meetings/orientation programmes / Workshops can be organized with the stakeholders like senior bureaucrats, politicians, representatives of Local-self Government Body, Media and Civil Society Groups. Heads/In-charge of the Educational Institutions and Teachers should be oriented regarding their responsibility related to Tobacco Control by introducing the subject in their periodic Training /Refresher Courses.

7: Monitoring progress for Section 6 (a) and 6(b)
A well-defined monitoring, Challaning and Reporting mechanism must be set up and notified by the Competent Authority (i.e. State/District Administration, Municipalities etc.) to conduct Periodic Enforcement drives and implementation of Section 6 (a) and (b). For the purpose, Task force/Enforcement Squad(s) should be constituted consisting representatives of Magistrates, Police, Food & Drug Administration, Municipalities/PRI and/or any person authorized.\textsuperscript{24} The squads must be oriented and equipped with the challan book, operational procedure of challaning and compounding.

The Squad(s) may also be authorized to take action against the violation of Section 7 by including the person notified by Government Notification\textsuperscript{25} to empower the Squad(s) to enter, search and seizure of the Tobacco products.

Education Department may include the Tobacco Free Institution’s Guidelines in the monitoring Checklist being used by the Authority during their visit to any Institution. Different Authority may be directed to monitor the different levels of Institutions. For example District Education Officers and University monitoring squads / NAAC team of UGC for colleges may monitor the Tobacco Free Status of an Institution during their visit and mentioned it in their report.

8: Experiences and Strategies Adopted by States
A few good practices, listed below, may also be considered and replicated for the implementation of section 6 (a) and (b)
- Youth in Mizoram have been successfully involved to monitor enforcement of the Section 6 (a) and (b) around their Institutions.
- Many states including Delhi, Odisha, and Rajasthan (Jhunjhunu district) etc. opted wall writing in place of the boards for section 6 (b), for cost effectiveness and sustainably.
- In Odisha and Sikkim the boards has been made available by NGOs at the cost of production. In Jorhat District
(Assam) ONGC has provided boards for section 6(b) under their Corporate Social Responsibility.

- Inclusion of harm effects of tobacco use and tobacco control Act in school curriculum.
- Some jurisdictions such as Chennai has made necessary to get the tobacco free institutions declaration, as a compulsory condition to issue the sanitary certificate to newly opening institutions to get registration.
Annexure-1: The Format of a Challan

2976

पंजाब सरकार
अभियंता

“यह निकाय आर्थिक अनुपालन परिषद (पंजाब, अन्य नामंतर की परिषद) अंक तेलाबादा पाक टेलीकार, अंकल, संबंधत, अन्य नामंतर की फिल्म संग्रह (2003)”

1. देश दिनकाल प्रदान का तथा मार्ग प्रदान

2. पीड़ा मार्ग, मार्ग नाम विलीनिति निर्देश प्रशिक्षण बोली जाती

3. आवेदन पात्र का अनुपालन परिषद अंक तेलाबादा पाक टेलीकार, अंकल, संबंधत, अन्य नामंतर की फिल्म संग्रह (2003) (पाक तेली) भागपत प्रशिक्षण का बोले रहें

4. प्रयोग निराचायी प्रशिक्षण प्रदान के आर्थिक मद्दत की अनुमति

Annexure-2: The Format of a Receipt

पंजाब सरकार
अभियंता

निर्देश के परिपात अदालती निर्देश, पंजाब।
अभियंता अनुपालन बृहस्पति, नैतिक 34-ढे, चंडीगढ़

71051

भित्ति

उच्चार

पत्रिका

(नाम से है) दिने स्थान अवस्थान परिषद (पंजाबिकाल आदि अवस्थानसूत्रीकरण) के लिए स्थान अवस्थान, पुंजाब, मालर्मण और दिवसीय प्रभार (2003) पर विश्वसनीय वजन इंपीडेंस नुकसान/मार्ग

उपलब्ध निर्देश

उपलब्ध अवस्थान (ढे अवस्थान निर्देश)
A. Guidelines for Designated Smoking Area or Space (DSA) under Section 4

**Eligibility:** Hotel or accommodation facilitates having 30 or more room, restaurant or eateries having sitting capacity of 30 persons or more and airport

- Such area is distinctively marked as “Smoking Area” in English and the local language.
- The ‘smoking area’ should be a physically separated and surrounded by full height walls on all four sides.
- It should never be at the entrance or exit point.
- It should be fitted with an automatic closing door that is normally kept in a closed position.
- The air from the smoking area or space should be exhausted directly to the outside through use of appropriate air ventilation/cleaning system/exhaust fan.
- Such smoking area or space can be at each floor or wing in a multi-storied hotel or restaurants the case may be.
- “Smoking Area” is used only for the purposes of smoking and no service(s) are allowed therein.
- The designated smoking area or space can be certified by Department of Tourism/Urban or Rural bodies for accommodation facilities; Health and FDA for eateries and airport authority of India (AAI) for airports.

B. Guidelines for Designated Smoking Rooms (DSR) under Section 4

**Eligibility:** Hotel or accommodation facilities having 30 or more room

- The designated smoking rooms shall form the separate section in same wing or floor as the case may be. In case of more than one floor/wing, the rooms shall be in one floor/wing as the case may be.
- Such room distinctively marked as “Smoking Room” in English and the local language.
- The smoke from such rooms shall ventilate outside and doesn’t infiltrate into the non-smoking areas of the hotel including lobbies and corridors.

The designated smoking rooms (DSR) in a hotel or accommodation facilities can be certified by Department of Tourism/Urban or Rural bodies.
### Annexure-4: Frequently Asked Questions on Section 4 implementation

| Q 1 | Can enforcement official detain the violators?  
| Ans | Yes, under Section 25 (i) of COTPA, an enforcement official can detain the violators, if he is non-cooperative and refuses to disclose his identity and address. The Authorized person will immediately produce the violators before the nearest Magistrate for the trial.  

| Q 2 | What, if a person refuses to pay?  
| Ans | There may be two reasons for refusal by the violators. First he may not be having the money at that time to compound the offence. In that case, ask and verify his name and complete address and hand over the challan to him and direct him to compound the same latter on some fixed day. Secondly, if the violator is not ready to disclose his identity; the authorized person can either detain the person and bring him before the nearest Magistrate for trial or enquire the personal details of the violators from the person accompanying him or the owner of the premises and issue the challan on the postal address of the violators.  

| Q 3 | What to do, if a violator flies away from the scene of offence?  
| Ans | In this case, try to enquire about the personal details from the In-charge/owner of the public place and issue the challan on the postal address. If authorized person is not able to get any details; he may issue the challan in the name of “Anonymous” by describing the Sex, Probable Age, Physical appearance such as Tall/Medium/Short, Bearded or Non-bearded/ dark coloured/fair or wheatish complexioned and style and colour of the clothing of the violators. The authorized person will describe the scene of the offence in details. The challan will be sent to the court before the Magistrate and he will direct the police to trace the violator.  

| Q 4 | What, if the violator misbehaves with the Enforcement Officials?  
| Ans | If the violator misbehaves with the enforcement officials, the violator will now be charged with the obstruction in the duty. Now he will be tried under Section 186 of Indian Penal Code[http://www.vakilno1.com/bareacts/indianpenalcode/S186.htm]. The violator can be detained and produced before the nearest Magistrate for trial. But if a violator succeeds in running away and his identity is also not verified, in that case, the course of action as described in question no. 3 will be followed.  

| Q5 | What if, the charge of violation against someone is proved incorrect in the court of law; whether the authorized person is penalized for issuing wrong challan?  
| Ans | Under section 29 of COTPA, no legal proceeding shall lie against the Authorized person for anything which is done in good faith.  

| Q6 | What happens for Repeated Violators Especially Hotels? Etc.  
| Ans | The act of repeated violations by the in charge, Owner or Manager of premises such as hotels will be taken as abatement of offences. Section 107 of the IPC defines abatement as intentionally done act or illegal omission of the prohibited things. Repeatedly violating the section 4 of the Smoke Free Rules will amount to the abatement of the offence. Section 109 and Section 110 of IPC will provide the punishment for this. The violator of Section 4 can also be booked by the Police for the public nuisance under Section 268 of IPC 1860 and punishable under 290 of IPC. It is worth mentioning that if any person repeats violation of public nuisance after injunction to discontinue, he is liable to punished under Section 291 of IPC with a imprisonment for a term which may extend to six months, or with a fine or with both. The Owner of the Hotel can also be tried under The Consumer Protection Act 1986.  

Annexure-5: Government of Punjab notification to authorize the 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 dated 24th May 2010

Government of Punjab
Department of Health & Family Welfare
(Health-5 Branch)

Notification
Dated, the 24\textsuperscript{th} May 2010

No. 21/51/08-SHBV/ F 2.2. In supersession of the Government of Punjab, Department of Health & Family Welfare, Notification No. 21/51/08-SHBV/3333, dated 21\textsuperscript{st} February, 2006 and No. 21/51/08-SHBV/18752, dated 28\textsuperscript{th} July, 2006 and in exercise of the powers conferred by section 23 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 Government 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:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Persons Authorized as Competent Persons in the State of Punjab</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>All Heads of the Departments.</td>
</tr>
<tr>
<td>2.</td>
<td>All the Executive Magistrates.</td>
</tr>
<tr>
<td>3.</td>
<td>All the Assistant Labour Commissioners.</td>
</tr>
<tr>
<td>4.</td>
<td>All Gazetted officers of State &amp; Central Govt. of equivalent rank and above in Autonomous Organizations/Public Sector undertakings.</td>
</tr>
<tr>
<td>5.</td>
<td>All the Commissioners, Executive officers of Municipal Corporation and Municipal Councils of the Local Government.</td>
</tr>
<tr>
<td>6.</td>
<td>All the Principals, Headmasters, Headmistresses and other Heads of Educational Institutions in the State.</td>
</tr>
<tr>
<td>7.</td>
<td>Additional Director, Joint Director, Deputy Assistant Director of All Health Services/Family Welfare/ESI/Research &amp; Medical Education/Homeopathic and Ayurvedic.</td>
</tr>
<tr>
<td>9.</td>
<td>Station Masters, Asst. Station Masters, Station Head, Station in-charge.</td>
</tr>
<tr>
<td>11.</td>
<td>Airport Managers, Officers of Airport Authority of India &amp; Officers of all Scheduled Airlines.</td>
</tr>
<tr>
<td>12.</td>
<td>Director, Medical Superintendents, Senior Medical Officers &amp; Medical Officers (In-charge of Health Institutions).</td>
</tr>
<tr>
<td>13.</td>
<td>Nodal Officer &amp; Programme Coordinator, State Tobacco Control Cell.</td>
</tr>
<tr>
<td>14.</td>
<td>Assistant Civil Surgeons, Asstt. Drug Controller ( Licensing Authority), District Health Officers, Drug Inspectors &amp; Food Inspectors.</td>
</tr>
</tbody>
</table>

P. T. O
Annexure-5: continued......

15. Deputy Superintendent of Police or his representative not below the rank of Sub Inspector.

Satish Chandra, IAS,
Secretary to Govt. of Punjab,
Department of Health & Family Welfare.

Endst. No. 21/5108-5HIV/10 2.3
Dated, Chandigarh: 21-1-2010

A copy along with a spare copy is forwarded to the Controller Printing & Stationery, Punjab, Chandigarh with request that this notification be published immediately in the Punjab Government Gazette extraordinary and supply 500 copies of the gazette notification to this department for official use.

Deputy Secretary, Health

A copy is forwarded to the All Administrative Secretaries, Secretaries and All the Financial Commissioners to Government of Punjab for information & necessary action please.

Deputy Secretary Health

To

1) All Administrative Secretaries & Secretaries to Government of Punjab;
2) All the Financial Commissioners to Government of Punjab.

Endst. No. 21/5108-5HIV/ 10 2.3
Dated, Chandigarh; 21-1-2010

A copy is forwarded to the following is requested to circulate this notification to all departments for information & necessary action:

1) Secretary to Government of India, Ministry Health & Family Welfare, Nirman Bhawan, New Delhi-110018.
2) The Managing Director, National Rural Health Mission, Punjab, Chandigarh.
3) The Managing Director, Punjab Health Systems Corporation, Phase-6, Mohali.
4) The Director, Health Services, Family Welfare, Punjab, Chandigarh.
5) Director, Health & Family Welfare, Punjab, Chandigarh.
6) Director, Research and Medical Education, Punjab, Chandigarh.
7) Director, Ayurvedic, Punjab, Chandigarh.
8) Director, Homeopathic, Punjab, Chandigarh.
9) All the Deputy Commissioners.
10) All the Civil Surgeons & Medical Superintendent Department of Health.
11) All the Executive Magistrate.
12) The Director, Higher Education, Secondary Education & Primary Education.
13) The Labour Commissioner, Punjab, Chandigarh.
14) The Director, Local Government of Punjab, Chandigarh.

Endst. No. 21/5108-5HIV/ 10 2.3
Dated, Chandigarh: 21-1-2010

A copy is forwarded to the Principal Secretary to Government of Punjab, Department of Information & Public Relation is requested to give wide publicity to the provisions of the Act, through Electronic & Print Media.

Deputy Secretary, Health
Annexure-6: Notification regarding creation of a Budget Head(s)/ Health Society for depositing fines/compounding fee collected and reporting mechanism
Annexure-7: Government’s notification regarding constitution of District Task Force

1. The notification is hereby issued by the Government of [State].

2. The District Task Force (DTF) is constituted under the provisions of [Act/Rule].

3. The DTF is tasked with [Task/Function] for the period [Period].

4. The members of the DTF are as follows:
   - [Name/Role] from [Department]
   - [Name/Role] from [Department]
   - [Name/Role] from [Department]

5. The DTF is mandated to [Mandate] and must [Outcome].

6. Any queries or objections to this notification must be addressed to [Address/Contact].
Annexure-8 A: Notification regarding constitution of State & District Tobacco Control Committee dated 20th May 2008

Department of Health & Family Welfare
(Health-V Branch)

Notification

No.21/51/95-HBV-1945

Dated, The, 20.5. 2008

The Governor of Punjab is pleased to constitute State Tobacco Control Committee at the State level & District Tobacco Control Committee at the District level as under:

**STATE TOBACCO CONTROL COMMITTEE:**

1. Principal Secretary Health & F.W., Punjab  Chairman
2. Managing Director (NRHM) Punjab  Vice Chairman
3. Director, Health & F.W., Punjab  Member
4. State Nodal Officer, O/o D.H.F.W., Punjab  Member Secretary
5. Director General of Police, Punjab  Enforcement member
6. Director Local Bodies, Punjab
7. Director Education, Punjab
8. Director Tourism, Punjab
9. Director Prosecution & Litigation, Punjab
10. Director, Public Relations, Punjab
11. Director of Factories, Punjab

State Tobacco Control Committee will evaluate the activities of all District Tobacco Control Committees.

**DISTRICT TOBACCO CONTROL COMMITTEE:**

Offical Members
1. Deputy Commissioner  Chairman
2. Civil Surgeon of the Distt.  Member
3. District Health Officer/Drug Inspector  Member
   (Department of Health)
4. District Education Officer  Member
5. Senior Superintendent of Police (SSP)  Member
6. District Attorney  Member
7. District Local Bodies Officer  Member
8. District Public Relations Officer  Member
9. District Labour Commissioner  Member

Non Official Members
1. Youth Leaders  3 Members
2. Social Activist  3 Members
3. Religious  3 Members

District Tobacco Control Committee will evaluate the implementation of the Anti-Tobacco Laws and activities regarding educating the people about the ill-effects of Tobacco and other Tobacco Products in the District.

Vijay Kain
Principal Secretary to Government of Punjab,
Department of Health & Family Welfare,
Annexure-9: Other Acts and Rules that support implementation of smoke Free Rules, 2008

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Act/Rules</th>
<th>Can be assessed at</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>The Consumer Protection Act 1986</td>
<td><a href="http://ncdrc.nic.in/1_1.html">http://ncdrc.nic.in/1_1.html</a></td>
</tr>
</tbody>
</table>
Monthly reporting format for COTPA violations/action taken

1. Name of the District /Block/Taluka:

2. Reporting period (dd/mm/yy): From………/………./……………… To ………/………. /……………………

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type of Section of COTPA</th>
<th>No. of Challans made</th>
<th>Fine collected (Rs)</th>
<th>Cases referred to the court (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Section 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Section 5</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Section 6(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Section 6(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Section 7</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Total (all sections)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name/ signature of reporting officer (with official seal)

Please Note: This report must be sent to the District Tobacco Control Cell (DTCC) Distt……………….complete address, phone number/fax ………………………………………………………………………………………………………………. by……..(day) of every month. In case, if no challans are made and no fines are collected, It may be reported as nil, but timely reporting is must.
Annexure-12: Other Acts and Rules that support implementation of smoke Free Rules, 2008

- Prohibition of Smoking in Public Places Rules-2008 which can be downloaded from http://mohfw.nic.in/WriteReadData/l892s/file26-13144281.pdf
- Indian experience with tobacco cessation: List of tobacco cessation centers in India can be downloaded from http://www.whoindia.org/LinkFiles/Tobacco_Free_Initiative_03-Chapter-06.7.pdf

Annexure-13: Resources for implementation of Section 6

- Copy of the COTPA and the rules notified related to section 6 including
  o GSR 137(E) dated February 25, 2004
  o GSR 417(E) dated May 30, 2008
  o GSR 680(E) dated September 15, 2009
  o GSR 561(E) dated September 1, 2004
  o GSR 687(E) dated September 18, 2009
  o G.S.R. 619(E) dated August 11, 2011

- Tobacco Free Educational Institution Guideline issued by Ministry of Human Resource Department, GOI (also circulated by CBSE)
References


14. Cigarette and other tobacco products (Display of Board by Educational institution) Rules, 2009


17. The design and specification of board can be downloaded from http://mohfw.nic.in/showfile.php?lid=937

18. Cigarette and other tobacco products (display of Board’s by Educational institutions) Rules, 2009


24. G.S.R. 619(E) dated August 11, 2011

25. S.O. 1866(E) dated July 30, 2009
Disclaimer
This document is not a legal document but it serves as a ready reckoner for district and sub-district law enforcers on section 4 & 6. However, it is recommended that COTPA-2003 and subsequent notifications may be referred to whenever needed.