

Indian Tobacco Control Act COTPA 2003

Tobacco Act :COTPA

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

COTPA is applicable to all products containing tobacco in any form i.e.

cigarettes,cigars,bidis,gutka,pan masala (containing tobacco),Mavva,Khaini,snuff etc.

The Act extends to whole of India

Main Provisions of Tobacco Control Act, 2003

Section 4 : Bans Smoking in all "public places

A "public Place " means any place to which the public have access, whether as of right or not, and includes :

- Hotels
- Restaurants, coffee houses, pubs, bars, airport lounges, and other such places visited by the general public
- Workplaces
- Shopping malls
- Cinema Halls
- Educational Institutions and Libraries
- Hospitals
- Auditorium, open auditorium, amusement centres, stadium, railway station, bus stop etc.

Section 4 also provides Display of prominent non-smoking signs eg. "Smoking here is strictly prohibited" is mandatory at all public places

COTPA Signage Specifications



The board shall be of minimum size of 60 cm by 30 cm of white background

' 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

' The width of the red band across the cigarette shall equal the width of the red perimeter

' The board shall contain the warning "No Smoking Area- Smoking Here is an Offence", in English or one Indian language, as applicable

' The board shall be prominently displayed at each entrance of the public place and a conspicuous place(s) inside

Enforcement: Of section 4 can be done by following officers

' Public places: Head of the institution,, health directors, central/state administrator heads, anti-tobacco nodal officers

' Railways: Station leaders

' Government offices: Gazettes officers

' Hospitals: Hospital heads (i.e., directors, superintendents, administration heads)

' Post offices: Post masters

' Private offices/workplaces: Office head (i.e., managers, administration heads)

' Educational institutions: Institution heads (i.e., principals, headmasters, teachers)

' Libraries: Library heads, assistants, and librarians

' Airports: Airport heads (i.e., managers, airport/airline officers)

Compliance of the act

' Individuals in charge of public places and workplaces (i.e., owners, proprietors, managers, supervisors) shall be held responsible for complying with the law by ensuring that:

' Smoking may be permitted in hotels with 30 rooms or more, restaurants with seating capacity of thirty or more persons, and airports, but only in rooms

' that are physically separated and surrounded by full height walls on all sides with an entrance having an automatically closing door normally kept closed

' has an air system that is exhausted directly to the outside and has negative air pressure in comparison to the remainder of the building

' that are not used for any purpose other than smoking, that is no food or beverage is served and no other service is provided

Section 5 prohibits advertisement ,promotion and sponsorship of all tobacco products

θ Both direct & indirect advertisement of tobacco products are prohibited in all forms of audio, visual and print media

θ Total ban on sponsoring of any sport and cultural events by cigarette and other tobacco product companies

θ No trade mark or brand name of cigarettes or any tobacco product to be promoted in exchange for sponsorship, gift, prize or scholarship

θ No person, under contract or otherwise, to promote or agree to promote any tobacco product.

Section 6 (a) :Prohibits Sale of tobacco to minors

θ Sale of tobacco products to persons under the age of 18 is prohibited.

θ The seller should ensure that the person who is buying the tobacco product is not a minor.

θ A display board to be put up at the point of sale declaring that “sale of tobacco products to minors is prohibited”.

Section 6 (b): Prohibits sale of tobacco products near educational institutions

θ 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.

θ A display board to be put up outside the educational institutions declaring the same.

Section 7: Demands specified health warning labels on all tobacco products

' Every package of cigarette or other tobacco product must bear on its label the specified warnings including a pictorial depiction of skull and cross bones and such other warnings as may be prescribed – restriction applies both w.r.t. manufacturer as well as trader

' - cigarettes etc shall not be imported unless the package contains the specified health warning

' - the specified warning shall appear on not less than one of the largest panels of the package

' - every package shall contain the nicotine and tar contents alongwith the maximum permissible limits

' Section 7(5) Every Tobacco package to have nicotine and tar contents along with maximum permissible limits.

' Specified warning shall be

' Legible and prominent

' Conspicuous as to size and colour

' Lettering should be bold and clearly presented in distinct contrast to the background.

Must be visible to consumer before pack is opened

Enforcement Agencies for implementation of tobacco control act

- Any Police Officer , not below the rank of Sub Inspector
- Any Officer of State Food or Drug Administration
- Any Officer ,holding the equivalent rank ,not below the rank of Sub Inspector of Police.As authorized by Central/State Governments

Punishment For Violations

- A fine up to Rs.200/-for offenses relating to smoking in public places and sale of tobacco products to minors; can be imposed by any officer as authorized by the central/state govt.
- Offences relating to the direct and indirect advertising of tobacco product is punishable with maximum of 2 years of imprisonment or/and with fine upto Rs. 1000. In subsequent offence , imprisonment up to 5 years and with fine upto Rs 5000
- Any person who produces or manufactures cigarettes or other tobacco products which do not contain, either on the package or on their label, the specified warnings and nicotine and tar contents, shall in case of first conviction be punishable with imprisonment for a term which may extend to two years , or with a fine which may extend to 5000 Rs , or with both and for the second and subsequent conviction , with imprisonment for a term which may extend to 5 years and with fine which may extend to 10000 Rs

