



## First Page

This is a continuation of the efforts by Burning Brain Society [BBS] against tobacco proliferation. BBS campaigns have often produced the desired results and have been successful to a large extent in bringing positive change. But this is just a beginning to control a menace which has been out of the bag since the last 200 years. It may be forty to fifty years before tobacco is treated akin any other harmful and addictive drug. It's indeed a small time span for bringing a social change.

This book is being produced to impart knowledge about the laws in India and some basic facts related to tobacco. I hope the readers will find it useful.

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**Hemant Goswami**

June 2005

# The Tobacco Menace

Hemant Goswami



## Burning Brain Society



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## THE TOBACCO MENACE

### I. The Menace which Kills

Observing the pin-headed insects, man recognized that all insects do their best to keep away from the crop of tobacco. Using this knowledge that tobacco is not liked by insects and pests, tobacco and its constituent nicotine ( $C_{10}H_{14}N_2$ ) has been used as an insecticide.

But quite unfortunately it was also realized that tobacco can be used as an intoxicant too. The addictive nature of tobacco added to its abuse and this characteristic was fully exploited by man; resulting in tobacco being turned into cigarettes and many other different kinds of products ensuring the addictive nicotine kick.

Slowly and steadily smoking grew into a fashion statement and before the dangers of tobacco were widely known, about half of the male adult population was in its grip. By year 2000 tobacco was responsible for killing one person every five second. Since it was addictive in nature so commercial organizations selling it found it to be an ideal product to earn quick money. As a smoker compulsively consumed many cigarettes (and packets) every day, it made good and profitable economics for the commercial units and the governments too. Unconcerned about anything else, it was promoted most aggressively as a lifestyle product. Tobacco was glamorized to an extend that in the early and mid nineteenth century, smoking was a tacit must for every person who wanted to project himself as aristocratic, rich, intellectual, social and modern. This trend still continues and every hour around 5000



## THE MENACE WHICH KILLS

youngsters become new tobacco addicts somewhere in the world.

But why is tobacco bad? So what if I smoke a few cigarettes a day? How dose it matter? These innocent questions are asked many times by ignorant tobacco users and this also shows that the dangers of tobacco are not fully comprehended by most of the people. Well, nobody drops dead after smoking a cigarette and nobody has heard someone dying of tobacco. That's a perceived fact. People may die of some heart ailment, cancer, lung problem, etc and the death certificate will read the name of the disease and not tobacco as the cause of death.

But the actual fact is that smoking is responsible for near 50 percent of all heart attacks and cardiovascular deaths; 30 percent of all cancer deaths and 87 percent of lung cancer deaths each year; 82 percent of deaths due to emphysema and chronic bronchitis. Tobacco is directly responsible for the death of half of its lifelong users, taking an average of 14 years off their lives. Over 90% of patients with oral cancer use tobacco by either smoking or chewing it. Smokers have a 16 times greater risk of developing peripheral vascular disease (PVD) (blocked blood vessels in the legs or feet) than people who have never smoked. Smokers are more likely to develop a cerebral thrombosis (stroke) than non-smokers. About 20% of all stroke deaths are estimated to be smoking related. The risk of dying among smokers from tuberculosis is about 400 percent higher than the non-smokers with tuberculosis. Contrary to the macho image projected by tobacco companies, research has showed that there is a 50% increase in the risk of impotence among smokers compared with men who had never smoked. Tobacco user may damage their DNA too by a condition called chromosomal fragility in which certain

## THE TOBACCO MENACE

regions of a chromosome, which contains the body's genetic material, in the form of DNA easily break or form gaps. The complete list of tobacco related ailments is too long to be reproduced here.

It is not only cigarettes or beedis; all forms of tobacco including smokeless tobacco increases the risk of oral cancer over four times. Smokeless tobacco users can develop cancer of the lip, tongue, floor of the mouth, cheek and gum.

"I don't believe all this, why should tobacco cause death? What is there in it? I am 39, am smoking beedi since last 21 years and am still alive!" Mahant Prasad, an addictive tobacco user questioned. "Nothing much, if you consider a concoctation of 4000 different chemical compounds to be too less." Of the 4000 chemicals, about 60 are clearly known to be carcinogenic (cancer causing). The list contains; arsenic, benzene, chromium, nickel, vinyl chloride, cadmium, formaldehyde, Carbon monoxide, Nicotine, Nitrogen oxides, 2-nitropropane, Hydrogen cyanide, Ammonia, Dimethylamine, 2.5-dimethylamine, Ethylamine, Methylamine, Methylpyrazines, methylpyridines, Pyridine, Pyrrolidine, Trimethylamine, Hydrazine, Acetal-dehyde acetone and a few thousand more.

"Well, it might cause cancer but not heart attacks!" Wrong. Highest numbers of smokers die because of Cardio-vascular diseases. Cancer is second in the cause of death of tobacco users. Why? Smoking causes heart disease by narrowing the blood vessels, making cholesterol more likely to be trapped in the lining of the blood vessels, increasing blood pressure, increasing the chance of blood clotting. Cigarette smoke also contains carbon monoxide. The molecule of carbon monoxide

## THE MENACE WHICH KILLS

binds more strongly to the haemoglobin in the blood and thereby reduces the supply of oxygen. This can result in sudden blockage of an artery, causing a heart attack or stroke which is fatal or will have severe after effects.

“Can I smoke a mild or light cigarette?” 16 year old Paryag Mehta asked me. “But I smoke only two cigarettes a day,” revealed Vikas Kalra. “I don’t think it will cause any harm?” Vikas looked reassuringly at me. Such questions keep on coming at our workshop for young people aged between 10 and 18. But the fact remains that the concept of a safe cigarette, a mild or light cigarette is a myth. There is no such thing and there is no reason for anyone to smoke. There is not even a single benefit of smoking. Thinking of smoking a cigarette labelled as mild, light or smoking only 2, 3 or 4 cigarettes a day is like committing suicide by jumping from a 30 story building instead of 31. It makes no real difference. The dangers and consequences are the same. All youngsters when they start tobacco, they start with one (harmless looking) puff; then one stick, followed by one more and then slowly and steadily it reaches a stage of addiction and habit formation.

“One has to die so how does it matter if I die because of tobacco related disease or otherwise?” Ashish Malhotra, one of my old friends questioned me. Dear Ashish, you sound logical but had it been actually so, you wouldn’t be asking this question. Have you not seen anyone dying because of cancer? Do you realise the sufferings caused to the family? It is said that with one cancer patient the whole family dies many times; what right do you have to cause your family such sufferings? What good will it serves if you die 15 years too early? Wouldn’t it be a loss to your family, friends, associates, country and the society? Whenever one has to die,

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it certainly should not be for an illogical and worthless reason like tobacco. Man is after all a rational animal, logic makes sense to all intelligent people; it should make sense to you too and if it dose, you wouldn't commit an act which is akin to suicide.

Besides, let me inform you, it is not you alone who is going to be a possible victim of tobacco. It is estimated that only 15 per cent of the smoke from a cigarette is inhaled by the smoker; the rest goes into the surrounding air and other people, including your family members breathe it in. This can result in increased chances of cancer, heart diseases and the whole lot of tobacco related diseases for your family. Your wife, your six year old son and all other family members are equally at threat and you may one day loose any of them because of your habit. Do you have a right to kill them? Would you like to do it?

Tobacco results in irreversible damage to babies and children who are exposed to cigarette smoke. The World Health Organization estimates that nearly 700 million, or almost half of the world's children, are exposed to tobacco smoke by the 1.2 billion adults (old figures) who smoke. Babies of smokers are much more likely to be taken to hospital with chest trouble in their first year of life than non-smokers' children. Children with a parent who smokes have more chest, ear, nose, and throat infections than non-smokers' children. Children exposed to smoke are more likely to develop breathing problems as adults. Unborn babies of pregnant non-smoking women are also at risk if the women are exposed to passive smoking. Women who have been regularly exposed to passive smoking during pregnancy tend to have under-weight and smaller babies. Being small at birth makes it harder for the

## THE MENACE WHICH KILLS

baby to make a good start in life. The (British) National Child Development Study (Reported in British Medical Journal, 4:573-575, 1973) showed that children of mothers who smoked are on average 1.0 centimetre shorter and between three and five months behind in reading, mathematics, and general ability when compared to the offspring of non-smokers. Another study showed that Humans as well as animals have recorded accelerated motor activity, learning and memory deficits in offspring's of mothers exposed to nicotine during pregnancy.

Researchers from Linkoping University in Sweden found that even those children whose parents smoked outside had double the amount of nicotine in their body as children of non-smokers. Research also shows that young people are three times more likely to start smoking if their parents smoke. Parental approval or disapproval of smoking in general is of great importance. When a parent or family member smokes, the youngsters presume a tacit approval.

While there is no reason for anyone to start consuming tobacco there are all the reasons for existing tobacco users to quit. The benefits of quitting are many for the tobacco user as well as the family. When smokers give up, their risk of getting lung cancer starts decreasing so that after 10 years an ex-smoker's risk is about a third to half that of continuing smokers. If one quit smoking before 50 years, it decreases risk of premature death by 50% in the next 15 yrs than those who don't. Cardio-vascular risk becomes equal to non-smokers in just 2-5 yrs. Just after 72 hours from quitting smoking one can feel the results; the walking becomes more effortless, one would be able to walk longer distances without loosing the breath. The sense of taste will start returning. Foul

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smell from the clothes and mouth will go. There will be no more prying and hateful look of people for that useless, harmful and unwanted smoke. The benefits are endless and can be fully realised only after quitting.

This brings us to the question; how to quit tobacco? No doubt that tobacco is to a large extent addictive and habit forming but by nature's grace man also possess the greatest will power among all animals; the power to control one's mind. Nature has equipped us all with this omnipotent tool to control one's behaviour. Hasn't it?

There are no sure shot methods of quitting tobacco till date. Though many medicines, gum's, nicotine patches, etc. are available but it is believed that it's more a matter of one's own will power and a desire to quit than anything else. The success rate of tobacco cessation clinics are less than 10% but then there are countless cases of people who wanted to quit and have done so without any assistance and have never touched tobacco again. Many are now anti-tobacco campaigners. When you decide to quit keep in mind that the work it takes to quit smoking is a small price to pay for the benefits you'll enjoy once you're free of this awful addiction. Your life will improve beyond your expectations.

## II. Some Tips to Quit Tobacco

Some opinionate that quitting tobacco is as simple (or as difficult) as quitting any other habit like drinking morning tea, eating sweets, fried foods, etc. Discontinuing anything which you have been doing since long certainly requires efforts. It may or may not be addictive, but breaking a routine is the first step in breaking a habit. If it happens to be consumption of an addictive chemical substance like nicotine, it may become a little more difficult. But remember, it takes just 72 hours to get out of the addictive trap of nicotine and after that it is just a question of not getting tempted again and falling back into the death-trap. Plainly speaking; after 72 hours, it is just breaking the habit/routine.

As there are five steps to addiction (*You took time to get hooked; from the first harmless looking puff to packs of cigarette*), similarly there are five initial steps to quitting. But remember, the starting point is **“YOUR SINCERE WILL TO QUIT.”**

**STEP 1:- QUIT NOW:** Don't fool yourself by saying that you are reducing and are now smoking just 1/2 sticks a day. If you have to quit, you have to quit altogether. It has been seen that reducing is not a step to ceasing to smoke. Throw the pack in your hand and declare **“I QUIT NOW.”** Keep the promise you make to yourself.

**STEP 2:- FIGHT THE URGE TO SMOKE FOR THE FIRST 72 HOUR:** If you can do this, half of the job is done. The withdrawal symptoms are at their peak during the first 72 hours. Besides the withdrawal symptoms of nicotine addiction, you also have to fight the habit of holding a stick

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on certain occasions and lighting it. Many thoughts were previously sheltered by the act of lighting tobacco stick; it was many times used as a decision stalling tool/tactic and even to hide nervousness. Understand this and resist the urge to use cigarette as a tool of such thoughts. In the first 72 hours you will also find a lot of extra time available now (which was spent earlier by smoking a cigarette). This can, and will, give you a feeling of emptiness and uneasiness. You have to handle it too. How? Sit down, deliberate and develop a strategy which suits your nature and temperament.

**STEP 3:- FILL THE TIME:** You are going to get the urge to do something in the now available spare times or on moments when you used to light a stick. Simply plan an alternate activity (*Suggestion: you can spend a little more time with your children; spend some extra time on the internet surfing about your hobby related stuff, develop your reading habit, etc.*). Plan an activity which keeps your hands busy. You can also use any chewing gum or your favorite sweet, take out a gum stick and chew if you ever get an urge to smoke. Keep them in stock as you used to keep cigarettes. Break your routine and do the things according to a new routine. Try different flavors of chewing gum, drink fruit juices/newer variety of tea/coffee or simply keep some dry, non-fatty snacks for munching.

The urge to smoke/consume tobacco after having your food should be countered by eating something else, which you like. You can also plan an activity immediately after taking your meals so that you are not left with any spare time at that moment. This initial urge to consume tobacco after meals will fade within 15 days. It is more of a habit. Similarly the routine of lighting a cigarette while in the toilet also has to be countered; again this habit too will take some time to break.



## SOME TIPS TO QUIT TOBACCO

One can carry a newspaper/book etc. to the toilet. Remember, tobacco dose not facilitate excretion, it's only a myth.

Consuming tobacco is also related to pleasure by many; this is solely because when we are participating in pleasure activities or enjoying something we have ample of time in hand and most of us often indulge in some kind of secondary activity at such times. This secondary activity is also labeled and registered in our mind as a pleasure giving activity whereas it is not. Now if you understand the design of it, do not fall into this trap of misunderstanding the secondary activities as the one giving pleasure. Anyhow if you must indulge in any alternate secondary activity, develop a new one to suit you.

**STEP 4:- THE COMPANY OF FRIENDS:** Avoid moving with your friends (who smoke) at such times when they usually light cigarettes, like at lunch hours, tea breaks, etc. Don't take offense when someone makes fun of you for not smoking. Don't get instigated. It is tough and you may be labeled a hypocrite but do not allow anyone to smoke in your office/home/car and in your presence. Learn to take a stand. **IT HELPS.** If anyone offers you a cigarette, refuse politely but firmly. If the other person insists, take a stick, break it into pieces and throw into the bin, the act will make a strong statement and also ensure that you are not offered a cigarette again. May sound harsh and impolite, but then easy ways often fail.

**STEP 5:- NOT EVEN A PUFF:** At no stage get instigated or break your resolve. A single puff can do irreversible damage. Behave like a normal non-smoker and a misocapnic (a person who hates tobacco smoke). Don't let trivial comments bother you. Lot of them will come. Don't enter

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into any kind of debate. Become a part of anti-tobacco campaign and see that other youngsters do not get into the tobacco trap. Help others to come out of the tobacco trap; be a mentor for them. Be committed to the issue and share your mistakes with others. Tell them how easy it was to get in and how difficult to come out. And yes get a general overall medical checkup done to make sure you came out at the right time.

### **CONTINUE YOUR RESOLVE AND HELP OTHERS QUIT.**

You can also buy some good books on quitting tobacco, seek help of your physician, go to “Tobacco Cessation Clinics” operational in all major hospitals, get some resources from the Internet, subscribe to an on-line “Tobacco Quitting” courses offered by many portals on the Internet; or simply, you can throw the packet in your pocket/table and resolve, “I will never touch a cigarette/tobacco pouch again.” It is as simple and as difficult as you may believe and make it. Your thinking about quitting has already initiated the process.

Here are some more tried and tested tips from some successful ex-smokers. May be you will find them useful or may be you would like to mould some to your own nature and situation.

- Quit now. Don't postpone. Do not cheat yourself by saying that; Lets have one last. Should I quit another time? Should I start quitting tomorrow? May I have just one cigarette a day?
- If you want to take some time. Fix a date and do not overshoot the deadline. It is better that you write the date on a card along with the reason why you want to quit and the things you hate the most about smoking. You can write as many points as you may wish.

## SOME TIPS TO QUIT TOBACCO

- People who quit with a healthy support system in place have a much higher rate of success over time. So share your intention to quit with a person who is a non-smoker, preferably a family member or a friend who has been asking you to quit. Whenever there is a weaker moment, just talk to the person and share your thought.
- Remind yourself that you have no other option but to quit. And when you have no options then there is also no question of debating about anything. Decided to quit and that's final.
- Never think that, I am no more addicted to tobacco and so I can smoke one. Strict No. Remember it started like this. You always thought that you can not get addicted but somehow tobacco got hold of you. Don't even think. Remember; a relapse always begins in the mind.
- Most smokers tend to put on weight while giving up smoking, so watch your diet and do not start eating fat rich foods. If you gain weight, don't start dieting immediately. Wait until you have succeeded in giving up smoking first.
- At the same time do not neglect your diet. Drink a lot of water and eat a balanced diet. Avoid fried food.
- Do not try to blackmail your loved ones during emotionally weaker moments by threatening to smoke again. Remember, this is not even the remotest possibility and out of question for you.
- Do not try to count days or remember the date of quitting. If you quit, the date you bid goodbye to

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tobacco is not important. That you finally got rid of the habit is more important. Remembering the date is like trying to keep the hope alive that you will smoke one day.

- Live in today. Do not think about tomorrow. Quit and live your promise one day at a time.
- Think about all of the positive changes you're creating in your life. Successful long-term cessation always starts in the mind. Focus on your purpose of quitting. We have a way of believing what we tell ourselves over and over so don't feed your self with negative thoughts. Affirm the changes you are working to create in your life, and action will follow more easily.
- Add a new activity like exercising, evening walk, running, playing a new game, etc. to your daily routine.

Withdrawal isn't a totally pain-free experience, but it is 100% survivable and it is certainly short-lived. Always keep in mind the fact that withdrawal symptoms from nicotine are a temporary condition and that you are quitting tobacco for a reason.

# THE LAW ON TOBACCO

## **Content includes:**

- ☞ Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003
- ☞ Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004
- ☞ Prohibition on sale of Cigarettes and other Tobacco Products around Educational Institutions Rules, 2004

## ***Rules fully updated to include;***

- ☞ Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) (Amendment) Rules, 2005

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### III. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

(PASSED BY THE HOUSES OF PARLIAMENT—  
RAJYA SABHA ON 9TH APRIL, 2003 & LOK SABHA  
ON 30TH APRIL, 2003)

*(Act 32 of 2003)*

*An act to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto.*

WHEREAS, the Resolution passed by the 39th World Health Assembly (WHO), in its Fourteenth Plenary meeting held on the 15th May, 1986 urged the member States of WHO which have not yet done so to implement the measures to ensure that effective protection is provided to non-smokers from involuntary exposure to tobacco smoke and to protect children and young people from being addicted to the use of tobacco; AND WHEREAS, the 43rd World Health Assembly in its Fourteenth Plenary meeting held on the 17th May, 1990, reiterated the concerns expressed in the Resolution passed in the 39th World Health Assembly and urged Member States to consider in their tobacco control strategies plans for legislation and other effective

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

measures for protecting their citizens with special attention to risk groups such as pregnant women and children from involuntary exposure to tobacco smoke, discourage the use of tobacco and impose progressive restrictions and take concerted action to eventually eliminate all direct and indirect advertising, promotion and sponsorship concerning tobacco;

AND WHEREAS, it is considered expedient to enact a comprehensive law on tobacco in the public interest and to protect the public health;

AND WHEREAS, it is expedient to prohibit the consumption of cigarettes and other tobacco products which are injurious to health with a view to achieving improvement of public health in general as enjoined by article 47 of the Constitution;

AND WHEREAS, it is expedient to prohibit the advertisement of, and to provide for regulation of trade and commerce, production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto:

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

**1. Short title, extend and commencement-** (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

(2) It extends to the whole of India.

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(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

### ***2. Declaration as to expediency of control by Union-***

It is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.

**3. Definitions-** In this Act, unless the context otherwise requires,—

(a) “advertisement” includes any visible representation by way of notice, circular, label, wrapper or other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas;

(b) “cigarette” includes,—

(i) any roll of tobacco wrapped in paper or in any other substance not containing tobacco,

(ii) any roll of tobacco wrapped in any substance containing tobacco, which, by reason of its appearance, the type of tobacco used in the filter, or its packaging and labelling is likely to be offered to, or purchased by, consumers as cigarette, but does not include *beedi*, cheroot and cigar;

(c) “distribution” includes distribution by way of samples, whether free or otherwise;



## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

(d) “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(e) “foreign language” means a language which is neither an Indian language nor the English language;

(f) “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) “Indian language” means a language specified in the Eighth Schedule to the Constitution, and includes any dialect of such language;

(h) “label” means any written, marked, stamped, printed or graphic matter, affixed to, or appearing upon, any package;

(i) “package” includes a wrapper, box, carton, tin or other container;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “production”, with its grammatical variations and cognate expressions, includes the making of cigarettes, cigars, cheroots, *beedis*, cigarette tobacco, pipe tobacco, *hookah* tobacco, chewing tobacco, *pan masala* or any chewing material having tobacco as one of its ingredients (by whatever name called) or snuff and shall include—

(i) packing, labelling or re-labelling, of containers;

(ii) re-packing from bulk packages to retail packages;  
and

## THE TOBACCO MENACE

(iii) the adoption of any other method to render the tobacco product marketable;

(l) “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 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;

(m) “sale”, with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale;

(n) “smoking”, means smoking of tobacco in any form whether in the form of cigarette, cigar, *beedis* or otherwise with the aid of a pipe, wrapper or any other instruments;

(o) “specified warning” means such warnings against the use of cigarettes or other tobacco products to be printed, painted or inscribed on packages of cigarettes or other tobacco products in such form and manner as may be prescribed by rules made under this Act;

(p) “tobacco products” means the products specified in the Schedule.

**4. Prohibition of smoking in a public place-** No person shall smoke in any public place:

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

Provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.

**5. Prohibition of advertisement of cigarettes and other tobacco products-** (1) No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.

(2) No person, for any direct or indirect pecuniary benefit, shall—

(a) display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco product; or

(b) sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or

(c) distribute, cause to distribute, or permit or authorise to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco product; or

(d) erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or

## THE TOBACCO MENACE

in any vehicle or shall display in any manner whatsoever in any place any advertisement of cigarettes or any other tobacco product:

Provided that this sub-section shall not apply in relation to—

(a) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;

(b) advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse or a shop where cigarettes and any other tobacco products are offered for distribution or sale.

(3) No person, shall, under a contract or otherwise promote or agree to promote the use or consumption of—

(a) cigarettes or any other tobacco product; or

(b) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person.

***6. Prohibition on sale of cigarette or other tobacco products to a person below the age of eighteen years and in particular area-*** No person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product—

(a) to any person who is under eighteen years of age, and

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

(b) in an area within a radius of one hundred yards of any educational institution.

**7. Restriction on trade and commerce in, and production, supply and distribution of cigarettes and other tobacco products-** (1) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him bears thereon, or on its label, the specified warning including a pictorial depiction of skull and cross bones and such other warning as may be prescribed.

(2) No person shall carry on trade or commerce in cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products sold, supplied or distributed by him bears thereon, or on its label, the specified warning.

(3) No person shall import cigarettes or any other tobacco products for distribution or supply for a valuable consideration or for sale in India unless every package of cigarettes or any other tobacco products so imported by him bears thereon, or on its label, the specified warning.

(4) The specified warning shall appear on not less than one of the largest panels of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply for a valuable consideration.

(5) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco

## THE TOBACCO MENACE

products produced, supplied or distributed by him indicates thereon, or on its label, the nicotine and tar contents on each cigarette or as the case may be on other tobacco products along with the maximum permissible limits thereof: Provided that the nicotine and tar contents shall not exceed the maximum permissible quantity thereof as may be prescribed by rules made under this Act.

### **8. Manner in which specified warning shall be made-**

(1) The specified warning on a package of cigarettes or any other tobacco products shall be—

(a) legible and prominent;

(b) conspicuous as to size and colour;

(c) in such style or type of lettering as to be boldly and clearly presented in distinct contrast to any other type, lettering or graphic material used on the package or its label and shall be printed, painted or inscribed on the package in a colour which contrasts conspicuously with the background of the package or its labels.

(2) The manner in which a specified warning shall be printed, painted or inscribed on a package of cigarettes or any other tobacco products shall be such as may be specified in the rules made under this Act.

(3) Every package containing cigarettes or any other tobacco products shall be so packed as to ensure that the specified warning appearing thereon, or on its label, is, before the package is opened, visible to the consumer.

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

**9. Language in which the specified warning shall be expressed-** (1) Where the language used on a package containing cigarettes and any other

tobacco products or on its label is—

(a) English, the specified warning shall be expressed in the English language;

(b) any Indian language or languages, the specified warning shall be expressed in such Indian language or languages;

(c) both English and one or more Indian languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;

(d) partly English and partly any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;

(e) any foreign language, the specified warning shall be expressed in the English language; contents.

(f) partly any foreign language and partly English or any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages.

(2) No package of cigarettes or any other tobacco products or its label shall contain any matter or statement

## THE TOBACCO MENACE

which is inconsistent with, or detracts from, the specified warning.

**10. *Size of letters and figures-*** No specified warning or indication of nicotine and tar contents in cigarettes and any other tobacco products shall be deemed to be in accordance with the provisions of this Act if the height of each letter or figure, or both used on such warning and indication is less than the height as may be prescribed by rules made under this Act.

**11. *Testing laboratory for nicotine and tar contents-*** For purposes of testing the nicotine and tar contents in cigarettes and any other tobacco products the Central Government shall by notification in the Official Gazette grant recognition to such testing laboratory as that Government may deem necessary.

**12. *Power of entry and search-*** (1) Any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub-Inspector of Police, authorised by the Central Government or by the State Government may, if he has any reason to suspect that any provision of this Act has been, or is being, contravened, enter and search in the manner prescribed, at any reasonable time, any factory, building, business premises or any other place,—

(a) where any trade or commerce in cigarettes or any other tobacco products is carried on or cigarettes or any other tobacco products are produced, supplied or distributed; or



## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

(b) where any advertisement of the cigarettes or any other tobacco products has been or is being made.

(2) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

**13. Power to seize-** (1) If any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub-Inspector of Police, authorised by the Central Government or by the State Government, has any reason to believe that,—

(a) in respect of any package of cigarettes or any other tobacco products, or

(b) in respect of any advertisement of cigarettes or any other tobacco products, the provisions of this Act have been, or are being, contravened, he may seize such package or advertisement material in the manner prescribed.

(2) No package of cigarettes or any other tobacco products or advertisement material seized under clause (a) of sub-section (1) shall be retained by the officer who seized the package or advertisement material for a period exceeding ninety days from the date of the seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure was made, has been obtained for such retention.

**14. Confiscation of package-** Any package of cigarettes or any other tobacco products or any advertisement material

## THE TOBACCO MENACE

of cigarettes or any other tobacco products, in respect of which any provision of this Act has been or is being contravened, shall be liable to be confiscated:

Provided that, where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such package of cigarettes or any other tobacco products is found is not responsible for the contravention of the provisions of this Act, the Court may, instead of making an order for the confiscation of such package, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

**15. Power to give option to pay costs in lieu of confiscation-** (1) Whenever any confiscation of any package of cigarettes or any other tobacco products is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give to the owner thereof an option to pay, in lieu of confiscation, costs which shall be equal to the value of the goods confiscated.

(2) On payment of the costs ordered by the court, the seized packages shall be returned to the person from whom they were seized on condition that such person shall, before making any distribution, sale or supply of such packages of cigarettes or other tobacco products, get the specified warning and indication of nicotine and tar contents incorporated on each such package.

**16. Confiscation not to interfere with other punishments-** No confiscation made, costs ordered to be paid

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

**17. *Adjudication***- Any confiscation of cigarettes or any other tobacco products may be adjudged or costs may be ordered to be paid,—

(a) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made, costs have been ordered to be paid,

(b) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding rupees five thousand, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

**18. *Giving opportunity to the owner of seized packages***-  
(1) No order adjudging confiscation or directing payment of costs shall be made unless the owner or person in possession of the package of cigarettes or any other tobacco products has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such package, and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice, against the confiscation mentioned therein, and, if he so desires, of being heard personally or through a representative in the matter:

Provided that, where no such notice is given within a period of ninety days from the date of the seizure of the

## THE TOBACCO MENACE

package of cigarettes or of any other tobacco products, such package shall be returned, after the expiry of that period, to the owner or the person from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908, shall, as far as may be, apply to every proceeding referred to in subsection (1).

**19. Appeal-** (1) Any person, aggrieved by any decision of the court adjudging a confiscation, ordering the payment of costs, may prefer an appeal to the court to which an appeal lies from the decision of such court.

(2) The appellate court may, after giving to the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or reversing the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any fine in lieu of confiscation or confiscating of goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and, if he so desires, of being heard in person or through a representative in his defence.

(3) No further appeal shall lie against the order of the court of appeal.

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

**20. *Punishment for failure to give specified warning and nicotine and tar content-*** (1) Any person who produces or manufactures cigarettes or tobacco products, which do not contain, either on the package or on their label, the specified warning and the nicotine and tar contents, shall in the case of first conviction be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, and for the second or subsequent conviction, with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

(2) Any person who sells or distributes cigarettes or tobacco products which do not contain either on the package or on their label, the specified warning and the nicotine and tar contents shall in the case of first conviction be punishable with imprisonment for a term, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent conviction, with imprisonment for a term which may extend to two years and with fine which may extend to three thousand rupees.

**21. *Punishment for speaking in certain places-*** (1) Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to two hundred rupees.

(2) An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

## THE TOBACCO MENACE

**22. *Punishment for advertisement of cigarettes and tobacco products-*** Whoever contravenes the provision of section 5 shall, on conviction, be punishable—

(a) in the case of first conviction, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both, and

(b) in the case of second or subsequent conviction with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**23. *Forfeiture of advertisement and advertisement material-*** Where any person has been convicted under this Act for the contravention of the provision of section 5, the advertisement and the advertisement material for cigarettes and other tobacco products may be forfeited to the Government and such advertisement and advertisement material shall be disposed of in such manner as may be prescribed by rules made under this Act.

**24. *Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of eighteen years-*** (1) Any person who contravenes the provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees.

(2) All offences under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

**25. Prevention, detention and place of trial of offences under section 4 and 6-** (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government or the State Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act: Provided that the person so authorised may, if he has reasonable ground for believing that any person has committed an offence under section 4 or section 6, may detain such person unless the accused person furnishes his name and address, and otherwise satisfies the officer detaining him that he will duly answer any summons or other proceedings which may be taken against him.

(2) Any person detained under sub-section (1) shall forthwith be taken before Magistrate to be dealt with according to law.

(3) Any person committing an offence under section 4 or section 6 shall be triable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.

(4) Every notification issued under sub-sections (1) and (3) shall be published in the Official Gazette, and a copy thereof shall be exhibited for information to the public in some conspicuous place or places as the State Government may direct.

(5) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

## THE TOBACCO MENACE

**26. Offences by companies-** (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.



## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

**27. Offences to be bailable-** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be bailable.

**28. Composition of offences-** (1) Any offence committed under section 4 or section 6 may either before or after the institution of the prosecution be compounded by such officer authorised by Central Government or State Government and for an amount which may not exceed two hundred rupees.

(2) Where an offence has been compounded under subsection (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

**29. Protection of action taken in good faith-** No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

**30. Power to add any tobacco products in the schedule-** The Central Government, after giving by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any other tobacco product in respect of which it is of opinion that advertisements are to be prohibited and its production, supply and distribution is required to be regulated under this Act, and thereupon the Schedule shall in its application to such products be deemed to be amended accordingly.

## THE TOBACCO MENACE

### **31. Power of Central Government to make rules-**

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) specify the form and manner in which warning shall be given in respect of cigarettes or other tobacco products under clause (o) of section 3;

(b) specify the maximum permissible nicotine and tar contents in cigarettes or other tobacco products under the proviso to sub-section (5) of section 7;

(c) specify the manner in which the specified warning shall be inscribed on each package of cigarettes or other tobacco products or its label under sub-section (2) of section 8;

(d) specify the height of the letter or figure or both to be used in specified warning or to indicate the nicotine and tar contents in cigarettes or other tobacco products under section 10;

(e) provide for the manner in which entry into and search of any premises is to be conducted and the manner in which the seizure of any package of cigarettes or other tobacco products shall be made and the manner in which seizure list shall be prepared and delivered to the person from whose

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

custody any package of cigarettes or other tobacco products has been seized;

(f) provide for any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act and every notification made under section 30 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

***32. Act not to apply to cigarettes or other tobacco products which are exported-*** Nothing contained in this Act shall apply to any cigarette or other tobacco products or package of cigarettes or other tobacco products which is exported:

Provided that nothing in this section shall be deemed to authorise the export of any package of cigarettes or other tobacco products, not containing the specified warning and indication of nicotine and tar contents to any country if the law in force in that country requires that the same or similar

## THE TOBACCO MENACE

warning and nicotine and tar contents shall be specified on each package of cigarettes or other tobacco products.

*Explanation.*—For the purpose of this section, any cigarette or other tobacco products or package of cigarettes or other tobacco products shall be deemed to be exported before the commencement of this Act, if the necessary steps for export have already been taken notwithstanding that the actual export has not taken place.

**33. *Repeal and savings-*** (1) The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the aforesaid Act, shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

## CIGARETTE AND OTHER TOBACCO PRODUCTS ACT 2003

### THE SCHEDULE

[See section 3(p)]

1. Cigarettes
2. Cigars
3. Cheroots
4. *Beedis*
5. Cigarette tobacco, pipe tobacco and *hookah* tobacco
6. Chewing tobacco
7. Snuff
8. *Pan masala* or any chewing material having tobacco as one of its ingredients (by whatever name called).
9. *Gutka*
10. Tooth powder containing tobacco.

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### **III-B:**

#### **NOTIFICATION**

#### **MINISTRY OF HEALTH AND FAMILY WELFARE**

(Department of Health)

New Delhi, the 25<sup>th</sup> February, 2004

**S.O. 238(E).** —- In exercise of the power conferred by Sub-section (3) of Section 1 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby appoints 1<sup>st</sup> day of May, 2004 as the date on which the provisions of section 1,2,3,4,5,6(a), 12(1)(b), 12(2), 13(1)(b) 13(2), 14,16,19,21,22,23,24,25,26,27,28,29,30 and 31 of the said Act shall come into force

[F.No.P-16011/2/2003-PH]

**BHAVANI THYAGARAJAN, Jt. Secy.**

# **IV. Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004**

**MINISTRY OF HEALTH AND FAMILY WELFARE**

(Department of Health)

## **NOTIFICATION**

New Delhi, the 25<sup>th</sup> February, 2004

**G.S.R. 137.** — In Exercise of the power conferred by section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules, namely: -

**1. *Short title and commencement.*** — (1) These rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004

(2) They shall come into force on the 1<sup>st</sup> day of May, 2004

## THE TOBACCO MENACE

**2. Definitions.** — In these rules, unless the context otherwise requires,—

(a) “Act” means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of trade and Commerce, production, Supply and Distribution Act, 2003

(b) “section” means a section of the Act

(c) “open space” mentioned in Section 3(1) of the Act shall not include any places visited by the public such as open auditorium, stadium, railway station, bus stop and such other places; and

(d) words and expressions used herein and not defined in these rules but defined in the Act, shall have the meaning, respectively, assigned to them in the Act

(e)\* “Indirect advertisement” mentioned in section 5(1) of the Act means:

- (i) the use of a name or brand of tobacco products for marketing, promotion or advertising other goods, services and events;
- (ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;

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\* Inserted vide notification dated 31st May 2005 [G.S.R. 345 (E)] through “Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2005): In force from 1st Day of August 2005



## CIGARETTE AND OTHER TOBACCO PRODUCTS RULES 2004

- (iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and
- (iv) the use of tobacco products and smoking situations when advertising other goods and services.

**3. Prohibition of smoking in a public place.** — (1) The owner or the manager or in charge of the affairs of a public place shall cause to be displayed prominently a board, of a minimum size of sixty centimeter by thirty centimetre in the Indian languages(s) as applicable, at least one at the entrance of the public place and one at conspicuous place(s) inside, containing the warning “No Smoking Area - Smoking here is an offence

(2) The owner or the manager or in charge of the affair of a hotel having thirty rooms or restaurants having seating capacity of thirty persons or more and the manager of the airport shall ensure that, —

(i) The smoking and non-smoking areas are physically segregated;

(ii) The smoking area shall be located in such manner that the public is not required to pass through it in order to reach the non-smoking area; and

(iii) Each area shall contain boards indicating thereon “Smoking Area/Non-Smoking area”.

## THE TOBACCO MENACE

**4.\* *Prohibition of advertisement of cigarette and other tobacco products.***— (1) The size of the board used for the advertisement of cigarettes and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarette or any other tobacco products is offered for sale shall not exceed sixty centimeters by fourth-five centimeters.

(2) Each such board shall contain in an Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimeters by fifteen centimeters, namely:-

- (i) Tobacco Causes cancer, or
- (ii) Tobacco Kills

(3) The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background.

(4) The display board shall only list the type of tobacco products available and no brand shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner.

(5) The owner or manager or in-charge of the affairs of a place where cigarettes and other tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to

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\* Substituted vide notification dated 31st May 2005 [G.S.R. 345 (E)] through “Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Suply and Distribution (Amendment) Rules, 2005): In force from 1st Day of August 2005

## CIGARETTE AND OTHER TOBACCO PRODUCTS RULES 2004

persons below the age of eighteen years.

(6)<sup>##</sup> No individual or a person or a character in cinema and television programmes shall display tobacco products or their use. Where, however, cinema and television programmes which have been produced prior to this notification have scenes with smoking situations and use of other forms of tobacco, it shall be mandatory to place a health warning as a prominent scroll at the bottom of the television or cinema screen with font in black colour on white background which is legible and readable. The text of the warning shall be “Smoking Causes Cancer” or “Smoking Kills” for smoking form of tobacco use and “Tobacco causes cancer” or “Tobacco Kills” for chewing and other form of tobacco. The health warning shall be in the same language/s as used in the cinema or the television programme.

(7) Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand name and logos of the tobacco products are not visible.

**5 Prohibition of sale to minors.** — (1) The owner or the manager or the Incharge of the affairs of a place where cigarettes and other tobacco products are sold shall display a board of minimum size of sixty centimetre by thirty centimetre at conspicuous place(s) containing the warning “Sales of tobacco products to a person under the age of eighteen years is a punishable offence”, in Indian language(s) applicable.

<sup>##</sup> To be in force from Oct. 2, 2005

## THE TOBACCO MENACE

(2) The onus of proof that the buyer of the tobacco products is not a minor lies with the seller of the tobacco products. The seller, in case of doubt, may request tobacco purchaser to provide appropriate evidence of having reached eighteen years of age.

(3)\* The owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that no tobacco product is sold through a vending machine in order to prevent easy access of tobacco products to persons below the age of eighteen years.

(4)\* The owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that no tobacco product is handled or sold by a person below the age of eighteen years.”

[F.No. P-16011/2/2003-PH] &  
[F. No. P-16012/1/2005-PH]  
BHAVANI THYAGARAJAN, Jt. Secy

\* Added vide notification dated 31st May 2005 [G.S.R. 345 (E)] through “Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2005): In force from 1st Day of August 2005

## V. Prohibition on sale of Cigarettes and other Tobacco Products around Educational Institutions Rules, 2004

### NOTIFICATION

New Delhi, the 1st September, 2004

**G.S.R.561(E)** -- In exercise of the powers conferred by Section 31 read with Section 6 of 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), the Central Government hereby makes the following rules, namely:-

**1. Short Title, Extent and Commencement** - (1) These rules may be called the Prohibition on sale of Cigarettes and other Tobacco Products around Educational Institutions Rules, 2004.

(2) They shall extend to the whole of India.

(3) They shall come into force on the 1st day of December, 2004.

**2. Definitions.**- In these rules, unless the context otherwise requires,-

(a) Act means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;

## THE TOBACCO MENACE

(b) Educational Institution means places / centers where educational instructions are imparted according to the specific norms and include schools, colleges and institutions of higher learning established or recognized by an appropriate authority;

(c) Section means a section of the Act; and

(d) words and expressions used herein and not defined in these rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.

### ***3. Prohibition of Sale of Cigarettes and other Tobacco Products Around Educational Institutions.-***

**(1) *Display of Board*** - The owner or manager or any person in-charge of affairs of the educational institution shall display and exhibit a board 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.

**(2) *Measurement of Distance*** - 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.

(F.No.P-16011/2/2003-PH)

BHAVANI THYAGARAJAN, Jt.Secy.

NOTIFICATION

## **VI. Notification**

### **GOVERNMENT OF PUNJAB**

Department of Health & Family Welfare  
(Health Branch)

#### **NOTIFICATION**

No. 20/51/95-5HBV/28287

Dated the 7th day of December 2004

The Governor of Punjab is pleased to notify following officials as authorized persons to take cognizance under section 12, 25 and 28 of 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).

**i.)** Drug Inspectors, Department of Health and Family Welfare at the district level.

**ii)** Superintendent of Police or his representative not below the rank of Sub-Inspector at the district level.

Chandigarh

November 30, 2004

Darbara Singh Guru,  
Secretary to Government of Punjab,  
Department of Health & Family Welfare,  
Chandigarh

## THE TOBACCO MENACE

# **Burning Brain's five rules for active non-smokers**

Being a non-smoker is not enough; become an active non-smoker. Here are the Burning Brain's five rules to be so.

- 1.** Don't allow anyone to smoke in your office, work place or home. No matter who he/she is.
- 2.** Object to anyone smoking at any public places, like bus, train, hotel, hospital, bus stand, railway station, public offices, etc. Be vocal in your objection and point out the harms to you and the other person's health. Point out that it's illegal too.
- 3.** Educate young people about the effect and consequences of tobacco in a friendly, receptive and informal manner. Ensure that the schools/educational institutions provide a tobacco - free environment.
- 4.** Since about 70% of the people who consume tobacco want to quit but continue to smoke because no one close to them persistently ask them to quit tobacco. So, ask your friends, relatives and acquaintances who use tobacco, to give up. Impart proper information and dangers of tobacco. Help them quit smoking and/or other forms of tobacco
- 5.** When someone offers a cigarette, don't just refuse it. Take one, break it into pieces and throw it into a dustbin. This will assert your status as an active non-smoker and a misocapnic (a person who hates smoke). If you can point out the harms of smoking while doing so, you will definitely make your point.



# The **TOBACCO** Menace

A mini handbook on the Tobacco menace which answers most of your basic questions. Besides Providing you with tips to help your near and dear one's quit tobacco, the book also contains anti-tobacco act (COTPA) and rules made there under:-

- ▶ **Tobacco - Why it is bad?**
- ▶ **Tips on Quitting Tobacco**
- ▶ **Anti Tobacco Laws**
- ▶ **Updated & revised rules**



**Burning Brain Society [BBS]** is a Civil Society Organisation working with young people for improving the world we live in. While on one front, BBS is working to motivate the youngsters and provide them with a direction; on the other BBS is working to prevent them from getting into aberrations.

Tobacco use is considered to be one of the biggest aberrations in the society which directly results in about 100 million deaths every year in India alone.

Active involvement of people from all walks of life in this war against tobacco is a must. BBS invites all concerned people to become partners in the mission and save millions from dying an untimely death.

ISBN 819028781-8



**Burning Brain Society**