



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION: SCHOOL BRANCH
OLD SECRETARIAT: DELHI-110054

No. F. DE.23 (386)/Tobacco/Sch.Br./2017/ 2501

Dated: 12/12/17

CIRCULAR

Sub: Regarding the guidelines for Tobacco Free Schools.

Please find enclosed herewith the D.O. letter No. Pr. Secy (H&FW)/2017/1336-1338 dated 20.11.2017 alongwith its enclosures received from Pr. Secretary (F&FW), Health & Family Welfare Department Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi on the subject cited above.

All Heads of Govt. , Govt. Aided & Unaided Recognized Schools are hereby directed to implement the guidelines of 'Tobacco Free Schools' as mentioned in the above referred letter.

This issues with prior approval of the Competent Authority.

Encl: as above

12/12/2017
DDE (SCHOOLS)

All Heads of Govt., Govt Aided, Unaided Recognized Schools under Directorate of Education through DEL-E

No. F. DE.23 (386)/Tobacco/Sch.Br./2017/ 2501

Dated: 12/12/17

Copy to:-

1. PS to Pr. Secretary (H&FW), Health & Family Welfare Department, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002.
2. PS to Secretary (Education).
3. PS to Director (Education).
4. All RDEs/DDEs (District/Zone)/DEOs.
5. OS (IT) to please paste it on the website.
6. Guard file.

12/12/17
DEO (SCHOOLS)

Raajiv Yaduvanshi, IAS
राजीव यदुवंशी, भा.प्र.से.
PR. SECRETARY (H&FW)
प्रधान सचिव (स्वास्थ्य)



22/11
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
स्वास्थ्य एवं परिवार कल्याण विभाग
HEALTH & FAMILY WELFARE DEPARTMENT
दिल्ली सचिवालय, आई. पी. इस्टेट, नई दिल्ली-110002
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110002
Tel. 011-23392017 FAX-011-23392464
E-mail: pshealth@nic.in

D.O.: pshealth@nic.in/2017/1336-1338
Date: 20/11/2017

Dear Punya,

Please find enclosed herewith a D.O. No.P-16012/14/2017-TC dated 14th November, 2017 received from Shri Arun Kumar Jha, Economic Adviser, Ministry of Health & FW, Govt. of India regarding the guidelines for Tobacco Free Schools/Educational Institutions which have been developed by the Ministry of Health & FW. It has been mentioned that these guidelines have been adopted by the Central Board of Secondary Education (CBSE) regarding implementation of the Rules of COTPA, 2003 in schools, colleges and other educational institutes.


7202/SE
27/11/17

Copy of the above said letter along with the said guidelines for implementation of Section 6(b) of the Act and Rules is enclosed.


In view of the above, I am to request you to kindly ensure the same and submit confirmation report in this regard at the earliest.

Best Wishes,

Yours sincerely,


(Raajiv Yaduvanshi)

20833/DE
28/11/17

DE

Ms. Punya Salila Srivastav,
Secretary(Education)
Govt. of NCT of Delhi
Old Secretariat,
Delhi-54.

Encl: As above.


Addl DE/Secy

DD & Secy
putup
3054/Addl DE/Secy
29/11/17
Mr. Kishore
A. Jain
29/11/17

2682/DDE(SW)
30/11/17



ARUN KUMAR JHA

Economic Adviser
Tel. : 011-23061790
E-mail : arunkjha@nic.in



भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

D.O. No. F. No-P-16012/14 /2017-TC

Dated 14th November, 2017

Dear Sir,

The Central Government has enacted the Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulations of Trade and Commerce Production, Supply and Distribution) Act, 2003(COTPA), to discourage the use of tobacco, with emphasis on protection of children and young people from being addicted to the use of tobacco, with a view to achieve improvement of public health in general as enshrined in Article 47 of the Constitution.

2. As per the provisions of Section 6 of COTPA, 2003, No person shall sell, offer for sale, or permit sale of, cigarettes or any other tobacco product to any person who is under eighteen years of age, and in an area within a radius of one hundred yards of any educational institution.

3. Further, Rules to enforce section 6(b) of COTPA were notified vide Notification GSR 40(E), dated 19th January, 2010 as the Cigarettes and Other Tobacco Products (Display of board by Educational Institutions Rules, 2009) makes it mandatory for the owner or manager or any person in-charge of affairs of the educational institution to display and exhibit a board at a conspicuous place(s) outside the premises. The Rules also explains that to measure the radius of one hundred yards of any educational institution the distance is to be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

4. The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2011 as notified vide G.S.R. 619(E) Dated 11th August, 2011 provide the list of officers competent to act under and compound the offences committed in violation of clause (b) of Section 6 of the Act. The list of authorized officers is enclosed.

5. In this regard, 'Guidelines for Tobacco Free Schools/Educational Institutions' was developed by Ministry of Health & Family Welfare which was adopted by Central Board of Secondary Education (CBSE) vide Circular No. 18 in 2009 (copy enclosed).

Contd..../-

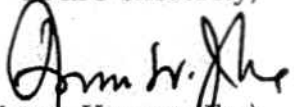
Healthy Village, Healthy Nation

एडस - जानकारी ही बचाव है

6. I would be grateful if you could issue necessary instructions to your State Education Board to adopt the above Guidelines for implementation of the above Rules of COTPA, 2003 in schools, colleges and other educational institutes. A copy of "Step by Step Guidelines for implementation of Section 6 (b) of the Act and Rules" is enclosed. We would be happy to extend any technical support in this regard.

with regards.

Yours sincerely,


(Arun Kumar Jha)

Encl: As above

Principal Secretary of all States/UTs

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 11th August 2011

G.S.R. 619(E).—In exercise of the powers conferred by Section 25 and 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 to further amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely:—

1. (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) Amendment Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, for rule 5, the following rule shall be substituted, namely:—

'5. Prohibition on sale of tobacco products to and by persons below the age of eighteen years. — (1) 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,—

(a) a board with a warning as specified in "Annexure I" is displayed at the entrance of the place where cigarettes or other tobacco products are sold and all the components of the board should appear in a manner exactly as in the soft copy provided in the compact disk [CD] accompanying these rules:

Provided that such board shall not have any advertisement or promotional messages or pictures or images of cigarettes or any other tobacco products.

(b) no tobacco product is sold through a vending machine;

(c) no tobacco product is handled or sold by a person below the age of eighteen years;

(d) tobacco products are not displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.

(2) The onus of proof, that the buyer of the tobacco product is not a person below the age of eighteen years lies with the seller of the tobacco products and the seller in case of doubts may request the buyer to provide appropriate evidence or age proof of having reached eighteen years of age'.

3. After rule 5 as so amended, the following rule shall be inserted, namely:—

'6. Recovery of Fine by authorized officers. — The authorised officers mentioned in Annexure II shall be competent to act under and compound the offences committed in violation of clause (a) and clause (b) of section 6 of the Act'.

4. At the end of the rules, the following Annexures shall be inserted, namely:—

ANNEXURE I

(See Rule 5(1)[a])

1. The Board shall be of a minimum size of 60 cm by 30cm of white background.

2. The Board shall contain the warning "sale of tobacco products to a person below the age of eighteen years is a punishable offence", in Indian language(s) as applicable and a pictorial depiction of the ill-effects of tobacco use on health.

ANNEXURE II

(See Rule 6)

Serial No. Person authorised to take action

1. Vice Chancellor or Director or Proctor or Principal or Headmaster or In-Charge of an Educational Institution
2. Assistant Labour Commissioner from the Department of Labour
3. All officers of the rank of Sub-Inspector in State Food and Drug Administration from the Department of Food and Drugs
4. All officers of the rank of Inspectors from the Department of Education
5. All police officers of the rank of Sub-Inspector of Police and above
6. Municipal Health Officers
7. Representatives of Panchayati Raj Institutions (Chairperson or Sarpanch or Panchayat Secretary)
8. District Programme Manager of Finance Manager—District Health Society (National Rural Health Mission)
9. Civil Surgeon or Chief Medical Officer at District Hospital or Medical Officer at Primary Health Centre (PHC)
10. Block Development Officer, Block Extension Educator (BEE)
11. Director or Joint Director Department of Health, and Department of Education in the State Government
12. Nodal Officers of State and District Tobacco Control Cell under National Tobacco Control Programme

[F. No. P-16017/20/2009-PH-I]

B.K. PRASAD, Jt. Secy.

Note.— The principal rules were published in the Gazette of India, *vide* notification number G.S.R. 137, dated the 25th February, 2004 and were subsequently amended *vide* notification number G.S.R. 345(E) dated the 31st May, 2005, and *vide* number G.S.R. 656(E) dated 20th October, 2006.

2/27/10

Guidelines for Tobacco- Free Schools/ Educational Institutions

1. Display of "Tobacco free School" or "Tobacco-free Institution" board at a prominent place on the boundary wall outside the main entrance.
2. No sale of tobacco products inside the premises and Within the radius of 100 yards from school / educational institutions and mandatory signage in this regard shall be displayed prominently near the main gate and on boundary wall of school institute.
3. No smoking or chewing of tobacco inside the premises of institution by students/ teachers/ other staff members / visitors.
4. Display of sign boards "No Smoking Area- Smoking here is an offence", of 60X30cm size inside the institution (as mandated by law).
5. Posters with information about the harm effects of tobacco shall be displayed at prominent places in the school/institutions. Students shall be encouraged to make their own posters on tobacco control themes.
6. A copy of the Cigarette and other tobacco products Act (COTPA) 2003 shall be available with the principal/ head of school/ institution. (May be downloaded from the website of the Ministry of Health & Family Welfare- www.mohfw.nic.in)
7. A "Tobacco Control Committee" shall be in place. It may be chaired by school head/ principal, with members comprising of a science teacher, or any other teachers, school counselor (if available), at least two NSS/NCC/scout students, at least two parents representatives, area MLA, area SHO, Municipal Councilor, member of PRIs, any other member. The committee shall monitor the tobacco control initiatives of the school/institute. The committee shall meet quarterly and report to the district administration.

8. Integrate tobacco control activities with on going School Health Programme of the State
9. Promote writing of Anti- tobacco slogans on the School/ Institute stationery.
10. The principal / head of school / institute shall recognize tobacco control initiatives by students/ teachers/ other staff and certificates of appreciation or awards may be given.
11. State Nodal Officer for Tobacco Control in the State Health Directorate may be consulted for technical or any other inputs.

215/c

CENTRAL BOARD OF SECONDARY EDUCATION

"Shiksha Kendra", 2, Community Center,
Preet Vihar, Delhi-110092

CBSE/ACAD/HEALTH/2009

June 19, 2009

Circular No. 18

**All the Heads of Independent Schools
Affiliated to the CBSE**

**Subject : Observation of International Day against Drug Abuse
and Illicit Trafficking on 26th June, 2009**

Dear Principals,

The Central Board of Secondary Education, as part of its **Comprehensive School Health Programme and Adolescence Education Programme** has reinforced the concept of **Health Promoting Schools**.

A **Health Promoting School** fosters health and learning with all the measures at its disposal and creates conditions that are conducive to health through policy, services and creating a healthy school environment. It is hoped that schools affiliated to CBSE are creating awareness regarding the major causes of death, disease and disability such as tobacco use, HIV/AIDS/STDs, sedentary life style, drugs and alcohol, violence and injury and unhealthy nutrition. Schools are expected to influence positive health related behaviour by capacity building in the domain of behavior, beliefs, skills, attitudes and values.

Health and Wellness Clubs in schools must be engaged with the six themes: **Knowing Your Body, Food and Nutrition, Personal and Environmental Hygiene, Physical Fitness, Being Safe and Responsible and Behavior and Life Skills**.

Each year, 26th June is observed as the **International Day against Drug Abuse and Illicit Trafficking**. On this occasion Board expects schools to renew their resolve to **fight this menace collectively by organizing awareness campaigns, conducting seminars and workshops and holding cultural Programmes and exhibitions etc.**

Given below are compulsory guidelines for ensuring **Tobacco Free Schools**:

1. Display of "Tobacco Free School" or "Tobacco Free Institution" board at a prominent place on the boundary wall outside the main entrance.

2. No sale of tobacco products inside the premises and within the radius of 100 yards from school/ educational institutions and mandatory signage in this regard shall be displayed prominently near the main gate and on boundary wall of school/ institution.
3. No smoking or chewing of tobacco inside the premises of institution by students/ teachers/ other staff members/ visitors.
4. Display of sign boards "**No Smoking Area- Smoking here is an offence**", of 60x30cm size inside the institution (as mandated by law).
5. Posters with information about the harmful effects of tobacco should be displayed at prominent places in the school/ institutions. Students should be encouraged to make their own posters on tobacco control themes.
6. A copy of the **Cigarette and other tobacco products Act (COTPA) 2003** needs to be available with the principal/ head of school/ institution. (May be downloaded from the website of the Ministry of Health & Family Welfare – www.mohfw.nic.in)
7. A "**Tobacco Control Committee**" needs to be in place. It may be chaired by school head/ principal, with members comprising of a science teacher, or any other teachers, school counselor (if available), at least two **NSS/NCC/Scout students**, at least two parents representatives, **area MLA, area SHO, Municipal Councilor, member of PRIs**, any other member. The committee shall monitor the tobacco control initiatives of the school/ institute. The committee shall meet quarterly and report to the district administration.
8. Integrate **tobacco control** activities with the on going **School Health Programme and Health and Wellness Clubs**.
9. Promote writing of Anti – tobacco slogans on the School/ Institute stationery.
10. The principal/ head of school/ institute shall recognize tobacco control initiatives by students/ teachers/ other staff and certificates of appreciation or awards may be given.

The guidelines may be followed meticulously and awareness regarding them may be brought to the notice of all concerned including students, teachers, parents as well as all other stakeholders.

Yours sincerely

(Dr. Sadhana Parashar)
Education Officer (L)

Copy with a request to respective Heads of Directorates/KVS/NVS/CTSA as indicated below to also disseminate the information to all concerned schools under their jurisdictions:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
2. The Commissioner, Navodaya Vidyalaya Samiti, A-28, Kailash Colony, New Delhi.

213/c

3. The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110 054.
4. The Director of Public Instructions (Schools), Union Territory Secretariat, Sector 9, Chandigarh-160 017.
5. The Director of Education, Govt. of Sikkim, Gangtok, Sikkim – 737 101.
6. The Director of School Education, Govt. of Arunachal Pradesh, Itanagar- 791 111
7. The Director of Education, Govt. of A&N Islands, Port Blair-744 101.
8. The Secretary, Central Tibetan School Administration, ESS ESS Plaza, Community Centre, Sector 3, Rohini, Delhi-110 085.
9. All the Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board in their respective regions.
10. The Education Officers/AEOs of the Academic Branch, CBSE.
11. The Joint Secretary (IT) with the request to put this circular on the CBSE website.
12. The Library and Information Officer, CBSE
13. EO to Secretary, CBSE
14. PA to CE, CBSE
15. PA to Secretary, CBSE
16. PA to Director (Acad.)
17. PA to HOD (AIEEE)
18. PA to HOD (Edusat)
19. PRO, CBSE

Education Officer (L)

212/c

Step by Step Guidelines for implementation of Section 6 (b) of the Act and Rules framed thereunder relating to prohibition on sale of tobacco products near 100 yards of educational institutions

Provisions under Act / Rules

As per section 6 of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003); 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 (b) in an area within a radius of **one hundred yards** of any educational institution.

Section-24 of the COTPA, 2003 stipulates that (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.

Rules to enforce section 6(b) of COTPA, were notified vide Notification GSR 40(E), dated 19th January, 2010 as the Cigarettes and Other Tobacco Products (Display of board by Educational Institutions Rules, 2009).

- (i) The word "Educational Institution" means any place or centre where educational instructions are imparted according to the specific norms and include any school/colleges and institution of higher learning established or recognized by an appropriate authority;
- (ii) The Rules makes it mandatory for the owner or manager or any person in-charge of affairs of the educational institution to 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 under Section 24 of the Act with fine which may extend to two hundred rupees.
- (iii) The Rules further explains that to measure the radius of one hundred yards of any educational institution the distance is to be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

Authorized persons for implementation of Section 6 (b) of COTPA, 2003

The following officers have been notified vide Notification dated 11th August, 2011 for implementation of Section 6 of the Act:

Serial Number	Person authorized to take action
1.	Vice Chancellor or Director or Proctor or Principal or Headmaster or In-Charge of an Educational Institution

2.	Assistant Labour Commissioner from the Department of Labour
3.	All officers of the rank of Sub-Inspector in State Food and Drug Administration from the Department of Food and Drugs
4.	All officers of the rank of Inspectors from the Department of Education.
5.	All police officers of the rank of Sub-Inspector of Police and above
6.	Municipal Health Officers
7.	Representatives of Panchayati Raj Institutions (Chairperson or Sarpanch or Panchayat Secretary)
8.	District Programme Manager or Finance Manager- District Health Society (National Rural Health Mission)
9.	Civil Surgeon or Chief Medical Officer at District Hospital or Medical Officer at Primary Health Centre (PHC)
10.	Block Development Officer, Block Extension Educator(BEE)
11.	Director or Joint Director Department of Health, and Department of Education in the State Government
12.	Nodal Officers of State and District Tobacco Control Cell under National Tobacco Control Programme

211/c

Important points for implementation of Rules

1. The person in-charge of affairs of an educational institution shall ensure the following:
 - a) No shops selling cigarettes and other tobacco products are within a radius of 100 yards of an educational institution
 - b) No sale of tobacco product through a vending machine.
 - c) Board (s) stating prominently 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. It is an offence punishable under Section 24 of the COTPA, 2003 with fine which may extend to two hundred rupees"* is/are displayed at a conspicuous place(s) outside the premises.

Imposition of penalty and process thereof

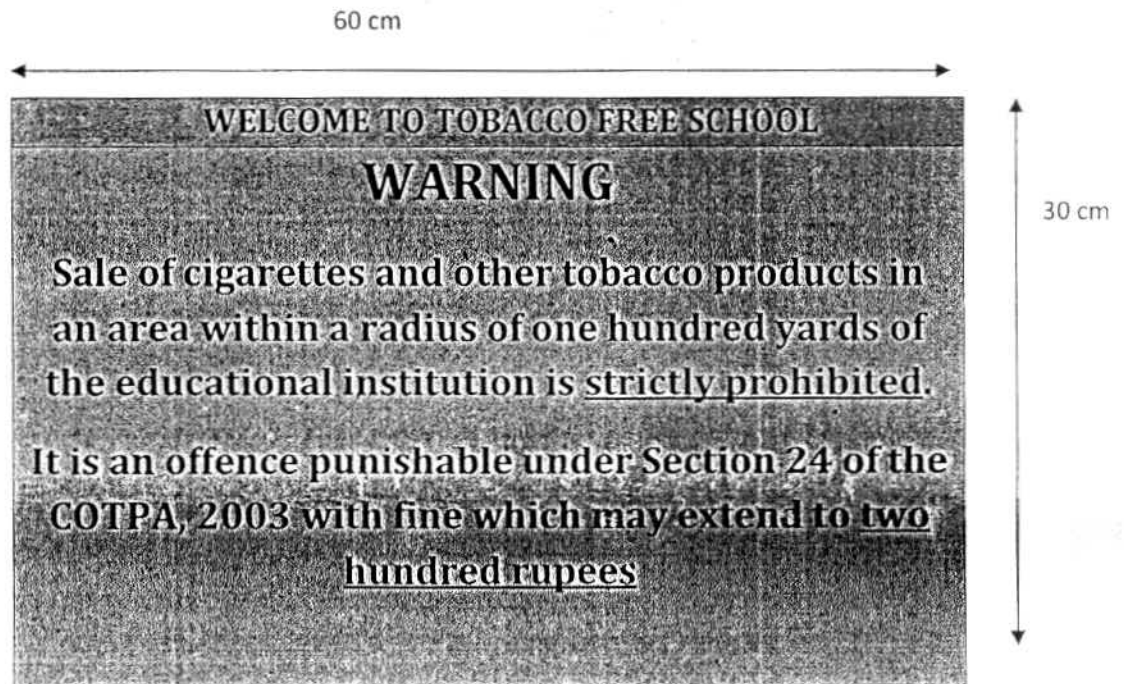
1. On the spot fine: The person(s) authorized by the central or state government in this behalf, shall within his/her jurisdiction issue challans and recover on the spot fine (as the offence is compoundable. Refer to Section 24).

OR

Penalty before a Court: Issue challans 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 (when he fails to pay fine but furnishes his name and address)

2. Detention of violator: in case a violator refuses to pay the fine and further fails to furnish his/her name and address, and otherwise fails to satisfy the authorized officer that he/she will duly answer any summons or other proceedings which may be taken against him/her, such person may be detained by the authorized officer (Refer to Section 25).
3. The authorized person shall then hand over the detained person to the concerned police station and lodge a complaint under Section 24 of the COTPA 2003.
4. Any person detained shall forthwith be taken before the concerned Magistrate to be dealt with in accordance with law.
5. Place of trial: Any person committing an offence under Section 6 shall be tried 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/she is liable to be tried under any law for the time being in force.
6. Summary Trial of offence: All offences committed under Section 6 of the Act shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

Specification of the board as mandated in the Guidelines for Tobacco Free Educational Institutions to be displayed in schools



Note: The above board may also be customized in regional language.

Reporting Format to be filled up/sent by the 'Tobacco Control Committee' as mandated in the Guidelines for Tobacco Free Educational Institutions

20/10

The members of the 'Tobacco Control Committee' who are authorized under Section 6 (b) should submit a quarterly report to the respective District Tobacco Control Cell (DTCC) as per the format below;

Report of the Tobacco Control Committee	
Name / Address of the School :	
Name of Principal / Head of School :	
Subject : Quarterly Report for the period from to for implementation of Section- 6 (b) of COTPA, 2003 and Rules made thereunder.	

1. Is there any violation reported / observed by the Committee during this period? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes , please provide the details of action taken	
<input type="text"/>	
2. Has the Committee met in the Quarter ? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Please provides details if 'Yes' and reason for 'No'	
<input type="text"/>	
3. No. of boards displayed outside the premises [main gate and on boundary wall]: <input type="text"/>	
4. Amount of fine collected during this period: [To be deposited to respective DTCC] Rs. <input type="text"/>	
Date:	Signature of Chairperson.....
	Name of Chairperson.....

208/c

Prototype of a receipt

(Name and Address of school/educational institute)

RECEIPT

Receipt No. 851 Date :

Received Rs.(in words).....

.....

from .

.....S/o.....

R/o.....

.....on account of fine.

For offence committed by him at.....(Name of the Place) under the provisions of the Cigarettes and other tobacco products (prohibition of advertisement and regulation of trade and commerce, production, supply and distribution) Act, 2003 and Circular dated

Signature of the Offender Signature of the Authorized Officer

Prototype of a Challan

Book No. Serial No.....

The 'Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003'

1. Name and Address of the accused person

.....

2. Scene of the offence with date, time and place.

.....

3. Particulars of offence under Act/ Rules.

.....

Signature/left thumb impression of the accused

Signature of the witness

Name and address of the issuing authority