



Government of West Bengal
Office of the District Magistrate
Kalimpong

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Memo No: 345 /COTPA

Date 04/05/18

To
The Executive Officer
Kalimpong Municipality

Sub: Trade License for Shops selling tobacco products and Compliance of Legislations

Sir

You are requested to take appropriate actions to provide vendor license to all vendors selling tobacco products as mentioned in the **Section 201 of the West Bengal Municipal Act, 1993** (See Schedule II of Section 201) which states tobacco cannot be stored or sold without a licence or written permission and prescribes to make licences mandatory for vendors selling tobacco products in the municipal areas of West Bengal.

However, in doing so you are also requested to ensure the followings:

1. As per Section 6(b) of Cigarette and Other Tobacco Products Act (COTPA) 2003 it is to be ensured that no tobacco products are being sold or offered within 100 yards of the outer boundary/main gate of any educational institution. Hence, no tobacco vending license is to be issued to any vendor doing business in the aforesaid area.
2. For compliance of Section 5 of COTPA, 2003 the following things must be ensured by the tobacco vendors:
 - a. At the point of sale a white board may be displayed to show that tobacco products are sold here. However, 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 product is offered for sale shall not exceed sixty centimetres by forty-five centimetres
 - b. Each such board shall contain in Nepali or in English or in Hindi one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimetres by fifteen centimetres, namely:-
 - i. Tobacco causes cancer, or
 - ii. Tobacco kills
 - c. The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background
 - d. The display board shall only list the type of tobacco products available and no brand pack 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
3. In order to ensure the compliance of Section 6a of COTPA, 2003 the tobacco vendors 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
 - b. (b) no tobacco product is sold through a vending machine;
 - c. (c) no tobacco product is handled or sold by a person below the age of eighteen years;

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

In this regard the tobacco vendors may be informed that 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.

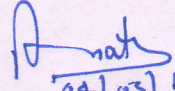
The tobacco vendors may also be informed about Section 77 of Juvenile Justice Act, 2015 which says that, 'Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees'. According to Section 2(12) of the Act "child" means a person who has not completed eighteen years of age.

It is essential that all necessary steps are to be taken to implement Section 201 of West Bengal Municipal Act, 1993, Section 5 and Section 6 of COTPA, 2003 and Section 77 of Juvenile Justice Act, 2015 in Kalimpong municipal area to make it compliant with legislations mentioned above.

You may coordinate with MANT (+91-8420011313), the technical partner for tobacco control in Kalimpong for any technical support you may require.

Thanking you

Yours faithfully,


04/03/18
District Magistrate
Kalimpong

Date:

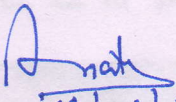
Memo No: (70)/COTPA

Copy forwarded for kind information and taking necessary action to:

1. The Principal Secretary, GTA, Darjeeling
2. The CA to Principal Secretary, Govt of WB, Deptt of H&FW to apprise
3. The Mission Director (NHM), Govt of WB, Deptt of H&FW
4. The Superintendent of Police, Kalimpong
5. The Additional District Magistrate, Kalimpong
6. The Sub-Divisional Officer, Kalimpong
7. The BDO _____
8. The Regional Transport Officer, Kalimpong
9. The Commercial Tax Officer, Kalimpong
10. The Superintendent of Excise, Kalimpong
11. The Officer in Charge of Health, Kalimpong
12. The District Inspector of Schools (Secondary), Kalimpong
13. The District Inspector of Schools (Primary), Kalimpong
14. The District Information and Cultural Officer, Kalimpong
15. The Assistant Labour Commissioner- Kalimpong
16. The Dy. Director Agricultural, Kalimpong
17. The Dy. Chief Medical Officer of Health-II, Kalimpong
18. The Dy. Chief Medical Officer of Health-III, Kalimpong
19. The ACMOHs, Kalimpong

Dev.Block(All)

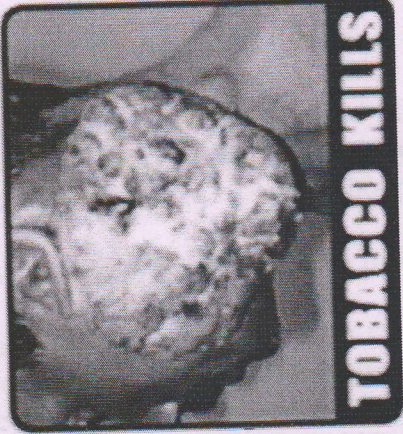
20. The Principal, College, Kalimpong
21. The HM, School,
Kalimpong
22. The Senior Post Master, Kalimpong Head Post Office
23. The District Library Officer, Kalimpong
24. The G.M, District Industries Centre, Kalimpong
25. The BMOH/MOIC, _____ BPHC/RH(all)
26. The CDPO, _____ Block/Urban(all)
27. The SI of Schools _____ (all)
28. The Executive Director, MANT, Kolkata


04/05/18
District Magistrate
Kalimpong

Warn tobacco sellers, vendors and industry that sale to and by minors is prohibited (Section 6 a)

60 cm

30 cm

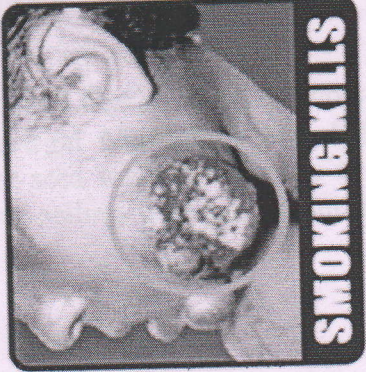


Sale of tobacco products to person below the age of eighteen years is a punishable offence

Option 1

60 cm

30 cm



Sale of tobacco products to a person below the age of eighteen years is a punishable offence

Option 2

