

**GOVERNMENT OF INDIA  
MINISTRY OF HEALTH AND FAMILY WELFARE  
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**RAJYA SABHA  
STARRED QUESTION NO. 168  
TO BE ANSWERED ON THE 10<sup>TH</sup> MAY, 2016  
STRICT ENFORCEMENT OF PROHIBITING SALE OF TOBACCO NEAR  
SCHOOLS**

**\*168. DR. KANWAR DEEP SINGH:**

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

(a) whether the rule prohibiting advertisements/sale of tobacco products within 100 yards from schools etc. are being strictly enforced, if not, reasons therefor;

(b) whether the Cigarettes and other Tobacco Products Act (COTPA) also prohibits sale/advertisements of smokeless products; and

(c) if so, action initiated to punish the violators?

**ANSWER  
THE MINISTER OF STATE FOR HEALTH AND FAMILY WELFARE  
(SHRI SHRIPAD YESSO NAIK)**

(a) to (c): A statement is laid on the Table of the House

## STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA

### STARRED QUESTION NO. 168\* FOR 10<sup>TH</sup> MAY, 2016

(a): The enforcement of the Cigarette and other Tobacco Products Act (COPTA), 2003 and the relevant provisions of the Food Safety and Standards Act, 2006 lies with States.

(b & c): Section 6 (b) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003) lays down as under:

*Section 6: 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-5 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003) prohibits direct and indirect advertisements of all tobacco products. The said prohibition extends to any activity that promotes the use or consumption of cigarettes or any other tobacco products.

Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1<sup>st</sup> August 2011, issued under the Food Safety and Standards Act, 2006 by the Food Safety & Standards Authority of India (FSSAI), lays down as under:

*“Product not to contain any substance which may be injurious to health: tobacco and nicotine shall not be used as ingredients in any food products.”*

Under these regulations, the Governments of all States/UTs, except the UT of Lakshadweep, have issued orders/notification to enforce the ban on manufacture, sale and storage of Gutkha and Pan Masala containing tobacco and nicotine.

Penalties under various provisions of COTPA-2003 are prescribed under Sections 20,21,22, and 24 of the Act, which are enforced by the respective State Governments.