

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
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[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.