

Ministry of Health & Family Welfare  
Government of India

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Dated : 15<sup>th</sup> April, 2008

**ORDER**

**Subject : Monitoring Committee to monitor the violation of Section - 5  
of the Indian Tobacco Control Act – 2003 at State & District levels.**

The section -5 of the 'The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003' prohibits any form of direct or indirect advertisement of cigarettes and other tobacco products. It has been observed that the enforcement of the provisions of this section in many parts of the country is not satisfactory either due to lack of knowledge or mechanism to enforce the same.

2. The steering committee under the chairmanship of Secretary Health in its meeting held on 21<sup>st</sup> of February, 2008 decided to establish a monitoring mechanism at State /District level to enforce the provisions of the section -5 of the Indian Tobacco Control Act, 2003.

3. In pursuance of the decisions, a committee with the following members is hereby constituted:

**State Level Committee:**

- |       |  |   |          |
|-------|--|---|----------|
| (i)   | Secretary, Health & Family Welfare           | - | Chairman |
| (ii)  | Representative of the DG of the State Police | - | Member   |
| (iii) | Representative Dept of Food & Drug           | - | Member   |

- (iv) Representative of a leading NGO working in the field of Health/Tobacco Control (to be nominated by Health Secretary) - Member
- (v) Academician /Psychologist /Sociologist (one each to be nominated by Health Secretary) - Member

#### 4. Functions:

The functions of the State Level Monitoring Committee will be:

- 1) To see whether District/Local Committees have been formed.
- 2) To see whether they are meeting regularly.
- 3) To see whether the authorized officers are effectively performing their duties.
- 4) To see how many cases are handled by them and what decisions are arrived at.
- 5) To give suggestion/guidance to District/Local Level Committee.
- 6) To take decision on the matters referred to it by District/Local level Committee.
- 7) To collate data/information from District/Local Level Committee and forward it to Ministry of Health & Family Welfare, Government of India from time to time or as may be prescribed by Ministry of Health & Family Welfare.
- 8) To recommend and initiate action in specific cases of violation of section – 5 of the Indian tobacco control Act, brought to the notice of the committee.

#### 5. **District level Committee**

- (i) District Magistrate (or Police Commissioner) - Chairman.
- (ii) District Superintendent of Police - Member.
- (iii) District Public Relations Officer - Member
- (iv) Drug & Food Inspector - Member



- |      |  |   |        |
|------|--|---|--------|
| (v)  | Representative of a leading NGO working in the field of Health/Tobacco Control   | - | Member |
| (vi) | Principal of a leading College in the District<br>Academician /Psychologist /Sociologist<br>(one each to be nominated by DM) | - | Member |

**6. Scope of the Committee**

- 1) To provide a forum where the public may lodge a complaint regarding direct, indirect / surrogate advertisement(s) of tobacco & allied products in media (print as well as electronic) and take action on the same as per procedure.
- 2) To review the action taken by the committee for enforcement of the section – 5 of the Indian Tobacco Control Act of 2003.
- 3) To immediately bring to the notice of State and Central Government if any programme is affecting public order.

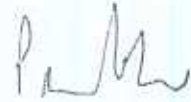
7. For cities where Police Commissioner is appointed, he shall be the Chairman of the committee. All the other members shall be nominated by the Police Commissioner under various categories listed above.

8. The nominated members shall have term of two years. They shall not be eligible for re-nomination. Any vacancy can be filled by nominating a new member for a fresh term.

9. The State/ District level monitoring will review, deliberate and take decisions against the complaints received in accordance with the opinion of the majority of the members present in the meeting.

10. In respect to interstate violation(s), the state level committee may initiate action, as per prescribed procedure such cases may also be forwarded to the

Nodal Officer i.e. Director Public Health, MoHFW, GOI who may take up the matter with the concerned state governments, as also inform the steering committee, under the Ministry of Health & FW.



Pravir Krishn  
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