

THE CIGARETTES AND OTHER TOBACCO PRODUCTS

(PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE,
PRODUCTION, SUPPLY AND DISTRIBUTION)

ACT, 2003

Newer Notification

(2010 - 2015)

This compilation is jointly supported by
Ministry of Health & Family Welfare, Government of India
World Health Organization, Country Office of India,
International Union Against Tuberculosis and Lung Disease

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 19th January, 2010

G.S.R. 40(E).—In exercise of the powers conferred by 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), and in supersession of the Prohibition on sale of the Cigarettes and Other Tobacco Products around Educational Institutions Rules, 2004, except as respects things, done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title, extent and commencement.—(1) These rules may be called the Cigarettes and Other Tobacco Products (Display of Board by Educational Institutions) Rules, 2009.

(2) They shall extend to the whole of India.

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

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and

Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003);

(b) "educational institution" means any place or centre where educational institutions are imparted according to the specific norms and include any school/college and institution of higher learning established or recognised by an appropriate authority;

(2) Words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Display of Board by Educational Institutions.—

(1) The owner or manager or any person incharge of affairs of any educational institution shall display and exhibit a board at a conspicuous place outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of 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.

(2) The distance of one hundred yards referred to in sub-rule (1), shall be measured radially starting from the outer limit of the boundary wall or fence, as the case may be, of the educational institution.

[F.No. P. -16017/72/2007-PH-I]

V. VENKATACHALAM, Addl. Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 5th March, 2010

G.S.R. 176(E).—In exercise of the powers conferred by sub-section (1) of Section 7, sub-section (2) of Section 8, Section 10 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), read with Rule 3 and Rule 5 of the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008, the Central Government hereby makes the following amendment to the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 namely:—

1. Short title and Commencement.—(1) These Rules may be called the Cigarettes and Other Tobacco Products (Packaging and Labelling) (Amendment) Rules, 2010.

(2) They shall come into force on 1st June, 2010.

2. In the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008.

For the Paragraph 2 of the SCHEDULE of the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 the following shall be substituted, namely:—

The specified health warnings are—

1. For smoking forms of tobacco packs:—



2. For chewing or smokeless forms of tobacco packages:—



[P.16011/3/2008-PH.I]

V. VENKATACHALAM, Addl. Secy.

Note :—The Principal rules were published vide No. G.S.R. 182(E) dated 15th March, 2008 and subsequently amended vide No. G.S.R. 693(E) dated 29-9-2008 and vide No. S.O. 2814(E) dated 28-11-2008 and vide No. G.S.R. 305(E) dated 3-5-2009.



सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 105]

नई दिल्ली, मंगलवार, मार्च 9, 2010/फाल्गुन 18, 1931

No. 105]

NEW DELHI, TUESDAY, MARCH 9, 2010/PHALGUNA 18, 1931

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

शुद्धि-पत्र

नई दिल्ली, 9 मार्च, 2010

सा.का.नि. 179(अ).—इस मंत्रालय के दिनांक 5 मार्च, 2010 की अधिसूचना सं. सा.का.नि. 176(अ) में आंशिक संशोधन करते हुए पैरा-2 में विनिर्दिष्ट स्वास्थ्य चेतावनियों के नीचे निम्नलिखित जोड़ा जाए :—

“टिप्पण :—इन नियमों के साथ एक सीडी लगी है जिसमें इन स्वास्थ्य चेतावनियों की एक सॉफ्ट प्रति अन्तर्विष्ट है जिसकी प्रयोग तम्बाकू उत्पाद पैकेजों में मुद्रण के लिए किया जाता है।”

अधिसूचना की शेष अंतर्वस्तु अपरिवर्तित रहेगी।

[सं. पी. 16011/3/2008-पीएच. I]

वी. वेंकटाचलम, अपर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

CORRIGENDUM

New Delhi, the 9th March, 2010

G.S.R. 179(E).—In partial modification to this Ministry's Notification No. G.S.R. 176(E), dated 5th March, 2010, the following may be added below the specified health warnings in Paragraph 2 :—

“Note :—These rules are accompanied by a CD that contains a soft copy of these health warnings, for inclusion in printing of tobacco product packages.”

Remaining contents of the Notification shall remain unchanged.

[No. P. 16011/3/2008-PH. I]

V. VENKATACHALAM, Addl. Secy.

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)****NOTIFICATION**

New Delhi, the 20th December, 2010

G.S.R. 985(E).—In exercise of the powers conferred by sub-section (1) of section 7, sub-section (2) of section 8, section 10 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 further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely:—

1. (1) These Rules may be called the Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2010.

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

2. In the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008, following shall be substituted, namely:—

(A) for rule 5, the following shall be substituted, namely:—

“5. **Rotation of Specified Health Warnings.**—The Specified Health Warning on tobacco packs shall be rotated every two years from the date of notification of the rules or earlier, as the case may be, as specified by the Central Government”

(B) in the Schedule, for paragraph 2, the following paragraph shall be substituted, namely:—

“2. The specified health warnings are—

(1) For smoking forms of tobacco packs:—



(2) For chewing or smokeless forms of tobacco packages:—



Note:— These rules are accompanied by a CD that contains a soft copy of these health warnings, for inclusion in printing of tobacco product packages.”

[F. No. P-16017/05/2010-PH]

B.K. PRASAD, Jt. Secy.

Note:—The Principal rules were published *vide* No. G.S.R. 182(E) dated 15th March, 2008 and subsequently amended *vide* No. G.S.R. 693(E) dated 29-9-2008 and *vide* No. S.O. 2814(E) dated 28-11-2008 and *vide* No. G.S.R. 305(E) dated 3-5-2009 and *vide* No. G.S.R. 176(E) dated 5-3-2010 and *vide* No. G.S.R. 411(E) dated 17-5-2010.

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 20th December, 2010

G.S.R. 985(E).—In exercise of the powers conferred by sub-section (1) of section 7, sub-section (2) of section 8, section 10 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 further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely :—

1. (1) These Rules may be called the Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2010.

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

2. In the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008, following shall be substituted, namely :—

(A) for rule 5, the following shall be substituted, namely :—

“5. **Rotation of Specified Health Warnings.**—The Specified Health Warning on tobacco packs shall be rotated every two years from the date of notification of the rules or earlier, as the case may be, as specified by the Central Government”

(B) in the Schedule, for paragraph 2, the following paragraph shall be substituted, namely :—

“2. The specified health warnings are—

(1) For smoking forms of tobacco packs :—



(2) For chewing or smokeless forms of tobacco packages :—



Note.— These rules are accompanied by a CD that contains a soft copy of these health warnings, for inclusion in printing of tobacco product packages.”

[F. No. P-16017/05/2010-PH]

B.K. PRASAD, Jt. Secy.

Note.— The Principal rules were published *vide* No. G.S.R. 182(E) dated 15th March, 2008 and subsequently amended *vide* No. G.S.R. 693(E) dated 29-9-2008 and *vide* No. S.O. 2814(E) dated 28-11-2008 and *vide* No. G.S.R. 305(E) dated 3-5-2009 and *vide* No. G.S.R. 176(E) dated 5-3-2010 and *vide* No. G.S.R. 411(E) dated 17-5-2010.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 17]

नई दिल्ली, बुधवार, जनवरी 6, 2010/पौष 16, 1931

No. 17]

NEW DELHI, WEDNESDAY, JANUARY 6, 2010/PAUSA 16, 1931

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

अधिसूचना

नई दिल्ली, 6 जनवरी, 2010

का.आ. 23(अ).—सिगरेट एवं अन्य तम्बाकू उत्पाद (वित्तपन का प्रतिबंध और व्यापार तथा वाणिज्य, उत्पादन, आपूर्ति एवं वितरण) अधिनियम, 2003 (2003 का 34) की धारा 25 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार के दिनांक 30 जुलाई, 2009 के सं. का.आ. 1866(अ) की अधिसूचना में निम्नलिखित संशोधन करती है; अर्थात् :—

स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार के दिनांक 30 जुलाई, 2009 के सं. का.आ. 1866(अ) की अधिसूचना में तालिका में क्रम संख्या 1 से संबंधित स्तम्भ (3) के अंतर्गत मौजूदा प्रविष्टियों में, निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी; अर्थात् :—

राजस्व विभाग के अंतर्गत पंजीकृत सभी परिसर ।

[फा. सं. पी. 16011/7/2005-पीएच-1]

वी. वेंकटाचालम, अपर सचिव

टिप्पण :—मूल अधिसूचना 30 जुलाई, 2009 के अधिसूचना सं. का.आ. 1866(अ) के तहत भारत के राजपत्र, असाधारण में प्रकाशित हुई थी ।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 6th January, 2010

S.O. 23(E).—In exercise of the powers conferred by sub-section (1) of Section 25 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 amendments in the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 1866(E), dated the 30th July, 2009, namely :—

In the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 1866(E), dated the 30th July, 2009, in the Table, for the existing entries under column (3), relating to serial number 1, the following entries shall be substituted, namely :—

All premises registered under Department of Revenue.

[F. No. P-16011/7/2005-PH-I]

V. VENKATACHALAM, Addl. Secy.

Note :—The principal notification was published in the Gazette of India, Extraordinary *vide* notification number S.O. 1866 (E), dated the 30th July, 2009.



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 258]

नई दिल्ली, सोमवार, मई 17, 2010/वैशाख 27, 1932

No. 258]

NEW DELHI, MONDAY, MAY 17, 2010/VAISAKHA 27, 1932

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य और परिवार कल्याण विभाग)

शुद्धि-पत्र

नई दिल्ली, 17 मई, 2010

सा.का.नि. 411(अ).—भारत के राजपत्र, असाधारण के भाग II, खंड 3, उप-खंड (i) में प्रकाशित भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय की दिनांक 5 मार्च, 2010 की अधिसूचना सं. सा.का.नि. 176(अ) [सिगरेट और अन्य तम्बाकू उत्पाद (पैकेजिंग एवं लेबलिंग) (संशोधन) नियमावली, 2010] में :—

नियम 1 के उप-नियम (2) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(2) वे 1 दिसम्बर, 2010 को प्रवृत्त होंगे।”

[फा. सं. पी. 16011/7/2005-पीएच]

केशव देसिराजु, अपर सचिव

टिप्पण. मूल नियमावली सिगरेट और अन्य तम्बाकू उत्पाद (पैकेजिंग एवं लेबलिंग) नियमावली, 2008 में दिनांक 15 मार्च, 2008 के सा.का.नि. 182(अ) के तहत यथा-अधिसूचित संचित्र चेतावनियां प्रवृत्त रहेंगी और ये ऊपर विनिर्दिष्ट तारीख तक तदनुसार लागू रहेंगी।

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health and Family Welfare)

CORRIGENDUM

New Delhi, the 17th May, 2010

G.S.R. 411(E).—In the notification of the Government of India, Ministry of Health and Family Welfare No. G.S.R. 176(E), dated 5th March, 2010, [The Cigarettes and Other Tobacco Products (Packaging and Labelling) (Amendment) Rules, 2010] published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary :—

For sub-rule (2) of Rule 1, the following shall be substituted, namely :—

“(2) They shall come into force on the 1st December of 2010.”

[F.No.P.16011/7/2005-PH]

KESHAV DESIRAJU, Addl. Secy.

Note.—The pictorial warnings as notified in the Principal Rules, The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules 2008, vide No. G.S.R. 182(E), dated 15th March, 2008 shall continue to be in force and operate accordingly till the date specified above.

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)****NOTIFICATION**

New Delhi, the 27th October, 2011

G.S.R. 786(E).—In exercise of the powers conferred by 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 further to 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) (Second Amendment) Rules, 2011.

(2) They shall come into force with effect from the 14th November, 2011.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, after rule 6, the following rules shall be inserted, namely—

***7. Health Spots and Scroll in Old Films and Television Programmes.**—The owner or manager of a cinema hall or theatre where an old Indian or foreign film displaying tobacco products or its use, is being screened, and the broadcaster telecasting old Indian or foreign television programme displaying tobacco products or its use, shall mandatorily screen the following, namely:—

(a) anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme;

(b) anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display:

Provided that, the anti-tobacco health warning scroll shall be legible and readable,—

(i) (a) with font in black colour on white background;

(b) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;

(c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;

(ii) or such other warnings as may be specified by the Central Government from time to time

Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-title.

Provided also that such television programmes may be permitted to be telecast on television at such timings that are likely to have least viewership from persons below the age of eighteen years.

Explanation.—For the purpose of this rule,—

(i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films";

(ii) all television programmes produced prior to coming into effect of this notification shall be categorized as "Old Television Programme";

(iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983.

***8. Health Spots, Scroll and Disclaimer in New Films and Television Programmes.**—(1) All new Indian or foreign films and television programmes displaying tobacco products or its use shall have,—

(a) a strong editorial justification explaining the necessity of such display to the Central Board of Film Certification for films and the concerned authority under the Ministry of Information and Broadcasting for television programmes;

(b) a 'U/A' Certification, from the Central Board of Film Certification for all films, and necessary approvals from the concerned authority under the Ministry of Information and Broadcasting for television programmes:

Provided that such television programmes may be permitted to be telecast on television at such timings as are likely to have least viewership from persons below the age of eighteen years.

(c) a disclaimer, of minimum twenty seconds duration, by the concerned actor regarding the ill effects of the use of such products, in the beginning and middle of the film or television programme;

(d) anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme;

(e) anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display

Provided that, the anti-tobacco health warning scroll shall be legible and readable,—

- (i) (a) with font in black colour on white background;
- (b) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
- (c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
- (ii) or such other warnings as may be specified by the Central Government from time to time.

Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-title.

Explanation.—For the purpose of this rule,—

- (i) representatives from Ministry of Health and Family Welfare shall also be represented in the Central Board of Film Certification.
- (ii) all films that receive Central Board of Film Certification after the effective date of this notification shall be categorized as "New Films".
- (iii) all television programmes produced after the effective date of this notification shall be categorized as "New Television Programme".

9. Product Placement, Promotional materials and Posters.—(1) The display of tobacco products or their use in films and television programmes shall not extend to the following, namely —

(a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement;

(b) close ups of tobacco products and tobacco products packages;

Provided that in a new film or television programme such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinema or theatre or airing on television, and in an old film or television programme such scenes shall be masked or blurred by the producer or distributor or broadcaster while screening

(2) Promotional materials and posters of films and television programmes shall not depict any tobacco products or their usage in any form.

10. Cropping or Masking of Brand names and Logos of Tobacco Products.—Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events or activities held in other countries being aired on television in India."

[F. No. P-16012/1/2005-PH]

K. DESIRAJU, Addl. 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 *vide* number G.S.R. 698(E), dated 30th November, 2005 and *vide* number G.S.R. 656(E), dated 20th October, 2006.

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 2 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-1]

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.

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 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

[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. विभिन्न प्रकार के चबाए जाने वाले अथवा धुआं रहित तम्बाकू पैकेजों के लिए :-



तम्बाकू जानलेवा है



तम्बाकू जानलेवा है



तम्बाकू जानलेवा है



तम्बाकू जानलेवा है

टिप्पण : इन नियमों के साथ एक सीडी संलग्न है जिसमें तम्बाकू उत्पादों के पैकेजों के मुद्रण में शामिल करने हेतु इन स्वास्थ्य चेतावनियों की एक सॉफ्ट कॉपी है।"

[फा. सं. पौ. 16017/05/2010-पीएच]

बी. के. प्रसाद, संयुक्त सचिव

टिप्पण : मुख्य नियम दिनांक 15 मार्च, 2008 के संख्या सा.का.नि. 182(अ) के तहत प्रकाशित किए गए थे तथा बाद में इन्हें दिनांक 29-9-2008 के संख्या सा.का.नि. 693(अ) के तहत और दिनांक 28-11-2008 के संख्या का.आ. 2814(अ) के तहत और दिनांक 3-5-2010 के संख्या सा.का.नि. 305(अ) के तहत एवं दिनांक 5-3-2010 के संख्या सा.का.नि. 176(अ) के तहत और दिनांक 17-5-2010 के संख्या सा.का.नि. 411(अ) के तहत तथा दिनांक 20 दिसम्बर, 2010 के संख्या सा.का.नि. 985(अ) के तहत संशोधित किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 27th May, 2011

G.S.R. 417(E)—In exercise of the powers conferred by sub-section (1) of Section 7, sub-section (2) of Section 8, Section 10 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 further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely:—

1. (1) These Rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2011.

(2) They shall come into force on 1st December, 2011.

2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008.

For the paragraph 2 of the SCHEDULE of the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, the following paragraph shall be substituted, namely :—

“2. The specified health warnings are—

1. For smoking forms of tobacco packs:—



2. For chewing or smokeless forms of tobacco packages:—



Note : These rules are accompanied by a CD that contains a soft copy of these health warnings, for inclusion in printing of tobacco product packages”.

[F.No.P.16017/05/2010-PH]

B. K. PRASAD, Jt. Secy.

Note : The Principal rules were published *vide* No. G.S.R. 182(E) dated 15th March, 2008 and subsequently amended *vide* No. G.S.R. 693(E) dated 29-9-2008 and *vide* No. S.O. 2814(E) dated 28-11-2008 and *vide* No. G.S.R. 305(E) dated 3-5-2009 and *vide* No. G.S.R.176(E) dated 5-03-2010 and *vide* No. G.S.R. 411(E) dated 17-05-2010, and *vide* No. G.S.R. 985(E) dated 20th December, 2010.

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)****NOTIFICATION**

New Delhi, the 27th October, 2011

G.S.R. 786(E).—In exercise of the powers conferred by 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 further to 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) (Second Amendment) Rules, 2011

(2) They shall come into force with effect from the 14th November, 2011.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, after rule 6, the following rules shall be inserted, namely:—

"7. Health Spots and Scroll in Old Films and Television Programmes.—The owner or manager of a cinema hall or theatre where an old Indian or foreign film displaying tobacco products or its use, is being screened, and the broadcaster telecasting old Indian or foreign television programme displaying tobacco products or its use, shall mandatorily screen the following, namely:—

- (a) anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme;
- (b) anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display

Provided that, the anti-tobacco health warning scroll shall be legible and readable,—

- (i) (a) with font in black colour on white background;
- (b) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
- (c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
- (ii) or such other warnings as may be specified by the Central Government from time to time

Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-title:

Provided also that such television programmes may be permitted to be telecast on television at such timings that are likely to have least viewership from persons below the age of eighteen years.

Explanation.—For the purpose of this rule,—

- (i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films";
- (ii) all television programmes produced prior to coming into effect of this notification shall be categorized as "Old Television Programme";
- (iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983.

"8. Health Spots, Scroll and Disclaimer in New Films and Television Programmes.—(1) All new Indian or foreign films and television programmes displaying tobacco products or its use shall have,—

- (a) a strong editorial justification explaining the necessity of such display to the Central Board of Film Certification for films and the concerned authority under the Ministry of Information and Broadcasting for television programmes;
- (b) a 'U/A' Certification, from the Central Board of Film Certification for all films; and necessary approvals from the concerned authority under the Ministry of Information and Broadcasting for television programmes.

Provided that such television programmes may be permitted to be telecast on television at such timings as are likely to have least viewership from persons below the age of eighteen years;

- (c) a disclaimer, of minimum twenty seconds duration, by the concerned actor regarding the ill effects of the use of such products, in the beginning and middle of the film or television programme;
- (d) anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme;
- (e) anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display.

Provided that, the anti-tobacco health warning scroll shall be legible and readable,—

- (i) (a) with font in black colour on white background;
- (b) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
- (c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
- (ii) or such other warnings as may be specified by the Central Government from time to time.

Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-title.

Explanation.—For the purpose of this rule,—

- (i) representatives from Ministry of Health and Family Welfare shall also be represented in the Central Board of Film Certification.
- (ii) all films that receive Central Board of Film Certification after the effective date of this notification shall be categorized as "New Films"
- (iii) all television programmes produced after the effective date of this notification shall be categorized as "New Television Programme";

9. Product Placement, Promotional materials and Posters.—(1) The display of tobacco products or their use in films and television programmes shall not extend to the following, namely —

- (a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement;
- (b) close ups of tobacco products and tobacco products packages

Provided that in a new film or television programme such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinema or theatre or airing on television, and in an old film or television programme such scenes shall be masked or blurred by the producer or distributor or broadcaster while screening

(2) Promotional materials and posters of films and television programmes shall not depict any tobacco products or their usage in any form.

10. Cropping or Masking of Brand names and Logos of Tobacco Products.—Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events or activities held in other countries being aired on television in India."

[F. No. P-16012/1/2005-PH]

K. DESIRAJU, Addl. 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 vide number G.S.R. 698(E), dated 30th November, 2005 and vide number G.S.R. 656(E), dated 20th October, 2006.

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 21st September, 2012.

G.S.R. 708(E).— In exercise of the powers conferred by 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, 2012.

(2) They shall come into force from the 2nd Day of October, 2012.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004,-

(a) for rule 7 the following rule shall be substituted, namely.-

“7. Health Spot and Message in Old Films and Television Programmes, displaying Tobacco Products or their use.-

(1) The owner or manager of a cinema hall or theatre screening old films (Indian and foreign) which display tobacco products or their use, shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning and middle of the film:

Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

(2) If the owner or manager of cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure.

(3) The broadcaster of old television programmes (including old Indian and foreign films) displaying tobacco products or their use, shall ensure that, -

(a) anti-tobacco health spots, of minimum thirty seconds duration each are screened at the beginning and middle of the television programme:

Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India;

(b) anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of the tobacco products or their use in the television programmes:

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Provided that the anti-tobacco health warning message shall be legible and readable, with font in black colour on white background, and, -

- (i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;
- (ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;
- (iii) or with such other warnings as may be specified by the Central Government from time to time;

Provided that the anti-tobacco health warning message or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or sub-title.

(4) If the broadcaster of old television programmes fails to comply with the provisions of sub-rule (3), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

Explanation :- For the purpose of this rule, -

- (i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films";
- (ii) all television programmes produced prior to coming into effect of this notification shall be categorized as "Old Television Programme";
- (iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983;
- (iv) the expression "television programmes" implies "programme" as defined in the Cable Television Networks (Regulation) Act, 1995".

(b) for rule 8 the following rule shall be substituted, namely.-

"8. Health Spots, Message and Disclaimer in New Films and Television Programmes.- (1) All new Indian or foreign films and television programmes displaying tobacco products or their use shall have,-

- (a) a strong editorial justification explaining the necessity of the display of the tobacco products or their use in the film, to the Central Board of Film Certification;
- (b) anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the films and television programmes;
- (c) anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme;
- (d) an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the film and television programme;

Provided that such health spots and disclaimer shall be made available to the Central Board of Film certification by the Ministry of Health and Family Welfare, Government of India:

Provided further that no film displaying tobacco products or their use shall be certified for public exhibition by the Central Board of Film Certification unless the conditions specified in clauses (a) to (d) of sub-rule (1) are fulfilled.

(2) If the owner or manager of a cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure;

(3) If the broadcaster of the television programmes fails to comply with the provisions of clauses (b) to (d) of sub-rule (1), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

(4) The anti-tobacco health warning message as specified in clause (c) of sub-rule (1) shall be legible and readable, with font in black colour on white background, and, -

(i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;

(ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;

(iii) or with such other warnings as may be specified by the Central Government from time to time.

(5) The anti-tobacco health warning messages or health spots shall be in the same language as used in the film or television programme and in case of dubbed or subtitled films or television programmes, the messages or spots shall be carried in the language of dubbing or sub-title.

Explanation. - For the purpose of this rule, -

(i) all films that receive Central Board of Film certification after the effective date of this notification shall be categorized as "New Films".

(ii) all television programmes produced after the effective date of this notification shall be categorized as "New Television Programme".

[F. No. P-16012/1/2005-PH]

[F. No. P-16012/1/2005-PH]

Smt. SHAKUNTALA D. GAMLIN, Jr. 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, vide G.S.R. 698(E) dated 30th November, 2005, vide G.S.R. 656(E), dated 20th October, 2006 and vide G.S.R 786 dated 27th October, 2011.

[To be published in the Gazette of India; Extraordinary, Part II, Section 3, Sub-section (I)]

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

Notification

New Delhi, the 24th September, 2015

G.S.R. (E). - In exercise of the powers conferred by sub-section (1) of section 7, section 8, sub-section (2) of section 9, section 10 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) and in supersession of the corrigendum G.S.R No. 228(E) dated 26th March 2015, in the Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014, for sub-rule (2) of rule 1, the following shall be substituted, namely:-

"(2) They shall come into force with effect from the 1st day of April, 2016."

[F. No. P 16011/05/2012-PH-1]


24/09/2015
K C SAMRIA,

Joint Secretary to Government of India