



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPIL No. 95 of 2024

In the matter of Suo Moto Public Interest Litigation
(Tobacco products continue to be sold freely despite
implementation of COPTA)

Versus

State of Chhattisgarh & Others

Order Sheet

05/12/2024	Heard Mr. Prafull N. Bharat, learned Advocate General along with Mr. Shashank Thakur, learned Deputy Advocate General, appearing for the State/respondents. Also heard Mr. Ranbir Singh Marhas, learned counsel for Commissioner Municipal Corporation, Bilaspur / respondent No.10. In compliance of the Court's order dated 18.11.2024, personal affidavit has been filed by the Chief Secretary, Government of Chhattisgarh. Operative portion of the said affidavit is reproduced hereinunder :-

	<i>"1. That, I am the Chief Secretary. Government of Chhattisgarh and as such I am aware of the facts and -circumstances of the case.</i> <i>2. That, this affidavit is being sworn in compliance of order of this Hon'ble Court dated 18/11/2024. This Hon'ble Court has taken cognizance of news item published in english news paper "The Hitavada Chhattisgarh" dated 15th November, 2024 with a heading "Tobacco products continue to be sold freely despite implementation of COTPA", along with a photograph which depicts selling -of cigarettes and gutkha openly around the Railway School No.2 near Railway Station, Bilaspur.</i> <i>3. The Hon'ble Court has further observed that though the Cigarettes or Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short COTPA Act) is in force, however the responsible officers are not taking any action to restrain the selling of the tobacco products and it is causing addiction among young</i>
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people and has become a serious threat especially to the minors and young adults.

4. At the outset, the deponent respectfully submits that, he is duty bound to follow all the directions and orders passed by this Hon'ble Court from time to time and is having deepest and highest regard of this Hon'ble Court and the orders passed by it. He shall take all possible measures to ensure compliance of the orders and directions of this Hon'ble Court in letter and spirit.

5. It is respectfully submitted that, soon after cognizance of the news items was taken by this Hon'ble Court, a meeting of State Level Coordination Committee constituted under the National Tobacco Control Programme was called upon. The said committee consists of Principal Secretary, Department of Panchayat & Rural Development; Secretary, Department of School Education; Secretary, Department of Higher Education; Department of School Education; Department of Urban Administration & Development; Department of Technical Education; -

*Department of Technical Education; Department of Social Welfare; Director General of Police, Chhattisgarh; all the Commissioners of Chhattisgarh; all the Inspector General of Police, Chhattisgarh; Controller of Food & Drug Administration; State Nodal Officer, National Tobacco Control Programme; all Collectors of Chhattisgarh; all Superintendents of Police of Chhattisgarh; Commissioners -of Municipal Corporations & Municipalities and State Programme Coordinator as well as Divisional Coordinator Vital Strategy. The meeting was held on 25th November, 2024 and was attended by all the aforesaid officials. A copy of the minutes of that meeting is being filed herewith as **ANNEXURE A-1** for kind perusal of the Hon'ble Court. That, an English translation of the proceeding is also annexed with the same.*

6. It is respectfully submitted that, by notification dated 04th November, 2014, the State Government has constituted a State Level Coordination Committee for monitoring and carrying out the implementation of COTPA Act. A copy of

*the notification dated 04.01.2014 about constitution of State Level Coordination Committee is filed herewith as **ANNEXURE A-2.***

7. That, a perusal of minutes of meeting would indicate that the stake holders have been directed to take action and to propagate the provisions of the Act at public places, which is mentioned as under:-

Decisions taken in the meeting:

1. The Chief Secretary has been directed to hold regular meetings of the committee every six months to discuss and review the progress of program.

(Action to be taken by: Additional Chief Secretary, Department of Health and Family Welfare Govt. of Chhattisgarh)

2. It has been directed that the provisions of COTPA 2003 and other tobacco control laws be extensively publicized in all public places and tobacco retail outlets.

Furthermore, instructions have been issued to circulate detailed information about relevant laws through electronic flyers (E-flyers).

	<i>(Action to be taken by: Additional Chief Secretary/Principal Secretary/Secretary, Health and Family Welfare Department, Panchayat and Rural Development Department, Urban Administration Department, Transportation Department, and all Divisional Railway Managers)</i> <i>3. Directions have been given to hold quarterly meetings of the District Level Coordination Committee, chaired by the District Collector, to oversee the effective implementation of the National Tobacco Control Program and ensuring adherence to COTPA 2003 provisions. The agenda of TL meetings will include reviewing the national tobacco control program.</i> <i>(Action to be taken by: District Collector / Chief Medical and Health Officer/District Nodal Officer)</i> <i>4. Directions have been given to ensure that all government and non-government educational institutions operating under the School Education, Higher Education, Technical Education, and Medical Education departments in the districts are declared tobacco-free institutions in accordance with the guidelines.</i>
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Additionally, it has been instructed to ensure that the sale of cigarettes and tobacco products does not take place within a 100-yard (91 Meter) radius of educational institutions. The institution in-charge will be required to provide regular certificates in this regard. The concerned departments will display the information on their departmental portals.

(Action to be taken by: Principal Secretary/Secretary, Chhattisgarh Government, School Education/Technical Education/Medical Education)

5. Directions have been given to release a WhatsApp number at the district level to monitor the provisions of COTPA 2003 and take action according to the provisions in case of non-compliance. The WhatsApp number is part of the "Whole of society approach," encouraging community involvement in tobacco control. Individuals can share information about violations, Additionally, the person in charge of the institution can also share any difficulties on this WhatsApp number.

(Action to be taken by: District Collector/ Superintendent of Police)

6. District authorities have been directed to prohibit the sale of cigarettes and tobacco products within 100 yards of all government and private educational institutions. To ensure compliance, district enforcement squads will conduct weekly inspections in various areas to monitor COTPA 2003 provisions and take action against violators. Apart from enforcement team, Sub-Divisional Magistrate (SDM) and Executive Magistrate (Tehsildar) will also inspect areas and take necessary actions against the violation.

(Action to be taken by: Additional Chief Secretary/Principal Secretary/Secretary, Chhattisgarh Government, Home Department/Panchayat and Rural Development/Health and Family Welfare/Urban Administration and Development and Drug Administration Department/ Labour/ All Divisional Commissioners/Inspector General of Police/Collector/ Superintendent of Police.)

7. All Divisional Commissioners and Inspector Generals of Police have been directed to organize immediate meetings

with all District Collectors and Superintendents of Police. The purpose is to ensure that all educational institutions are declared tobacco-free and issued certificates. These certificates will be valid for six months from the date of issue and will need to be renewed every six months.

(Action to be taken by: Additional Chief Secretary/Principal Secretary/Secretary, Chhattisgarh Government, Health and Family Welfare Department/Medical Education Department/School Education Department/Higher Education Department / Technical Education Department/All Divisional Commissioners and Inspector Generals of Police.)

8. Directions have been given to continuously promote tobacco control and the provisions of COTPA 2003 through various means, including vehicles and rickshaws operating in urban areas for cleanliness drives.

(Action to be taken by: Principal Secretary/Secretary, Urban Administration Department, Chhattisgarh Government.)

9. Ensure that training is also provided to authorized officers.

(Action to be taken by: all concerned departments).

10. The health and family welfare department Chhattisgarh has developed the Tobacco Monitoring App to ensure compliance with COTPA 2003 provisions and make educational institutions tobacco-free. The app's review has been directed to ensure its smooth operation in the future.

(Action to be taken by: Additional Chief Secretary/Principal Secretary, Health and Family Welfare Department, Medical Education Department, School Education Department, Higher Education Department, and Technical Education Department).

11. Directions have been given to promote tobacco control from time to time through NCC and NSS units operating in all educational institutions of the state, de-addiction programs run by the Social Welfare Department, and programs organized by the Sports and Youth Welfare Department.

(Action to be taken by: Additional Chief Secretary/Principal Secretary, School

	<i>Education/Higher Education/Technical Education Department, Social Welfare Department, and Sports and Youth Welfare Department, Chhattisgarh Government).</i> <i>12. Directions have been given to the Police Department to include the COTPA2003 and the Prohibition of Electronic Cigarettes Act 2019 in the agenda of the Crime Review Meeting at the state and district levels for review.</i> <i>(Action to be taken by: Additional Chief Secretary, Chhattisgarh Government, Home Department)</i> <i>(Approved by the Chief Secretary, Government of Chhattisgarh)</i> <i>8. That, over a period of 10 years since constitution of the State Level Coordination Committee (SCCC) several actions have been taken in coordination with different departments under National Tobacco Control Programme for implementation of the provisions of the COTPA Act, 2003. Some salient actions taken so far have been mentioned in a chart prepared by State Nodal Officer of NTCP of Chhattisgarh, is being filed</i>
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herewith as ANNEXURE A-3 alongwith the documents.”

An another personal affidavit has been filed by the Commissioner, Municipal Corporation, Bilaspur, District Bilaspur. The operative portion of the said affidavit is also reproduced hereinunder :-

“1. That, I am the Commissioner, Municipal Corporation. Bilaspur, District Bilaspur and as such I am aware of the facts and circumstances of the case.

2. That, this affidavit is being sworn in compliance of order of this Hon'ble Court dated 18/11/2024. This Hon'ble Court has taken cognizance of news item published in english news paper "The Hitavada Chhattisgarh" dated 15th November, 2024 with a heading "Tobacco products continue to be sold freely despite implementation of COTPA", along with a photograph which depicts selling of cigarettes and gutkha openly around the Railway School No.2 near Railway Station, Bilaspur.

3. The Hon'ble Court has further observed that though the Cigarettes or Other Tobacco Products (Prohibition of

Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short COTPA Act) is in force, however the responsible officers are not taking any action to restrain the selling of the tobacco products and it is causing addiction among young people and has become a serious threat especially to the minors and young adults.

4. At the outset, the deponent respectfully submits that, he is duty bound to follow all the directions and orders passed by this Hon'ble Court from time to time and is having deepest and highest regard of this Hon'ble Court and the orders passed by it. He shall take all possible measures to ensure compliance of the orders and directions of this Hon'ble Court in letter and spirit.

5. It is respectfully submitted that regular action is being taken for proper implementation of COTPA and after taking suo moto cognizance of the matter by this Court, the District Administration took a prompt action by imposing penalty and seized the articles which were found on stalls and movable carts etc. On

16/11/2024, action was taken under COTPA and each & every zone of Bilaspur District where the schools and colleges are running, inspections were made and paan shops, stalls and movable carts etc. which were selling cigarettes, gutkha and tobacco products in the vicinity of schools and colleges.

It is respectfully submitted that the tobacco products that were being sold in the vicinity of schools and colleges were seized and penalties were imposed. The vendors were warned that action would be taken against them for any violation. A copy of chart showing the seizure of tobacco products, gutkha, cigarettes and total penalty imposed amounting Rs. 62,300/- is being filed herewith as ANNEXURE A-1.

6 The deponent Barther respectfully submit that all con stops and strict actions are being taken to restrain the selling of tobacco products cigarettes/gutkha pouches in the vicinity of schools/colleges in order to save the children/students from its hazardous affects and serious threats

7. It is submitted that the District Level Coordination Committee [DL.CC] has

*been taking measures under the provisions of COTPA whereby meeting is conducted at regular intervals by the authorities in order to monitor the action. The meetings were conducted from time to time of the authorities of different departments ie. Revenue, School Education, Health, Police, Municipal Corporation, Panchayats etc. to ensure taking all precautionary measures/steps to restrain the selling of tobacco products. Stickers / posters were pasted in public places for awareness as well as awareness programmes, seminars, training programmes were organized. Nodal Officers were appointed to monitor the programmes which are being run by the government for making the public aware of the ill-effects of tobacco products and for proper implementation of the provisions of COTPA. Copies of the minutes of meeting dated 25/06/2024 and 13/11/2024 are collectively filed herewith as **ANNEXURE A-2**.*

8. From perusal of Annex. A-2, it is also evident that every year on the occasion of World Tobacco Prohibition Day i.e. on 31" May, 2024, different health programmes

*and rallies are organized/ conducted for making the public aware of the serious threats and ill-effects of the consumption of tobacco products in order to save teenagers / youths / students from the addiction of tobacco products/cigarettes / gutkha. The aforesaid facts are evident from the clippings of newspapers indicating that concrete steps are being taken by the State authorities to curb the menace of tobacco products and strict actions are being taken against the vendors/ stalls / carts which are running in the vicinity of schools / colleges. Copies of clippings of newspapers are being collectively filed herewith as **ANNEXURE A-3.**"*

Learned Advocate General as well as learned counsel, appearing for respondent No.10/ Municipal Corporation, Bilaspur state that regular monitoring is being done by the Municipal Corporation as well as by the State authorities for proper implementation of the Cigarettes or Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act,

2003 (for short 'COPTA, 2003') in its letter and spirit and action has been taken including the penalties imposed on the hawkers, who were selling the said banned items near the schools and other public places.

Let the matter be listed for further monitoring on the issue on 27.01.2025.

Commissioner, Municipal Corporation, Bilaspur is directed to file further affidavit regarding the steps taken for effective implementation of COPTA, 2003 before the next date of hearing.

Sd/-
(Amitendra Kishore Prasad)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice