

निदेशानुसार कृपया।

N-11025/41/2018-LSG  
Government of India  
Ministry of Housing and Urban Affairs  
LSG Division  
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सचिव के विशेष कार्य पदाधिकारी  
नगर विकास एवं आवास विभाग  
बिहार, पटना।

The Principal Secretary/Secretary  
(Urban Development / Local Self Government),  
of all States/UTs

Dated, the 31<sup>st</sup> March, 2021

Sub: **Recommendations of A National Consultation on "Tobacco Vendor Licensing (TVL) in India - One step near to the #Endgametobacco (TVL Current status, Challenges and Way Forward) held on 20<sup>th</sup> February, 2021.**

Madam/Sir,

I kindly forward herewith letter No. CM-SPH/TOB/2021/598 dated 10.03.2021 (copy enclosed), that is self explanatory, from Dr Sonu Goel, Professor, PGIMER Chandigarh regarding a National Consultation on "Tobacco Vendor Licensing (TVL) in India dated 20<sup>th</sup> February, 2021 – One step near to the #Endgametobacco (TVL Current status, Challenges and Way forward)" organized virtually by E-Resource Centre for Tobacco Control (E-RCTC) under Department of Community Medicine & School of Public Health, PGIMER Chandigarh, Strategic Institute of Public Health Education and Research (SIPHER) and The Union South-East Asia (The Union), for information and necessary action.

2. In this regard, I request you to ensure implementation of MoH&FW's advisory dated 21<sup>st</sup> September, 2017 (copy enclosed), that is self explanatory.

Yours faithfully,

Encl: As above.

*Sanjay Kumar*

(Sanjay Kumar)  
Under Secretary to the Govt. of India  
Tele: 011-23061072

Email: uslsg-mud@gov.in

ज्ञापांक-04/NULM-05/2021 951

/न०वि०एवंआ०वि०/पटना, दिनांक-23/03/21

प्रतिलिपि:- नगर आयुक्त, सभी नगर निगम/कार्यपालक पदाधिकारी, सभी नगर परिषद एवं सभी नगर पंचायत को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

*Sanjay Kumar*  
परियोजना पदाधिकारी-सह-अपर निदेशक,  
नगर विकास एवं आवास विभाग।

स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चण्डीगढ़  
Postgraduate Institute of Medical Education & Research, Chandigarh

**Dr. Sonu Goel**  
M.D., PhD  
PGDHRM, FIPHA  
FIAPSM, MNAMS, FIMSA  
Professor



**डॉ. सोनु गोयल**  
एम.डी. पीएच.डी., पी.जी.डी.एच.आर.एम.  
एफ.आई.पी.एच.ए., एफ.आई.ए.पी.एस.एम.  
एम.एन.ए.एम.एस., एफ.आई.एम.एस.ए.  
प्राचार्य

Ref No: CM-SPH/TOB/2021/598

Date: 10-03-2021

To  
The Secretary (HUPA)  
Room No. 122-C, Nirman Bhawan, New Delhi

Subject: Recommendations of A National Consultation on "Tobacco Vendor Licensing (TVL) in India- One step near to the #Endgametobacco (TVL Current status, Challenges and Way Forward) held on 20th.February,2021

Respected Sir,

This is to bring to your kind notice that a National Consultation on "Tobacco Vendor Licensing (TVL) in India dated 20th.February,2021- One step near to the #Endgametobacco (TVL Current status, Challenges and Way Forward)" was Organised virtually by E-Resource Centre for Tobacco Control (E-RCTC) under Department of Community Medicine & School of Public Health, PGIMER Chandigarh, Strategic Institute of Public Health Education and Research (SIPHER) and The Union South-East Asia (The Union).

The following is the list of eminent resource persons:

Mr. Awadhesh Kumar: Executive Director / Ms. Mamta Thapa: State Program Officer, Balajee Sewa Sansthan, Uttarakhand  
Mr Arun Verma, Director Operations, SIPHER  
Mr. Deepak Mishra: Executive Director, SEEDS, Delhi  
Dr Gopal Chauhan State Program /Nodal Officer NCDs and NTCP Himachal Pradesh  
Dr Kamal Garg Municipal Commissioner, Mohali, Punjab  
Dr L Swasti Charan, Addl. DDG MOHFW  
Dr Nidhi Sejpal Pouranik, Senior Technical Advisor, TC, The Union SEA  
Dr Nirmalya Mukherjee: Director of Manbhumi Ananda Ashram Nityananda Trust (MANT), West Bengal  
Ms Pooja Gupta Consultant NTCP MOHFW  
Mr Prabhakara: Project Manager – TC & NCD, State Tobacco Control Cell, Karnataka  
Shri Rajiv Pandey, Asst. Director, Urban Development Directorate, Government of Uttarakhand  
Dr Rakesh Gupta, President, SIPHER, Former DHS Punjab  
Dr Rana J Singh: Deputy Regional Director, The Union, New Delhi  
Shri Sonam W Bhutia, Commissioner Siliguri Municipal Corporation, Government of West Bengal  
Prof Dr Sonu Goel, Dept. of Community Medicine, PGIMER

About 100 participants were there on Zoom and YouTube live

The following recommendations emerged from the consultation:

Tobacco control initiatives in India are showing substantial reduction in tobacco use. Most of the states have achieved huge reductions in tobacco use since GATS-1. There is a progressive Govt and Civil society coordination all across the country. Apart from Framework Convention on Tobacco Control (FCTC), WHO-MPOWER, COTPA and NTCP many other tobacco control strategies have been implemented with innovations at various levels. However, most of the Tobacco control strategies are demand reduction strategies so impetus needs to be given on supply reduction as well.

Hence, licensing tobacco vendors becomes more meaningful in the current context. It is also reiterated that tobacco vendor licensing is an evidence-based supply reduction strategy.

Office: Room No. 130, Department of Community Medicine and School of Public Health, PGIMER, Chandigarh

Phone: +91 172 2755215, 2755220. Fax: +91 172 2744993, Mob.: +91 9914208027

E-mail: sonugoel007@yahoo.co.in, Website: <http://www.pgimer.edu.in>

We need to work on two broad areas at National as well as at state levels:

1. Policy formulation
2. Policy implementation

**National level –**

**MOHFW:**

**Legislative opportunities –** Inclusion of the policy measure in the Central Acts/ Legislation initiating a central level policy in pursuit of the top to bottom approach.

Integration of Tobacco Vendor Licensing policy measure with the national legislation on tobacco control (The Cigarettes and Other Tobacco Products Act (COTPA) 2003) and National Tobacco Control Programme (NTCP)

**CSOs/Academic institutes may be asked to:**

Develop the draft SOPs to regulate the entire Tobacco industry and not just Tobacco Products and ensure that Tobacco Manufacturers do not use the same brand logo and name for FMCGs.

Develop draft guidelines to be valid at national and state levels. There is a need to develop operational as well as enforcement guidelines.

MOHFW may urge the State Urban Development Department of respective state to issue directions to all Municipal Corporations and Urban Local Bodies to clearly institutionalize & develop a mechanism for Exclusive Tobacco Vendor license as in the ongoing online Vendor license for other trades (for e.g. states like Uttarakhand, West Bengal, Rajasthan, Madhya Pradesh, Assam, Karnataka, etc.)

It may also encourage a bottom's up approach by chalking out a road map of passing/issuing relevant orders to the implementing TVL at the grassroots/field level within individual jurisdictions, wherein, local NGOs/CSOs can play an important role (e.g. Ranchi Municipal Corporation notified TVL through Jharkhand Municipal Corporation Act, 2011 and institutionalized it by putting in place an operational guideline to issue licenses).

It may consider taking the ordinance route such as Himachal Pradesh - Prohibition of Sale of loose cigarettes & beedis, and regulation of retail business of cigarettes & other Tobacco Products Act, 2016

Reissuing of MOHFW advisory dated 21st September 2017 to state governments for authorizing sale of tobacco products through Municipal/Local government Authorities and restricting sale of any non-tobacco products such as confectionaries (candies), chips, biscuits, soft drinks, etc.

**At state levels –**

Chief Secretaries of all states may direct state departments of Health and FW and Local Govt. to ensure implementation of MOHFW advisory dated 21st September 2017 to state governments to cultivate an institutionalized system for authorizing sale of tobacco products through Municipal/Local government Authorities and restricting sale of any non-tobacco products such as confectionaries (candies), chips, biscuits, soft drinks, etc.

An urgent meeting of the State Level Coordination Committee under National Tobacco Control Program (NTCP) with all stakeholders may be held with Chief Secretary/Principal Secretary Health in chair to discuss the issue of Tobacco Vendors Licensing. In the meeting following suggestions can be made:

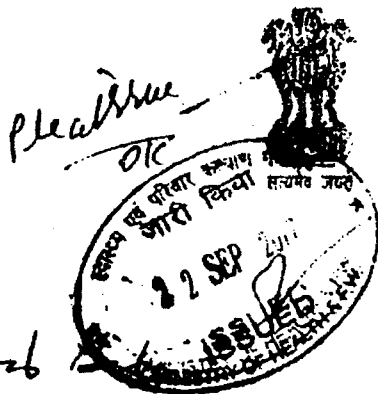
State authorities can enact state specific acts, explore existing state specific municipal corporation acts (e.g. Jharkhand Municipal Corporation Act, 2011), to adopt and implement steps to licence tobacco vendors.

**Enforcement squads/law enforcers to ensure:** All Points of Sale (PoS) should comply with COTPA, 2003; Juvenile Justice Act, 2015; Food Safety & Standards Regulations, 2011; ENDS 2019 and other prevailing law related to TC and guidelines issued by State and Central Govt from time to time.

**UDD authorities:** to ensure TVL through Tobacco Free /Compliance of Tobacco control measures to be the indicator of Smart city mission.



**ARUN KUMAR JHA**  
Economic Adviser  
Tel. : 011-23061790  
E-mail : arunkjha@nic.in



*SPEED POST*

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय  
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA  
MINISTRY OF HEALTH & FAMILY WELFARE  
NIRMAN BHAVAN, NEW DELHI - 110011

D.O.No. P-16012/14 /2017-TC  
Dated, 21<sup>st</sup> September, 2017

*Respected*

The Central Government has enacted the Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulations of Trade and Commerce Production, Supply and Distribution) Act, 2003(COTPA), to discourage the use of tobacco, with emphasis on protection of children and young people from being addicted to the use of tobacco, with a view to achieve improvement of public health in general as enshrined in Article 47 of the Constitution.

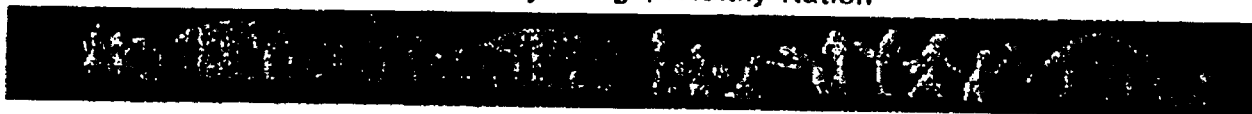
2. The Central Government has also enacted the Juvenile Justice (Care and Protection of Children) Act, 2015, that makes giving or causing to be given, to any child any tobacco products punishable with rigorous imprisonment for a term which may extend to seven years. Further the Food Safety and Standards Act, 2006 (FSS Act, 2006) ensures availability of safe and wholesome food for human consumption and inter-alia prohibits using of tobacco and nicotine as ingredients in any food products.

3. COTPA, 2003 specifically prohibits smoking in all public places, prohibition of direct and indirect advertisement, promotion and sponsorship of cigarettes and other tobacco products, prohibition of sale of cigarettes and other tobacco products to minors and within 100 yards of any educational institution and display of health warning including pictorial warning on ill effects of tobacco use on the packages of all tobacco products.

4. In this regard, it is felt that the regulation of tobacco products can be made more effective with the development of a mechanism to provide permission/authorization through Municipal Authority to the retails shops who are selling tobacco products. Further, it would also be appropriate to make a condition/provision in the authorization that the shops authorized for selling tobacco products, cannot sell any non - tobacco products such as toffees, candies, chips, biscuits, soft drinks etc., which are essentially meant for non-user, especially children.

Contd.

Healthy Village, Healthy Nation



एड्स - जानकारी ही बचाव है  
Talking about AIDS is taking care of each other

**No littering of cigarette butts or other tobacco products** - aligning with Swacch Bharat Abhiyan initiative by the central government. Vendors should be asked to properly dispose of tobacco waste product by providing litter bins at vends

**Framework for model by-laws:** Develop model by-laws including procedure for issuance, renewal and terms & condition for grant/revocation of licenses. Chalk out terms and conditions:

**Operational hours:** Must be notified under Shops and commercial establishment act and may be 8 am to 8 PM (Vends to remain close on National Commemorative Days i.e., Republic day / Independence Day/ 2nd October/ etc.)

**Exclusive sale of Tobacco Products** – Vends to prohibit the sale of any other item including chips, chocolates, candies, etc. with tobacco products

Transparent licensing system through existing online trade license portal / website so that anyone can point out the issues related to illegal sale. In place an IT based monitoring system to have a close watch on the tobacco vendors

**Department of Rural Development and Panchayati Raj:** Expansion of the Tobacco Vendor Licensing policy measure to the Rural Areas at Panchayati level with technical support from STCC, and local partners/NGOs, along with civil society organizations

Convergence with the Street Vendor's Scheme (THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014) to cover zoning areas under the policy measure.

State Tobacco Control Cell (STCC) can do capacity building of all stakeholders with the help of Academic Institutes and CSOs

**District and/or Municipality Level:**

DTCC & local municipal authorities: To replicate all state level activities including:

Conduct an Impact survey: A pre- and post-assessment survey should be conducted for enumeration and density of vendors and to comprehend the magnitude of implementation of the adopted policy to check the level of compliance.

Development of model jurisdictions Developing model jurisdictions for compliance of TAPS ban through Vendor Licensing at the city level that can be replicated by other jurisdictions

Expansion of the Tobacco Vendor Licensing policy measure to the Rural Areas at Panchayati level with technical support from DTCC and local partners/ civil society organizations.

You are requested to convey to all the Secretaries, Dept. of Local Govt. of all States/UTs and other stakeholders to develop a road map for enacting a PROHIBITION OF SALE OF LOOSE CIGARETTES AND BEEDIES AND REGULATION OF RETAIL BUSINESS OF CIGARETTES AND OTHER TOBACCO PRODUCTS ACT with specific time line to ensure an Endgame of Tobacco by proper enforcement of Anti-Tobacco Laws with help licensing Tobacco Vendors.

**Dr Sonu Goel**

**Professor, Department of Community Medicine &  
School of Public Health, PGIMER Chandigarh,  
Director, Resource Centre for Tobacco Control &  
Resource Centre for Cardiovascular Health**

**Enclosed:**

1. Copy of THE HIMACHAL PRADESH PROHIBITION OF SALE OF LOOSE CIGARETTES AND BEEDIES AND REGULATION OF RETAIL BUSINESS OF CIGARETTES AND OTHER TOBACCO PRODUCTS ACT, 2016.
2. Advisory of MOHFW dated 21<sup>st</sup> September 2017.

5. I would be grateful if you could kindly consider developing a mechanism to provide permission/authorization through Municipal Authority/Local Authority to the retails shops who are selling tobacco products with a condition/provision in the authorization that the shops authorized for selling tobacco products, cannot sell any non - tobacco products such as toffees, candies, chips, biscuits, soft drinks etc., which are essentially meant for children. We believe that such an initiative will prove to be beneficial in achieving the objective of preventing the children / non-user from the exposure to tobacco products. We would be happy to extend any technical support which you may need.

*With regards!*

Yours sincerely,

*Arjun Kumar Singh*  
(Arjun Kumar Singh)

To,

Shri Anjani Kumar Singh,  
Chief Secretary,  
Government of Bihar,  
Old Secretariat, Patna - 800015.

FTS:- 3107175