

Guidelines for Tobacco Free Educational Institution (Revised)

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1. BACKGROUND:

1.1 Tobacco Prevalence:

- 1.1.1 Tobacco use is the single largest cause of preventable deaths and illness worldwide and it kills half of its users prematurely, mostly in their most reproductive age. Tobacco use is a major risk factor for Cancer, Cardiovascular Diseases (CVD), Diabetes, Chronic Lung Disease, stroke, infertility, blindness, Tuberculosis (TB), Oral Cavities etc. There are mainly two forms of tobacco – Smoking Tobacco and Smokeless Tobacco. Cigarettes, bidi, hookah are smoking tobacco whereas khaini, zarda, gutkha etc. are smokeless tobacco.
- 1.1.2 According to the Global Adult Tobacco Survey (2016-17), 28.6% of adults (15 year and above) in India use tobacco, overall there are about 27 crore tobacco users: 20 crore of them smokeless tobacco users, 10 crore smokers and 3.2 crore use smoking as well as smokeless tobacco. The prevalence of tobacco use is highest in Tripura (64.5%) followed by Mizoram (58.7%) and Manipur (55.1%).
- 1.1.3 As per the Global Youth Tobacco Survey (GYTS), 2009, 14.6% of students in India aged between 13 to 15 years use tobacco. GYTS is a nationally representative school-based survey of students in grades associated with age 13 to 15 years.
- 1.1.4 In India, over 13.00 lakh people die from tobacco use every year, i.e. about 3500 people die in India everyday due to tobacco use.
- 1.1.5 Exposure to Second-hand Smoke (SHS) or passive smoking causes numerous health problems in infants, children and adults including more frequent and severe asthma attacks, respiratory infections, ear infections, sudden infant death syndrome (SIDS), coronary heart disease, stroke, lung cancer etc.
- 1.1.6 Spitting of tobacco/tobacco products is also a public health hazard, as it may lead to spread of swine flu, pneumonia, gastro-intestinal diseases, creating a potential risk of transmission of Tuberculosis as Tuberculosis Bacilli can survive in spit for an entire day or nuisance to the people in general.

1.2 Tobacco Control Efforts:

- 1.2.1 The Government of India enacted its comprehensive tobacco control law the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003) in 2004, with a view to make provisions to effect reduction in tobacco use.
- 1.2.2 Various Rules were notified for effective regulation of tobacco products from time to time. These provided for prohibition of;
 - Smoking in public places,
 - Sales of tobacco products to and by minors,
 - Sale of tobacco products within 100 yards of educational institutions and,
 - Direct and indirect advertising and promotion of tobacco products.
- 1.2.3 Apart from these provisions, display of statutory warning on tobacco packs was also



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implemented. The same has now been revised for 85% of pack area to be covered with the warnings along with display of the national quit-line number.

- 1.2.4 India has also effectively implemented the rules for restricting the depiction of tobacco products in films and television programs. It is mandatory to display the statutory warning during the display of tobacco products in films & television programmes and anti-tobacco video spot & disclaimer at beginning and middle of the films.
- 1.2.5 Smokeless Tobacco Products such as Gutkha, Zarda, Khaini etc. have been prohibited vide the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 under Food Safety and Standards Act, 2006.
- 1.2.6 Tobacco control efforts of India gained a fresh impetus with launch of the National Tobacco Control Programme (NTCP) in 2007-08. NTCP is a comprehensive programme, which not only provides a robust framework for implementation of tobacco control laws/initiatives but also focuses on community engagement, school programme, IEC and advocacy.
- 1.2.7 Various cessation services have been set up under the NTCP. A national quitline was launched in 2016. The capacities of the quitline have now been expanded to cater to the higher volume of calls from prospective quitters in view of display of the quitline number on tobacco packs. The quitline caters to around 2.5 lakh telephone calls every month. Over 400 Tobacco Cessation Centers have been set up. "mCessation" services are also being provided through a mobile app.

A summary provisions for tobacco control under various Acts and Rules is given in Annexure I.

2. Introduction:

- 2.1 The second round of Global Adult Tobacco Survey (GATS2) was carried out in 2016-17 and its report was published in 2018. A 6% absolute decline in tobacco use has been observed in GATS2. This demonstrates the success of India's tobacco control efforts.
- 2.2 However, tobacco use remains very high and these efforts need to be scaled up and sustained. New and emerging electronic products (e-cigarettes and like products) pose new challenges to these efforts.
- 2.3 Given that the GYTS and GATS indicated that there is significant tobacco use among adolescents and young adults as they are most vulnerable to the exposure to tobacco use, the Government of India had released\launched\prepared the "Guidelines for Tobacco Free Schools/Educational Institutions" in 2008 and "Step by Step Guidelines for implementation of Section 6 (b) of the Act and Rules" in 2017. Many new initiatives have since been taken. The GATS2 data has also suggested that there is need to review the earlier guidelines, hence these guidelines.
- 2.4 Objective of these Guidelines is to provide a fresh momentum to implementation of tobacco control initiatives among adolescents and young adults. These guidelines may be implemented by any educational institution, including schools at all levels, colleges for higher or professional education and universities, both in public and private sector.

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2.5 Implementation of these guidelines should result in -

- More awareness about harmful effects and long-term health impact of tobacco use amongst the students, teachers, workers and officials in educational institutions.
- Awareness about various avenues available for tobacco cessation.
- A healthy and tobacco free environment in educational institutions and all educational institutions becoming tobacco free.
- Better implementation of legal provisions regarding sale and use of tobacco products, especially those related to educational institutions, public places, statutory warnings and minors.

2.6 These guidelines provide a framework for achieving the above-mentioned objectives. Apart from specifying the factors for a Tobacco Free Educational Institution (ToFEI), these guidelines also detail the roles and responsibilities for various stakeholders.

3. TOBACCO FREE EDUCATIONAL INSTITUTION

- 3.1 An Educational Institution (EI) should display "Tobacco Free Educational Institution" signage as specified in Annexure II in the premises of the EI; and a "Tobacco Free Area" signage as specified in Annexure III outside the EI. The signage could be in the form of boards or wall paints. It may be noted that the formats given in the Annexures II and III are only suggestive. The Educational Institution is encouraged to innovate or adapt the signage according to their capacity and context. Care should also be taken to communicate the correct intended message while customizing the signage. The signage should be displayed in the language of instruction in the Educational Institution and also in the local language if it is so possible.
- 3.2 The signage should be displayed at prominent places outside and in the premises such as on the boundary wall, the main entrance, the official notice boards and any such place where the management thinks that these would communicate the intended message effectively.
- 3.3 The Educational Institution should designate Tobacco Monitor(s) from amongst their staff, an official or a teacher or a student representative (the student from class IX onwards). Health & Wellness Ambassadors should also be designated as Tobacco Monitors. The name, designation and phone number of the Tobacco Monitor(s) should also be mentioned on the signages. Multiple Tobacco Monitors may be designated and in-fact it might be a good idea to do so. For example - appointment of a Tobacco Monitor for each class from amongst the students in the class. Participation of the most important stakeholder, the students of secondary school (classes IX to XII), would be key to successful implementation of the initiative. Care should be taken that tobacco users may not be designated as Tobacco Monitors.
- 3.4 The EI management should ensure that no tobacco products are sold inside the premises and in an area within a 100 yards from the premises. Any violation should be reported to the National Quitline at 1800-11-2356. The Management should also, if possible, with the help of local law enforcement authorities and community, including parents, make efforts to stop such sales. It may be noted that the Head of the Institution is also authorized to collect fine for violation of section 6(b), sale of tobacco products within 100 yards of an educational institution. EI should also with the help of local authorities mark such boundaries /area which clearly defines the 100



yards area to ensure that no tobacco products are sold within marked area.

- 3.5 The EI management must not permit any use of tobacco products in the premises of the institution by anybody, including students, teachers, other staff members, school buses' drivers & staff and visitors. Observance of the "No Tobacco Use" norm should be included in EI's code of conduct guidelines and action should be taken against such violations as per EI's internal policy. This may include community service, information to and discussions with parents. Another suggestion is to make tobacco users ineligible for the Student\Teacher\Staff of the Year Award or other awards given for co-curricular excellence.
- 3.6 Since the premises of all EIs by their nature are public places, smoking inside the premises of an EI is a violation of section 4 of the COTPA. The Head of all Educational Institutions are also authorized to impose and collect fine under the COTPA, 2003 for such violations.
- 3.7 The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 prohibits the use of tobacco and nicotine as ingredients in food products and as such various States have issued necessary orders for prohibiting the sale of Gutkha and Pan Masala (containing tobacco or nicotine). In 2016, communication was sent to all States/UTs to pass necessary orders in compliance of the Hon`ble Supreme Court order dated 23.09.2016 and ensure that the manufacture, storage, distribution or sale of gutkha and pan masala (containing tobacco or nicotine) and any other products marketed separately having tobacco or nicotine in the final product by whatever name called, whether packaged or un-packaged and/or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer is prohibited in the jurisdiction of the respective States. Though Pan Masala without tobacco and/or nicotine is a standardized product under the Food Safety and Standards Act, 2006 and Regulations made thereunder, it may be noted that it is injurious to health and its use should be discouraged.
- 3.8 The EI should also help tobacco users and tobacco addicts to quit tobacco by encouraging them to avail the Quitline services and mCessation services. Information about these services can be obtained from the Quitline.
- 3.9 A ToFEI must not participate in any event sponsored by any firm or a subsidiary of a firm or a seller, which promotes the use of or manufactures or sells tobacco products in any form. EIs/ Students should also not accept any prize or scholarship instituted by such firms.
- 3.10 The EI management and the Tobacco Monitors must also be vigilant to note the tobacco substitutes such as e-cigarettes and the like devices viz. Heat-Not-Burn devices, Vape, e-Sheesha, e-Nicotine Flavoured Hookah. Such products, though not tobacco products, are also harmful for health. E-cigarettes come in many shapes and sizes which look like regular cigarettes, cigars, pipes, pens, USB flash drives, with sleek high-tech design with re-chargeable batteries. These products are usually marketed as being safer alternatives for conventional cigarettes but such notion of safety is false. There is evidence that these products induce adolescents and young adults to nicotine use leading to addiction. Any use of such products on the campus may be reported to the Quitline.
- 3.11 The Institution may use the Self-Evaluation Scorecard for Tobacco Free Educational Institution given in Annexure IV, to assess the status of implementation of the ToFEI Guidelines in their institution on half-yearly basis and to get a certificate to this effect to those EIs who score 90% and above marks. Once the EI is satisfied that they have achieved the benchmark score, the

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El can choose to participate in the ToFEI Award Scheme. A ToFEI Certificate will be awarded to a ToFEI if the El's score is found to be equal to or more than the benchmark score after verification. Details of the ToFEI Award Scheme will be issued separately by the MoHFW.

3.12 Tobacco Control activities: The El should undertake tobacco control activities from time to time. Some suggestive activities are as under –

- Assemblies for taking pledge against tobacco,
- Poster/slogan/essay/quiz/debate competitions and street plays etc. Posters so developed with information about the harmful effects of tobacco should be displayed at prominent places in the educational institution.
- The El management should encourage tobacco control initiatives by students /teachers/ other staff and certificates of appreciation or awards may be given to those who take initiative and do good work in this regard.
- The El should invite the local law enforcement authorities /and health authorities to be the part of school assembly and deliver an address on tobacco control. This will facilitate in advocating the policy makers on tobacco related issues.
- Marking of 100 yards area from the outer limit of boundary wall / fence of the El.

The above list is only suggestive and the El team should explore other options as well.

4. ROLES & RESPONSIBILITIES

4.1 Ministry of Health & Family Welfare – Tobacco Control Division (National Tobacco Control Cell)

- 4.1.1 To ensure that communications/advisories are sent to State Tobacco Control Cell for monitoring these guidelines at regular intervals.
- 4.1.2 IEC materials/ prototypes like posters, flip charts, brochures must be disseminated to States and uploaded on the NTCP website www.ntcp.nhp.gov.in
- 4.1.3 To collaborate with Ministry of Human Resource Development (Department of School Education and Department of Higher Education) for inclusion of a chapter on the harmful effects of tobacco use in curricula.
- 4.1.4 To develop a monitoring mechanism for evaluation and assessment of implementation of Guidelines for ToFEI through internal review mechanism.
- 4.1.5 The National Cell will also put a mechanism in place for certification of Els and for providing a Certificate to an El that successfully reaches the benchmark score of 90/100.

4.2 STATE/DISTRICT TOBACCO CONTROL CELL:

- 4.2.1 Coordinate with State Education Departments (School/Higher/Technical/Medical Education) to institutionalize tobacco control by incorporating tobacco control activities in their Academic calendar. Efforts should also be made to make these guidelines a part of the terms and conditions for affiliation to the State Education Board.



- 4.2.2 Coordinate with State Education Departments for sending circular to all Heads of Institutions to comply with the guidelines and permitting them to utilize the funds available under the untied grants available to Educational Institutions through government grants.
- 4.2.3 District Authorities and Local Bodies should be encouraged to set up institutional mechanisms to facilitate implementation of these guidelines and monitoring and review implementation and also to provide support to managements of institutions taking initiative for helping enforcement of COTPA.
- 4.2.4 To ensure the dissemination of these guidelines in all educational institutions in coordination with Education Departments. Funds under National Tobacco Control Programme can be utilized for this.
- 4.2.5 To make efforts to get questions related to 'Tobacco Free Educational Institution' included in existing monitoring/inspection mechanism of Education Departments.
- 4.2.6 To engage with Department of Rural Development/Urban Administration for setting up institutional mechanism for supervision and monitoring of these guidelines through Village Health, Sanitation & Nutrition Committees in rural areas and Mahila Arogya Samitis and Mohalla Samitis/Ward Sabhas in urban areas.
- 4.2.7 Representatives of the State Education Departments (School/Higher/Technical/Medical Education) should be co-opted in the State and District Level Coordination Committees and status of implementation of these guidelines should be reviewed in each of their meetings.

4.3 Civil Society Organizations:

Civil Society Organizations (CSO) can play a pivotal role in implementation of guidelines, specially in its dissemination and in building capacities of managements and teams in Educational Institutions. CSO can also support the STCCs, DTCCs and EIs by providing inputs such as technical assistance for IEC. The CSOs can also undertake assessment of implementation status of these guidelines in an EI and assist the institution in removing gaps in implementation or mobilize support from the local institutions, wherever necessary. The STCCs and DTCCs can and should look to actively partner with CSOs, wherever possible, for not only implementation but also for eliciting valuable feedback about implementation status and challenges, to effect course corrections.

ANNEXURE - I

Act	Section	Offence	Penalties	
COTPA	Section 4*	Smoking in Public Places	Fine upto Rs.200 under section 21	
	Section 6a*	Sale of tobacco products to or by minors	Fine upto Rs.200 under section 24	
	Section 6b*	Sale of tobacco products within 100 yards of any Educational Institute	Fine upto Rs.200 under section 24	
	Section 5	Direct/indirect advertisement of tobacco products and scholarship/ sponsorship of any event by tobacco companies	Under Section 22- First Offence: Fine up to Rs. 1000/- or imprisonment up to two years or both Subsequent offence: Fine up to Rs. 5000/- or imprisonment up to five years or both	
	Section 7	Mandatory display of specified health warnings on all tobacco product packs	Under Section 20 – First Offence for Producer or Manufacturer: Fine up to Rs 5,000/- or imprisonment up to two years or both. Subsequent Offence: Fine up to Rs 10,000/- and imprisonment up to five years	Under Section 20 – First Offence for Seller or distributor: Fine up to Rs 1,000/- or imprisonment up to one year or both. Subsequent Offence: Fine up to Rs 3,000/- and imprisonment up to two years
Juvenile Justice Act	Section 77	Giving or causing to give any addictive substance including tobacco to minors	Upto 1 lakh fine and 7 years imprisonment	
Indian Penal Code	Section 268	Creating Public nuisance which causes any common injury, danger or annoyance to the public	Fine upto Rs. 200/-	
	Section 269	Negligent act likely to spread infection of disease dangerous to life	Imprisonment upto 6 Months or Fine or both	
	Section 278	Making atmosphere noxious to health	Fine upto Rs. 500/-	
Food Safety and Standards Act, 2006 (FSSA, 2006)	Regulation 2.3.4 of Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011	Use of Tobacco and nicotine as ingredients in any food products.	Penalty not exceeding Rs. 10.00 lakh under Section 57 (1) (ii) of FSSA, 2006	

* A list of authorized officers to enforce the provisions of COTPA, 2003 and Rules made thereunder is as under;



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Following persons shall be authorized to impose and collect the fine against the violation of Section 4

Sl. No.	Person Authorized to take action	Description of Public Place
1	Inspectors of Central Excise / Income tax/ Customs/ Sales Tax/Health/Transport and above	All Public Places within their jurisdiction
2	Station Master/Asstt. Station Master/ Station Head/Station in charge	Railways and all its Premises
3	All Gazetted Officers of State/ Central Government or equivalent rank and above in Autonomous Organizations /PSU	Government offices / premises and offices of the autonomous bodies and corporations
4	Director/ Medical Superintendent/ Hospital Administrator	Government and Private Hospital
5	Post Master & Above	Respective Post Office in their jurisdiction.
6	Head of the Institution/HR Manager/Head of Administration	Private Offices / Workplaces
7	College / School/Headmaster Principal/Teacher	Respective Educational Institutions
8	Librarian/Asstt. Librarian/Library in-charge/ other administrative staff in library	Libraries/ Reading Rooms.
9	Airport Manager/Officers of Airport Authority of India and Officers of all schedule Airlines	Airports
10	Director Public Health/ Director Health Services	All Public Places
11	In charge Administration in Central/ State Government.	All Public Places
12	Nodal Officers/Focal Points of Anti-Tobacco Cell at District and State level	All Public Places
13	Police Officers not below the rank of Sub-Inspector of Police	All Public Places within their jurisdiction.
14	Officers of State Food & Drug Administration not below the rank of Sub-Inspector of Police.	All Public Places within their jurisdiction.
15	Representatives of Panchyati Raj Institutions (Sarpanch / Panchayat Secretary)	All Public Places within their jurisdiction.
16	Dist Program Manager/ Finance Manager - Dist Health Society (National Rural Health Mission)	All Public Places within their jurisdiction.
17	Civil Surgeon /Chief Medical Officer(CMO) at District Hospital/ Medical Officer at Primary Health Centre (PHC)	Hospital Buildings /Health Institutions/ dispensaries
18	Registrar/ Deputy Registrar/ Public Prosecutors/ Government Counsels.	Court Buildings
19	Inspector of Schools/ District Education officer	Educational Institutions
20	Traffic Superintendents /Asst Traffic Superintendents / Bus Station Officer / Ticket Collector or Conductor.	Public Conveyances
21	Travelling ticket Examiner/ Chief Ticket Inspectors/ Ticket Collectors/ Officers not below the rank of ticket collector or equivalent rank not below the rank of Asst Sub-Inspector of Railway Protection Force	Railways

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Following persons shall be authorized to impose and collect the fine against the violation of Section 6 (a & b)

S. No.	Authorized Person to enforce section 6 (a & b)
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

