

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 647
TO BE ANSWERED ON 09TH DECEMBER, 2022**

VIOLATION OF COTPA, 2003

647 DR. (PROF.) KIRIT PREMJBHAI SOLANKI:

Will the **Minister of HEALTH AND FAMILY WELFARE** be pleased to state:

(a) the details regarding the Governments plan to mandate any proposal to remove the provision of allowing Point of Sale advertising under the COTPA, 2003 and whether such provision/amendment exists in the Ministry's draft COTPA Amendment Act;

(b) if so, the details thereof;

(c) whether the Government has adopted measures to prevent the sale of tobacco and pan-masala packets to children since the same is in direct violation of the COTPA, 2003 and its rules; and

(d) if so, the details thereof and if not, the reasons therefor?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(DR. BHARATI PRAVIN PAWAR)**

(a) and (b): The draft Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Amendment) Bill, 2020, was hosted in public domain for pre-legislative consultation.

(c) and (d): As per Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003) and Rules, the advertisement of cigarettes and other tobacco products is prohibited and specified health warnings covering 85% of principal display area is displayed on all tobacco products.

Further, the sale of tobacco products to and by persons below the age of eighteen years is prohibited.

The advertisement of Pan Masala is regulated by Section 30 of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, issued under the Food Safety and Standards Act, 2006, which states that every package of Pan Masala and advertisement relating thereto, shall carry the warning, “Chewing of Pan Masala is injurious to health”.

For effective implementation of the provisions of COTPA, 2003 and the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, Central and State Governments have notified authorized officers from various Departments. The enforcement of these provisions primarily lies with the States/Union Territories.
