



To,
Mr Rakesh Asthana IPS (1984)
Director General of Police
Jai Singh Road, New Delhi-110001
cp.rakeshasthana@delhipolice.gov.in

Date- 25/04/2023

Dear Sir,

**SUBJECT: REQUEST FOR URGENT ACTION TO CONTROL THE SALE OF SMUGGLED CIGARETTES
WITHOUT HEALTH WARNINGS IN DELHI**

We (Shram) are a self-help group with large number of doctors and professionals, working in the field of health and education since many years unstintingly building awareness campaigns against tobacco and alcohol. Objectives of Shram dictate us that we assist Govt in arriving at judicious decisions on all policy matters relating to the health of citizens. It is under this capacity we are writing you this letter. for some time now, we have been noticing with great concern about the substantial growth of easy availability of smuggled/illegal cigarettes in the State of **Delhi which do not bear the mandatory Indian Health warnings** (on 85% of the surface of a cigarette pack) as mandated by the tobacco control laws namely, **the Cigarette and other tobacco products (prohibition of advertisement and regulation of trade and commerce, production, supply, and distribution) Act, 2003 known as COTPA.**

As per **Section 7 of COTPA (Annexure 1)** all tobacco products must bear the Indian Health Warning. **Section 7 further mandates that even imported cigarette packs must also carry the mandatory Indian Health warning.** Further as per latest rule all health warnings including pictures **must occupy 85% of surface area of both sides of cigarette packs.** These smuggled cigarettes either do not have the Indian Health Warning or have a small text warning in foreign language. We have also found from our market surveys of **Delhi** that the smuggled cigarettes without Indian Health warnings are available for very low prices compared to legal Indian cigarettes. Since **smugglers evade all duties and taxes and therefore smuggled cigarettes are cheaper.** Also, these Smuggled cigarettes are available in very attractive packets (compared to the legal cigarettes which bear the 85% Health warnings) and have become very popular specially amongst the youth.



We were initially under the impression that the menace of smuggled cigarettes was confined to the larger markets of capital towns, However, after our market visits, we find that cheaper smuggled cigarettes are widely available even in the smaller markets and towns specially in locations where the youth congregate indicating their popularity amongst the vulnerable younger generation. **The frightening growth in availability of smuggled cigarette packets without the mandatory Health Warnings are against the tobacco control objectives of the Govt. Our country has done great work in making tough laws to reduce consumption and smoking of tobacco products, however, widespread availability and sale of smuggled cigarettes in the State is nullifying all the great work done so far.**

As per Section 12 of COTPA (Annexure 2) power of entry and search for violation of the Act has been provided for Police officers (sub-inspector and above level) of the Police department. As per Section 13 of COTPA (Annexure 3) cigarette packages without health warnings can be seized by Police Officers. Further as per Section 20 of COTPA (Annexure 4) selling smuggled cigarettes which do not bear the health warning attract imprisonment from 1-2 years besides monetary fine.

As a concerned NGO working in the field of Tobacco and Health, we earnestly request you to kindly issue necessary instructions to the relevant police officers in the State to help address the menace of alarming increase in sale of smuggled cigarettes without mandatory Health Warnings. Both domestically made (Made in India) and legally imported cigarettes should invariably have the following 6 notations inscribed / printed on each individual packet of cigarettes:

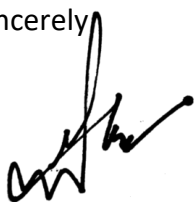
- 1) **The 85% Indian pictorial Statutory Warning** on the front and back of the packets (This is statutorily mandated under Section 3(o) and 7(1) of the Cigarettes & Other Tobacco Products Act, 2003 read with the SCHEDULE to the Cigarettes & Other Tobacco Products (Packaging & Labelling) Rules, 2008. The Penal Provisions are contained in Section 20 of the COTPA and the Penalty may extend to 2 years imprisonment or fine up to Rs. 5000 or both.
- 2) **The Date of Manufacture** of the cigarettes (This is statutorily mandated under rule 3(1)(h)(e) of the Cigarettes & Other Tobacco Products (Packaging & Labelling) Rules, 2008.
- 3) The words '**Made in India**' (This is statutorily mandated under the Legal Metrology Act, 2009 read with the Legal Metrology (Packaged Commodities Rules), 2011.
- 4) **The Maximum Retail Price (MRP)** of the packet: This is statutorily mandated under the Legal Metrology Act, 2009 read with the Legal Metrology (Packaged Commodities Rules), 2011.

- 5) A notation inscribed on the cigarette packet that **“FOR COMPLAINTS CONTACT QUALITY MANAGER AND A TOLL-FREE NUMBER WITH EMAIL”** is provided (This is statutorily mandated under the Legal Metrology Act, 2009 read with the Legal Metrology (Packaged Commodities Rules), 2011.
- 6) Every legal Cigarette Pack should carry Quit Line Number **“QUIT TODAY CALL 1800-11-2356”**

If a cigarette packet is found in India without the above mentioned 5 notations printed on the cigarette packets it is necessarily illegally imported (smuggled) into India. In the past, various Courts and Jurisdictions have ordered for the destruction of such smuggled cigarettes, but for that to happen, the Enforcement must seize such smuggled cigarettes. **The smuggled cigarettes are seized / confiscated, they must be destroyed as mandated by Clause 6 of Finance Ministry (GOI) Circular No.09/2017 -Customs dated 29th March 2017.** For your ready reference we are enclosing herewith an illustration of how a legal and smuggled cigarette pack (**Annexure 5**). **Media is also full of reports of huge increase in the supply of smuggled cigarettes during the pandemic owing to the restriction of supply of cigarettes by the legal companies during the lockdown.**

Looking forward to your kind intervention in the matter so that the State of Delhi can come to the forefront of tobacco control efforts in the country.

Yours sincerely,



Dr Mukul Bajpai,
MBBS, MD(AFMC) PROFESSOR
FOUNDER SHAM.
Email. Shramindia11@gmail.com

Copy to

ADGP L&O- Mr Dependra Pathak IPS (1990)
splcp.lonorth@delhipolice.gov.in

*Note - This letter has been drafted and edited by our editorial team and has approval of
members of Shram*