From
The Transport Commissioner

To
All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Making Road Transport Tobacco free-
Direction issuing of-Reg
Ref: This office letter of even number dated 13-05-2015 and 08-06-2015

Attention is invited to the above reference. Vide reference cited, you were
directed to strict action as per COTPA 2013. Now, it is hereby directed that offences
detected under COTPA 2013 shall be included in the monthly checking report
without fail.

Yours faithfully
Sd/-
Transport Commissioner

Approved for issue

Senior Superintendent
C1/9407/TC/2015
Transport Commissionerate, Keralam
Trans Towers, Thiruvananthapuram
Dated: 08-06-2015

From
The Transport Commissioner

To
All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Making Road Transport Tobacco free-
Direction issuing of Reg

Ref: 1. Representation dated 29-05-2015 from Tobacco Free Kerala
2. This office letter of even number dated 13-05-2015

Attention is invited to the above references. In continuation to the direction
issued vide reference 2nd cited, you are informed that Section 4 of COTPA prohibits
smoking in a wide range of public places. As per COTPA, “public place” means any
place to which the public has access whether as of right or not and includes all
places visited by general public. Public conveyances and Bus Depots/Transport Bus
stands fall under the purview of above definition. The Act also calls for setting up
‘No Smoking’ signage boards as mandated by COTPA along with notifying the name
of the person to whom a complaint may be made in case of violation.

Traffic Superintendents/Asst Traffic Superintendents/Bus Station
Officer/Ticket Collector or conductor have been authorized under the Act to take
action against violations of Section 4 in public conveyances. The authorized officers
are empowered to compound the offence and impose appropriate fine upto ₹ 200/-
on the violators and recover the fine on the spot or the authorized officers are
permitted to issue chalans with the direction that the offender pays the fine at the
designated court or treasury on any given/fixed day(s).

Section 5 of COTPA prohibits all forms of direct/indirect advertisement,
promotion and sponsorship of tobacco products on public conveyances. All officers
of the rank of Inspectors and above in the Transport Department are empowered to
take action. The penalty for first offence is upto ₹ 1000/- or upto two years’
imprisonment or both. Subsequent offence invites a fine of upto ₹ 5000/- and upto
five years’ imprisonment. You are directed to ensure that Section 4 and 5 of COTPA
are complied stringently. Necessary steps as per law shall be taken against the
violators.

Yours faithfully
Sd/-
Senior Deputy Transport Commissioner
(Taxation)

For Transport Commissioner

Copy to: The State Co-Ordinator, Tobacco Free Kerala, Salikripa, 289, PTP Nagar,
Thiruvananthapuram-695038 for information

Approved for issue
Senior Superintendent
C1/9407/TC/2015

Transport Commissionerate, Keralam
Trans Towers, Thiruvananthapuram
Dated: 13-07-2015

From
The Transport Commissioner

To
All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Making Road Transport Tobacco free-
Direction issuing of-Reg

Ref: This office letter of even number dated 13-05-2015, 08-06-2015 and
08-07-2015

Attention is invited to the above reference. As per Section 4 of Cigarettes
and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade
and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), 'No
Smoking' signage boards shall be exhibited in all public conveyances. Hence, in
continuation to the directions issued vide reference cited, it is hereby ordered that in
all transport vehicles, pictorial 'No Smoking' signage shall be exhibited inside
public vehicles vehicle at a prominent place. While inspecting the vehicle for
registration and issuing certificate of fitness and while checking the vehicle, it shall
be ensured that the said pictorial signage is exhibited in the vehicle. All the officers
concerned are also directed to give vide publicity to the exhibition of pictorial
signage through local media. Sample of pictorial signage is enclosed herewith.

Yours faithfully

Sd/-
Transport Commissioner

Approved for issue

[Signature]
Senior Superintendent
From
The Transport Commissioner

To
All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Making Road Transport Tobacco free-
Direction issuing of-Reg

Ref: 1. Represenation dated 02-03-2015 from Tobacco Free Kerala
2. This office letter No.C1/5628/TC/2010 dated 22-06-2010
3. S.O.1866(E) dated 30-07-2009 of Ministry of Health and Family
Welfare of Government of India

Attention is invited to the above references. Vide reference 1st cited, Tobacco Free
Kerala has urged to take necessary steps to implement Cigarettes and Other Tobacco
Products (Prohibition of Advertisement and Regulation of Trade and Commerce,

Vide reference 3rd cited, the Central Government had authorized the officers of the
rank of Inspectors and above of Transport Department, who shall be competent to act
under Sections 12 and 13 of Cigarettes and Other Tobacco Products (Prohibition of
Advertisement and Regulation of Trade and Commerce, Production, Supply and
Distribution) Act, 2003 (COTPA) and are conferred with the power of entry, search and
seizure under the provision of the said Act.

Violation of the law by the tobacco producer(s)/manufacturer(s) is a punishable
offence with imprisonment which may extend to two years or with fine which may extend to
₹ 5,000/- or with both and for second or subsequent conviction, with imprisonment for a
term which may extend to five years and fine which may extend to ₹ 10,000/- . Likewise,
the sellers/distributor(s) are liable to be punished with imprisonment for a term which may
extend to one year, or with fine
which may extend to ₹ 1,000/- or with both, and for second or subsequent conviction with
imprisonment for a term which may extend to two years and with fine which may extend to
₹ 3,000/- . In this circumstance you are directed to take action against the persons
violating the provision of the Cigarettes and Other Tobacco Products (Prohibition of
Advertisement and Regulation of Trade and Commerce, Production, Supply and
Distribution) Act, 2003 (COTPA) and violating the provisions as per Rules 46(2)(j), 89(m),
153(1)(c) and 227(1)(d) of the Kerala Motor Vehicles Rules, 1989.

Yours faithfully

Sd/-
Senior Deputy Transport Commissioner
(Taxation)
For Transport Commissioner

Copy to: The State Co-Ordinator, Tobacco Free Kerala, Saikripa, 289, PTP Nagar,
Thiruvananthapuram-695038 for information

Approved for issue
Senior Superintendent

[Signature]
From

The Transport Commissioner

To

All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Making Road Transport Tobacco free-
Direction issuing of-Reg

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Senior Deputy Transport Commissioner
(Taxation)

For Transport Commissioner

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Thiruvananthapuram-695038 for information

Approved for issue

Senior Superintendent