



Government of the People's Republic of Bangladesh

Ministry of Railways

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Guidelines for Ministry of Railways and Bangladesh Railway as per WHO FCTC Article 5.3 (English Version):

Context/Background: Considering the health risks caused by tobacco and implementing the provisions of Article 18(1) of the Constitution to participate in international tobacco control activities and to control tobacco in this country the government signed the Framework Convention on Tobacco Control (FCTC) in 2003, a multilateral agreement made by the World Health Organization.

To protect the government's tobacco control and public health measures from the commercial and other interests of tobacco companies there is an obligation to formulate follow-up guidelines for individuals, organizations and governments involved in anti-tobacco activities as per Article 5.3 of the said agreement. For the convenience of the noted member countries, the World Health Organization has formulated model guidelines in the light of FCTC Article 5.3. The Ministry of Railways is working to make trains and railway stations tobacco-free as per the Railway's own laws and regulations along with the implementation of the Tobacco Control Act. In this context, the following guidelines have been formulated for the Ministry of Railways and Bangladesh Railway in the light of FCTC Article 5.3:

1. Directions and Prohibitions:

- 1.1. Abstain from any form of partnership and agreement with tobacco company/representatives of tobacco company/marketers of tobacco products and refrain from receiving and providing any assistance:
 - 1.1.1. The Ministry of Railways, Bangladesh Railway and its subordinate institutions or any officer-employee shall not enter into any agreement or agreement with tobacco company/any person on behalf of the tobacco company for the purpose of undertaking and implementing any joint program and partnership. In other words, they will reject any partnership with tobacco company. Also refrain from participating in, assisting and supporting any event organized by the tobacco company;
 - 1.1.2. Any opinion, advice or assistance of the tobacco company/tobacco company representative in any work including the implementation of the relevant regulations/policies/instructions including the Railway Act or the Smoking and Tobacco Products Usage (Control) Act 2005 as amended in 2013 in the areas under jurisdiction of the Ministry of Railways, Bangladesh Railway and subordinate institutions cannot be accepted. Besides, the Ministry of Railways, Bangladesh Railway and its subordinate institutions will refrain from inviting tobacco companies to accept and implement any plans/schedules and avoid the participation of tobacco company.
 - 1.1.3. Ministry of Railways, Bangladesh Railway and any subordinate institution or officer/employee shall not accept any financial/technical or any other kind of assistance from any person on behalf of tobacco company/tobacco company in organizing any event. Also, they will not accept directly or indirectly financial/technical or any other benefits such as gifts, gratuities, grants, services, entertainment, shares, loans or similar from tobacco company/any person on behalf of the tobacco company.
 - 1.1.4. The Ministry of Railways, Bangladesh Railway or any of its subordinate institutions should not be allowed to participate individually or jointly in any activities with the tobacco company to transport tobacco or tobacco products or machinery or raw materials or products of the tobacco company by railway transportation.
 - 1.1.5. All officers/employees of the Ministry of Railways, Bangladesh Railway or its subordinate institutions shall refrain from participating, supporting and assisting in any activities undertaken by the tobacco company, any corporate social responsibility (CSR) activities or any other name.
 - 1.1.6. Tobacco companies shall not be allowed to organize any program using railway assets/facilities in the areas under the jurisdiction of Ministry of Railways, Bangladesh Railway and subordinate institutions.
 - 1.1.7. No agreement shall be made or any other facility shall be provided for advertisement or any other form of promotion of any company involved with tobacco company or tobacco related business in Railway Stations, LC Gate, any building, establishment, rolling stock or any office of Bangladesh Railway.
 - 1.1.8. In the case of granting commercial lease/license from the commercial department and land property department of Bangladesh Railway, it should be mentioned that no kind of commercial activity related to

tobacco product sale/marketing or tobacco product can be done. If any irregularity is found in this regard, the lease / license will be deemed to be canceled immediately.

1.2. Limiting interaction with tobacco company and ensuring transparency in any communication with tobacco company:

- 1.2.1. Ministry of Railways, Bangladesh Railway and subordinate institutions or officials/employees shall avoid any kind of interaction with tobacco company. However, only if it is 'necessary' to control the activities of the tobacco company in their jurisdiction area or to effectively control the use of tobacco products and to implement the existing law, they can contact with the tobacco company. In this regard, all communications must be transparent i.e. subject to open, formal, duly notified and document;
- 1.2.2. Necessary communication with tobacco company should be done in such a way that it does not give rise to the idea of any possible partnership or collaboration. If such a perception arises, the said organization or its officers/employees will take appropriate steps to prevent or correct it;
- 1.2.3. If Ministry of Railways, Bangladesh Railway and any subordinate institution or any officer-employee required to discuss with tobacco company/ persons on behalf of the tobacco company, they shall hold an open discussion with the tobacco company by notifying seven (7) working days in advance through a formal Official notice/invitation letter. Within one week of the said discussion, the minutes shall be recorded under the signature of the Chairman/Officer-in-Charge and a copy thereof shall be forwarded to the concerned branch of the Ministry of Railways, a copy of which shall be given to the National Tobacco Control Cell under the Health Services Division;
- 1.2.4. Ministry of Railways, Bangladesh Railway or any of its subordinate institutions or its officers/employees shall not provide any incentive, special benefit or preference and any service at concessional price to tobacco company/representative of tobacco company or any other institution or person involved in tobacco business;

2. Disclosure of information:

- 2.1. For the sake of transparency and accountability, information of any meeting or communication with tobacco company /any person on behalf of the tobacco company will be kept documented. Reports/documents of communication with tobacco company /any person on behalf of tobacco company, preferential benefits and any donation, gift, gratuity, grant, service, entertainment, share, loan or similar offer etc. by tobacco company to government official/employee will also be included as information.
- 2.2. Institutions under the Ministry of Railways and Bangladesh Railway will include the progress of compliance with these guidelines in their annual reports; which will be open on the website and a copy of the report will be sent to the Ministry of Railways informing the National Tobacco Control Cell under Health Services Division.

3. Implementation and monitoring of guidelines:

- 3.1. The Head of the institutions under the Ministry of Railways and Bangladesh Railway or their respective focal persons will inform the officers/employees about the guidelines, take initiatives for implementation, monitor the implementation and send quarterly reports to the Ministry of Railways through the Director General.
- 3.2. Participation of Individuals and Non-government Institutions: In order to achieve the objectives of this guideline, the institutions under the Ministry of Railways shall, if necessary, encourage the participation of individuals and Non-government institutions those are not associated with tobacco company or tobacco products/trade.
- 3.3. Obligation of officers and employees in following the guidelines: It is the moral responsibility of the officers and employees of the Ministry of Railways, Bangladesh Railway and subordinate institutions to follow this guideline. Violation of the above instructions by any officer/employee under the Ministry of Railways shall consider 'misconduct' as per the Government Servants (Discipline and Appeal) Rules, 2018. Besides, in the case of officers and employees of subordinate institutions, it will be considered as 'misconduct' according to the Railway Act and the regulations made under this Act.

4. This guideline will be effective from the date (17th October, 2023) of publication.

Dr. Md. Humayun Kabir
Secretary
Ministry of Railways