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Title: Combined discussion on Statutory Resolution regarding Disapproval of Prohibition of Electronic Cigarettes (Production Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 and Prohibition of Electronic Cigarettes (Production Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Bill, 2019. (Ordinance negatived and Bill passed.)

माननीय अध्यक्ष: मद संख्या 14 और 15 एक साथ ली जाती है ।

माननीय मंत्री जी ।

...(व्यवधान)

माननीय अध्यक्ष: माननीय मंत्री जी, आप बोल लीजिए और सप्लीमेंटरी का जवाब दे देना ।

...(व्यवधान)

THE MINISTER OF HEALTH AND FAMILY WELFARE, MINISTER OF SCIENCE AND TECHNOLOGY AND MINISTER OF EARTH SCIENCES (DR. HARSH VARDHAN): Hon. Speaker, Sir, first of all, I would like to thank you.

माननीय अध्यक्ष: ए.राजा जी आप मंत्री तो नहीं बन गए न? बैठ जाइए ।

...(व्यवधान)

DR. HARSH VARDHAN: Sir, first of all, I would like to thank you because you have initiated a new practice. You facilitated a small meeting after this Bill was introduced for the Members of this House

where the Department could project to the Members the contents of the Bill, what e-cigarettes are, etc. Although about two dozen Members had participated, I feel it is a very healthy practice and should be continued for other Bills also.

Before I make my formal observations about the Bill, I have to thank all the Members who sat late in the evening yesterday and showed their commitment for this very important issue: Shri Adhri Ranjan Chowdhury, Shri Varun Gandhi, Shri DNV Senthilkumar S, Shrimati Sarmishta Sethi, Shri Margani Bharat, Shri Mahabali Singh, Shri Ritesh Pandey, Prof. Saugata Roy, Dr. M.K. Vishnu Prasad, Shri Ravi Kishan, Shri Imtiaz Jaleel Syed, Shri Hanuman Beniwal, Shri K. Navaskani, Dr. M. Munjapara, Adv. Dean Kuriakose, Shri P. Raveendranath Kumar, Shri Jagdambika Pal, Shri Jasbir Singh Gill, Shri Selvaraj, Shri Janardan Mishra, Shri Malook Nagar, and Shri Prabhubhai Vasava. I must express my gratitude to all these Members for the fact that all of them were unanimous in supporting the Bill although they had different views, made different comments, different suggestions, valid observations, and also expressed some apprehensions. The fact that gives me immense pleasure is that everybody was strongly committed to do the best and maximum possible in this country against the tobacco menace. I think that is very heartening to know.

12.33 hrs

(Shri N. K. Premachandran *in the Chair*)

We all know that all forms of intoxicants or *nasha* are harmful for health, whether they are drugs, tobacco, alcohol, or for that matter any other narcotics. These e-cigarettes or the electronic devices, which this Bill is about, can enable delivery of all these intoxicating substances at any particular time. They are right now predominantly used for the

delivery of nicotine, which is one of the most addictive elements. Although it includes all forms of electronic nicotine and non-nicotine delivery devices, *e-hukkas* and heat-not-burnt products, the common denominator in all this is that there is an electronic mechanism to heat a substance, usually a liquid containing nicotine.

A lot of Members have made their observations on the Bill in detail. They have studied literatures on the subject from different countries and have mentioned about it here. We all know that this Bill seeks to prohibit all commercial operations for the trade of e-cigarettes, which includes manufacturing, production, export, import, distribution, sale and advertising, including online sale and advertising, and this has been brought to replace the Ordinance banning e-cigarettes *via* notification dated, September, 18.

I would like to mention a couple of things for the sake of informing the House, because many Members were not present yesterday. There is a very strong, definite evidence to suggest that e-cigarettes are harmful for health. Chemicals found in the e-cigarette vapours include toxic chemicals such as Formaldehyde, heavy metal particles such as Nickle and Chromium, carcinogens such as Benzene apart from Nicotine. It is often assumed that vapours are steam. This assumption is wrong. Vapours are produced by heating an e-liquid, a solution consisting of Propylene Glycol and Glycerine. These chemical vapours deliver Nicotine or any other substance mixed in the liquid along with toxic substances, metals and chemicals.

I would like to mention a couple of things about Nicotine because there is a lot of confusion in people's mind about the role that Nicotine can play for us. E-cigarettes contain Nicotine, which is a highly toxic

chemical that can adversely affect any organ of the body. Some States in India have even included it in the Schedule of poisonous substances. A dosage of 30 to 50 mg. of Nicotine can kill an adult human being and in pure form Nicotine can also cause cancer.

Sir, Nicotine Sulphate was once approved to be used as a pesticide by the Agriculture Department. Recently, that approval was also withdrawn considering its toxicity. Therefore, it is not a chemical which is even fit to be used as a pesticide. Nicotine is the most addictive substance currently known in the world and is even more addictive than heroin. There is no treatment currently known for Nicotine addiction. I thought, I must bring these facts before you about Nicotine and e-cigarettes before we talk about this particular Bill....(*Interruptions*)

HON. CHAIRPERSON : Let the hon. Minister conclude.

DR. HARSH VARDHAN: Let me complete. If there are still questions, I will certainly love to answer them. There is no problem. I am replying to the points which all of you mentioned yesterday. I thought, there may be a few things which are necessary to be brought to the notice of the House. All of you are unanimous about the fact that we have to do the extreme possible things about tobacco and save our children. When Adhir Ranjan ji started his speech, I was worried why he was opposing the Bill. But, like all the time, whenever there is an Ordinance, you all rush ...(*Interruptions*) You all rush to oppose the Ordinance. ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): I have a right to oppose.

DR. HARSH VARDHAN: For you, Ordinance is like a blessing in disguise. Even for an issue like e-cigarettes, if it has been brought as an Ordinance, it helps you. So, I have no issues with that.

Let me first start with as to why we have actually brought this Ordinance. To understand why we have brought this Ordinance, you have to see a few facts of the last one year chronologically. You have to understand and appreciate that. In August, 2018, a PIL was filed in the hon. Delhi High Court in the matter of Seema Sehgal versus Union of India, wherein the court directed the Ministry to state its policies regarding measures to be taken regarding the emerging threat of e-cigarettes. That was in the last year. On 28th August, the Ministry issued an advisory to all the States and Union Territories to ban e-cigarettes, except as may be approved under the Drugs and Cosmetics Act. So, after that, there were no sales which were available unless approved in the wake of therapeutic claims being made by the e-cigarette companies.

This year, in March, 2019, the hon. Delhi High Court ruled that e-cigarettes are not drugs and stayed further action. Then, this year, on 31st May, the Indian Council of Medical Research -- we have mentioned about the same in the Bill also -- issued a White Paper on e-cigarettes suggesting a complete ban on e-cigarettes in view of their adverse public health impact. This matter was listed on 22nd August in the court, but got deferred to 18th of November.

In August itself, the instances of vaping-related deaths and illnesses started to emerge as an epidemic in the United States. There was an outbreak of vaping-related lung diseases in the United States. In 49 out of 50 States in the United States of America, about 2,172 cases were

reported with 42 deaths. On 11th of September, the Government of the United States decided to take flavoured e-cigarettes off the shelf and imposed many restrictions.

Simultaneously, the Ministry was also cognizant and aware of the fact that there was an announced entry of a leading company 'Juul' towards the end of this year in India. This leading company is the manufacturer of e-cigarettes. This global giant would have taken up the Indian market by storm. The need of the hour was preventive action and immediately, the Ordinance was promulgated on 18th of September, 2019. This was decided since regulations, wherever tried, had not succeeded in checking the scare in other countries like United States. India, as we know, has a very large population. In India, there is about 65 per cent demographic dividend, that we enjoy. That would have been targeted by e-cigarettes companies. I have a list of these companies. All the top companies of the world ...(*Interruptions*)

PROF. SOUGATA RAY (DUM DUM): What are the names of the companies?

DR. HARSH VARDHAN: I have a list which will answer another concern which was raised. These are the same big tobacco companies of the whole world -- which are now in different names -- which are getting into the business of e-cigarettes. It is because of the joint fight by the whole world, through the FCTC, now the use of tobacco is getting down. Shri Varun Gandhi has rightly mentioned that this is not turning out to be a gateway product.

One company is Philip Morris International which is in fact concerning ENDS. It has two end products, namely, Nicocig and Juul.

Under HTPs, they are having I Quit Ordinary Smoking (IQOS). That is the name of the company. Then there is the British American Tobacco Company; there is Imperial Tobacco Company and the Japan Tobacco International but Juul company had started all its operations in India. In a way, they had started appointing people and by the end of this year, they were going to establish their full operations in India. These are the same tobacco companies which are producing cigarettes and the same companies, with different names, are getting into the business of e-cigarettes. It should be very clear to everybody that it is not a fight among political parties. I felt very sad when Members attributed motives to the intention of the Government saying that the Government wants to help the tobacco companies and all that.

Some of these largest e-cigarette companies were planning to launch their products in India by the end of 2019. With these ICMR recommendations, we brought this Ordinance. As a responsible Government, as the Minister for Health and Family Welfare and as an ENT surgeon myself, all my life, I have seen cases and people suffering from tobacco and other related illnesses. I cannot be insensitive to the health of our people, especially the children and youth. Starting with an Ordinance was a sort of pre-emptive strike and, for me, there cannot be anything more important than the health of the children and people of this country. That is why, the Government had brought this Ordinance.

Members said that we could have waited for two months. Why should we wait for two months? If we can nip the bud even now, why should we wait for two months or three months or four months? That was the reason for which we brought this Ordinance. We not only brought about this Ordinance but it was also notified on the 18th of

September. I mentioned about the entry of Juul, the leading global manufacturer, from December. This was an imminent concern for me and I had also mentioned it.

Then the Chief Secretaries, the DGs of Police, the Health Secretaries of all the State Governments/UTs and other stakeholder Ministries/Departments were immediately requested for compliance of the Ordinance. We also held a video conference with the DGs of Police and the Health Secretaries. The police also started having its first seizures and from the first seizure, a police case was reported, in fact, from Goa. Instructions were issued by various Ministries to the Field Officers in this regard. So, it is not that we just issued this Ordinance and then we slept over it. We also followed it up with a proper action.

In a country like India, it is difficult to ban a product which has a large consumer base and social acceptance. The classic examples are tobacco, pan masala, alcohol, etc. which are used by millions and millions of people in this country now. A lot of Members asked that e-cigarettes are having a small base, what we are doing with it and why we are after it. I will answer the second part later as to what we have done about it. Since e-cigarettes have a small consumer base, ban will be very highly effective in the initial like nipping it in the bud, as I said earlier. Lack of ban on tobacco cannot be the justification for introducing a new addiction even though it may be less harmful. People said that this is less harmful and tobacco is more harmful. It is like giving a logic that instead of jumping from the 14th floor, if you try to jump from the 10th floor, then it will be less harmful. Less harmful does not mean that it is harmless. Our job is to protect the health of everyone at any cost to the best possible extent.

Sir, just to have a feel of what these e-cigarettes are, they affect all organs of the system of the body; their use can lead to heart attacks, hypertensions, diabetes, strokes and a plethora of diseases of lungs. There is a long list of those ailments that are caused by it. There is a definite evidence of harm due to these products. Various studies have substantiated this. On outbreak of vaping related diseases, I just mentioned the incidence that happened in 49 out of the 50 States in America, where 42 deaths occurred; and 2,162 people suffered from this popcorn lung and a significant disease of the lung.

As you rightly mentioned, the use of e-cigarettes in India was found in only 0.02 per cent of the population. That is according to the Global Adult Tobacco Survey, 2016. However, during these surprise school inspections by the school management, we found 150 vaping devices in the school bags of children in a school in Delhi itself. We cannot assume that the problem is not growing. Regulation is not enough. A complete ban was absolutely necessary ...(*Interruptions*)

Sir, I did not disturb you while you were speaking. I will answer any query if you want, after the whole debate is over. I think, by the time I finish my speech, all your concerns will have been addressed; I promise you that. What I want to say is that the regulations, wherever they have tried, whether in Europe or in America or anywhere, it has resulted in a massive increase in the menace and the epidemic. That is why, a complete ban was necessary.

Sir, I also want to apprise the hon. Members that as per the Global Adult Tobacco Survey Report, 2016, 96.6 per cent of the population in the age group of 15 to 24 years are non-smokers. So, more than 96.6 per cent of young people in this age group of 15 to 24 years are still non-

smokers; and it is this group of children and youth that the Government seeks to protect against the risk of addiction through this ban.

Sir, in countries where these products are not banned, e-cigarette use is known to grow exponentially, and according to the Surgeon Generals' Report, 2018 – it is America's Report – one in every five high school students and one in every 20 middle school students used e-cigarettes in 2018. The incidence increased by 77.80 per cent in high school students and also 48.50 per cent amongst middle school students. This happened in USA in just one year! That is the speed at which this epidemic is growing all over the world.

HON. CHAIRPERSON : What about the Indian statistics regarding e-cigarette smoking?

DR. HARSH VARDHAN: Sir, I have already said it. In India, the incidence is just 0.02 per cent. But the very fact that from the age group of 15 to 24 years of age, 96 per cent of the young children are still non-smokers; and these are the children, whom the industry is trying to target. When the smoking epidemic started, then also the industry had focused on the young children. It was propagated as a sign of modernism; it was propagated as a sign of fashion and all that. That is how the tobacco industry made our young people addict. That was a couple of decades back.

This is on account of the attractive design features, aggressive marketing strategies to lure children with addition of various flavours. I did not know about so many flavours which the Members told me yesterday. There are advertisement campaigns to associate glamour and fashion with e-cigarette use. Then, it is also to create a false notion of safety for use of these products. Use of these products does not leave

any foul odour generally associated with cigarette or *bidi* smoking. This is what people tell me. For the information of the hon. Members, I would say that as the rules did not permit us to display various types of e-cigarettes here, so we have got them in Nirman Bhawan. Anybody who really wants to have a feel of what it is – because many of us have not seen the e-cigarettes; we still do not have the concept of what an e-cigarette is – I would love that you should come and visit our office sometimes and look for yourself what these e-cigarettes are. These actually give an opportunity to children without parents' knowing because there is no smell, nothing. It is a small thing to keep in your pocket. So, that is, you can say, the advantage that the industry is trying to enjoy.

I want to give you just a feel of the adverse economic impact that the tobacco industry has produced till now. I come to the total economic cost attributable to tobacco used from all diseases in India. This is the latest data which is available. The data of 2016 is being compiled and it is still not official; so I cannot talk about it here. But the latest data, 2011 data, in India says that for persons aged between 35 years and 69 years, this amounts to Rs.1,04,500 crore. This is the total economic cost that the country pays to deal with the tobacco menace. It was 1.16 per cent of our GDP. It was 12 per cent more than the combined State and Central Government expenditure on health in 2011-12. You can well imagine what the tobacco menace has cost to us till now. Take all the State budgets; add to it the Central budget; add 12 per cent more to it. Then it becomes the economic cost that is the health burden due to tobacco. With this much of knowledge, experience and suffering for so many years, can we really afford the new form of nicotine and psychoactive substances addiction? The economic burden is likely to

increase. So, we have to take pre-emptive action. We have to be proactive and aggressive about it.

Then, Prof. Sougata Ray *ji* said the Government does not have even the guts to talk about and do anything about tobacco. I may inform the House that we grappled with tobacco issues for a very long time. In 1997, we celebrated the 50 years of our Independence. That was the first time when after 50 years, India got its first legislation anywhere against tobacco in this country. I feel fortunate that I got the privilege to become the Health Minister of Delhi in 1993. In 1994 itself, I started working on the tobacco issues. As an ENT surgeon, I have always appreciated how big this menace is and how big it can become and how many millions of lives it can actually take.

So, in 1996, the first legislation against tobacco was the Delhi Prohibition of Smoking and Non-Smokers Health Protection Bill and was introduced by me in Delhi. It got passed in 1997. At that time, I came to know that e-cigarette companies have written letters to the Members of Parliament by giving them misinformation and all that. In 1996 also, the tobacco lobby tried to misinform the MLAs and it took me almost one full year to convince each and every MLA about the tobacco menace and how harmful it is and in 1997, when we were celebrating the fiftieth year of our Independence, I brought the first Delhi Prohibition of Smoking and Non-Smokers Health Protection Bill which became an Act at that time. The Act was not only appreciated by the people of Delhi but it was even appreciated by the Supreme Court of India and the Supreme Court at that point of time opined that all State

Governments of the country should have similar legislations enacted in their respective Assemblies.

In 1998, I got the highest award of the World Health Organisation. I was working for a tobacco free society. It did not stop there, Sir. In 2002, I used to work for WHO. I was a part of a function; and our own dear Prime Minister Shri Atal Bihari Vajpayee presided over that function. India was amongst the first few countries who became part of the FCTC, that is, the Framework Convention for Tobacco Control, which was initiated by the WHO with 170 countries, in the initial stages, signing to fight together the tobacco menace and to lead the fight against the tobacco companies.

In 2002 again, the same function had the presence of the late Ram Jethmalani ji who was the Law Minister of the country. It had the presence of Dr. Brundtland who was the then Director General of WHO and the former Prime Minister of Norway and of course, our Prime Minister Shri Atal Ji was also there. In 2003, we enacted the COTPA Act in India and since then, irrespective of this Government or that Government, the Government has been continuously working to ensure that we are fighting against tobacco. We are creating awareness about tobacco.

HON. CHAIRPERSON : Mr. Minister, how much more time is required?

DR. HARSH VARDHAN: I will try to finish as early as possible. ...
(*Interruptions*) If you say, I will try to finish as early as possible.

HON. CHAIRPERSON: We are skipping the lunch.

DR. HARSH VARDHAN: Your question itself gives me enough indication. ...(*Interruptions*) I am telling you all this because everybody was asking as to what we have done about tobacco. Almost 28-36 per cent of the people still use tobacco. A significant portion of about ten percent is consumed by way of cigarettes. and many others consume it by taking *gutka* etc which is already banned.

Sir, what have we done from 2014-2019? In 2014 itself, I was the Union Health Minister. I myself signed an order on 15th October, 2014 to increase the pictorial warnings from 40 per cent to 85 per cent. From the 136th position in the whole world, we came up to number one position in the whole world on 15th October, 2014. These pictorial warnings had graphic images, text message and the national tobacco quit line number. The capacities of the quit line have been expanded again in September, 2018. The quit line services are now available in 16 languages and in other local dialects from four centres.

The number of calls on Quitline before expansion was 20,500 per month, which has now increased to 2.5 lakh calls per month after the expansion. We have also regulated the depiction of tobacco use in films and television programmes. You would all appreciate that India is a global leader in this initiative. The Ministry has issued revised guidelines for tobacco free educational institutions and it is working towards making all the institutions tobacco free. Nirman Bhavan is now a tobacco free building and similar efforts are on to convert all office buildings into tobacco free buildings.

India acceded to the protocol for checking illicit trade in tobacco products under article 15 of the WHO-FCTC. Under the protocol, we are committed to set up a track and trace mechanism for tobacco products in

the country. Special drives are undertaken for enforcement of COTPA on a periodic basis. In 2017-18 itself, 3,54,907 cases under COTPA and in 2018-19, 3,24,609 cases were taken care of. In our National Health Policy, 2017, we have many ambitious goals. For example, there is the goal of ending tuberculosis by 2025. Five years ahead of the SDG targets, for Tobacco Control too, we have set an ambitious target of reducing tobacco use by 30 per cent by 2025.

As desirable as the notion of complete ban on tobacco may seem, our public policy has to be ambitious and yet has to be grounded in reality. Our tobacco control targets have been devised keeping in view the targets for control of non-communicable diseases and are consistent with the targets set under the Sustainable Development Goals. So, it is not that we are only talking about the e-cigarettes. We started our fight against the tobacco menace right from 1997 and the whole country has been fighting it together. Our sustained efforts in the fight against tobacco have led to a 16 per cent decline in tobacco use from 2009 to 2016, and with increasing awareness about harms due to tobacco and rigorous implementation of law, we are witnessing a steady decline in tobacco prevalence, not only in India but also all across the world. Despite sustained efforts, as I said earlier, high prevalence of tobacco use, that is, about 28.6 per cent of population, is still there, which is a grave public health challenge for all of us.

I have to inform you because many of the Members might be thinking that this is something that we are very anxious to do and we have some agenda. Sir, 16 States and UTs have already banned it. About 14 countries have completely banned it. They are Argentina, Australia, Bahrain, Barbados, Bhutan, Brazil, Brunei, Darussalam, Cambodia, Colombia, Costa Rica, Egypt, Ethiopia, Gambia, Japan, Jordan, North

Korea, Kuwait, Laos, Lebanon, Mauritius, Mexico, Nepal, Nicaragua, Qatar, Saudi Arabia, Seychelles, Singapore, Sri Lanka, Surinam, Syria, Thailand, Timor-Leste, Turkmenistan, Uganda, Uruguay, Vatican City and Venezuela.

श्री अधीर रंजन चौधरी : जिन-जिन देशों ने नहीं किया है, उनके नाम भी पढ़ लीजिए । ... (व्यवधान)

DR. HARSH VARDHAN: Also, in the US, San Francisco, Massachusetts, New York, etc., have banned it. So, this is what I am trying to inform this House that what we have done is not something new. It is already being done all over the world. The whole world has become conscious about it. In fact, it cannot be taken care of under the COTPA because it is not like tobacco. That is about tobacco and other products but it cannot be taken care of under the COTPA. So, there is a need for this.

We also invited consultations and comments from the general public for this purpose. I may inform this House that out of the 12,504 representations that we received, 10,566 have favoured the ban in no uncertain terms.

Then, of course, as I have mentioned, e-cigarettes adversely affect the cardiovascular system. They cause stroke and affect respiratory system. They affect brains of adolescents. They induce seizures. They cause a lot of cancers. There are a lot of adverse outcomes on pregnancy. They affect on the oral tissues and many such other things.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Chairman, Sir, there are a number of States in our country which have banned e-cigarettes.

DR. HARSH VARDHAN: I have mentioned that there are 16 States which have banned e-cigarettes.*(Interruptions)*

SHRI BHARTRUHARI MAHTAB : Can their names be read out?

DR. HARSH VARDHAN: Yes, I can.*(Interruptions)*

HON. CHAIRPERSON : That is part of the record. You need not read it.

DR. HARSH VARDHAN: I will mention their names.

HON. CHAIRPERSON: There is also a suggestion to read out the names of countries which have not banned and regulated it. That is also there.

....*(Interruptions)*

SHRI MANISH TEWARI (ANANDPUR SAHIB): Sir, may I ask a question.*(Interruptions)* Why are you not banning cigarettes altogether?*(Interruptions)*

DR. HARSH VARDHAN: Chairman, Sir, I am not yielding.*(Interruptions)* I have not yet completed.*(Interruptions)* Sir, these 16 States are Punjab, Karnataka, Mizoram, Kerala, Uttar Pradesh, Bihar, Maharashtra, Tamil Nadu, Jharkhand, Himachal Pradesh, Rajasthan, Meghalaya, Odisha – I think, that is what you wanted, Nagaland, Haryana and, of course, three Union Territories of Jammu & Kashmir, Ladakh and Puducherry. They have banned it in their respective

jurisdiction. Sir, a couple of issues have been raised, I will try to answer each one of them. A number of people have asked it.

SHRI ADHIR RANJAN CHOWDHURY : Sir, there are Members of Parliament.*(Interruptions)*

DR. HARSH VARDHAN: I am mentioning 'people' because there are some 12,000 people, as I told, who also have made representations. We are, of course, people, though we are Members of Parliament
(Interruptions)

HON. CHAIRPERSON: Please address the Chair.

DR. HARSH VARDHAN: Through you, Sir, I am addressing the whole country.*(Interruptions)* We should not be narrow-minded.
(Interruptions)

SHRI ADHIR RANJAN CHOWDHURY : No, it is not so. I am broad-minded.*(Interruptions)* I am simply raising this issue as a representative of the people.

DR. HARSH VARDHAN: I am addressing those 1000 people also, who have raised some concerns.*(Interruptions)*

HON. CHAIRPERSON: Hon. Minister, whatever you address to the House, it is an address to the whole nation.

DR. HARSH VARDHAN: Okay, Sir.*(Interruptions)* Sir, I will mention a couple of points because some hon. Members of Parliament have raised their concerns and quoted some studies from various places saying that e-cigarettes are safer. Sir, e-cigarettes are new products whereas the onset of diseases associated with smoking and vaping take a long time to manifest. There have been no long-term studies or

randomized clinical trials undertaken to establish the conclusive evidence of e-cigarettes being safer or less harmful or useful as cessation aid. EC aerosols contains glycols, aldehydes, volatile organic compounds, tobacco specific nitrosamines, polycyclic aromatic hydrocarbons, metals, silicate particles and other toxicants and carcinogens.

The Report of the Public Health, England published in February, 2018 – some Members talked about this – is cited by the proponents of e-cigarettes in its favour. The Report stated that ENDS are 90 per cent safer than traditional cigarettes. I think, I have earlier mentioned that being less harmful is not harmless. The Report has been criticised all over the world for methodological weaknesses, quality of peer review and declared conflict of interest as reported by Lancet. It is not my report; it is a report of the Lancet.

Sir, a few Members asked why we are banning the e- cigarettes and not regulating them. They quoted some examples. Due to their attractive design features and marketing through various media, especially social media, ENDS have caught the fancy of the young generation. India has a young demography and we are concerned with the impact of e-cigarettes on the younger generation. Gateway effect and dual use would offset the good work done in tobacco control in India. Then, the countries, which have chosen to regulate ENDS, are now witnessing a worrisome increase in the usage and are exploring the ways to reverse the trend. These novel products are still in the early stages in India and not available in general. It is possible only now to ban e-cigarettes before they become too popular. That is why, I said earlier ‘nip in the bud’. Regulation of consumer goods such as ENDS and e-cigarettes is not easy, especially in a big and diverse country like India.

For the existing smokers, approved nicotine replacement therapy in the form of gums and lozenges is already available. No misuse of NRT is reported till now. ENDS can be modified for delivery of other addictive substances such as cannabis, opium and inhalants. This is why, we are banning it and not regulating it. Some hon. Members of Parliament said why we do not regulate it under COTPA and why there is a need for a separate law. COTPA, 2003 is applicable to smoking and only smokeless forms of tobacco products. E-cigarettes do not contain tobacco as ingredient and hence, are not covered under COTPA. These novel products are battery operated and constitute a class of their own. COTPA does have provision for outright ban whereas the policy decision is to ban the e-cigarettes due to their public health impact. The FCTC, Framework Convention for Tobacco Control, also recommends to its member-States to prohibit/regulate e-cigarettes as a product class through a separate legislation.

Sir, if I remember correctly, Prof. Saugata Ray said why we are banning these heat-not-burn tobacco products if they use tobacco leaves. The answer to this is that heat-not-burns are battery operated, use vapourising mechanism as in ENDS and have the same attractive design features. These too are novel products and have more in common with e-cigarettes/ENDS than the combustible tobacco. HnBs are a ploy by the tobacco industry to confuse with e-cigarettes/ENDS and try to get around regulations. HNBS have the same health and public health impact as e-cigarette/ENDs and are thus covered in the Bill. ...*(Interruptions)*
 Sir, I know that the leaf is heated and that is why, I gave you this explanation. Then, one hon. Member, who was a doctor, said that when we have done it for manufacturing, storage, transport and everything, why we do not ban the use and possession of e- cigarette.

The explanation for this is that, the intent of the legislation is not to criminalise citizens who are themselves the sufferers of such products. The intent of the legislation is to ban any kind of trade in e-cigarettes in the interest of public health. With comprehensive ban on production, manufacture, export, import, transport, sale and distribution of e-cigarettes, they would simply not be available for use by the consumers. Then, the existing *bonafide* users as on the date of Ordinance needed to be given protection from prosecution. With no refills or cartridges of e-liquid being available to them, the users will not be able to use e-cigarettes any further. Monitoring use is difficult to enforce and may lead to infringement of civil liberties. I am sure, had I done it the other way, you would have objected to it the other way. I am sure about it.

HON. CHAIRPERSON : Mr. Minister, please try to wind up.

DR. HARSH VARDHAN: I will take five or ten minutes more. I will take ten minutes maximum.

HON. CHAIRPERSON: There will be a reply from the Member who moved the Resolution.

DR. HARSH VARDHAN: Some hon. Members pointed out that the penal provisions are probably harsh. I have to just make a couple of observations in that regard. The Bill has been drafted in consultation with the Ministry of Law and Justice in great detail in the interest of protecting and promoting public health. The provision for imprisonment and fine is up to a specified extent. I want to stress that it is only up to a specified extent. The court will decide the actual punishment based on the nature of facts. For the first offence, the punishment is in terms of imprisonment or fine or both. Only for the repeat offence, it is

imprisonment and fine. In the public feedback on the draft Bill that the Ministry received, a large number of people have demanded still higher punishments. That is the feedback that we got from the people. I am trying to follow what you said.

HON. CHAIRPERSON: Thank you. You can give the reply in writing also to the Member concerned. You can put that in writing also.

DR. HARSH VARDHAN: I want to apprise the hon. Members about a few more data points which are, I think, very important. The Global Adult Tobacco Survey, the GATS, is the global standard for systematically monitoring tobacco use among the adults, 15 years and above, both smoke and smokeless and it keeps systematic track of all the key tobacco control indicators. As per the Global Adult Tobacco Survey, GATS II 2016-17, the overall prevalence of tobacco use in the country was 28.6 per cent, wherein the overall tobacco use among males is 42.40 per cent. I am mentioning this because yesterday there was a discussion about how many males are getting affected, how many females are getting affected, etc. So, the overall tobacco use among males is 42.40 per cent and that of the females is 14.20 per cent. So, it is not that the incidence of smoking among females is higher. Around 7.2 per cent of the population are smokers, of whom only four per cent smoke cigarettes; 17.90 per cent use smokeless tobacco and 3.40 per cent use both forms of tobacco. Around 71.40 per cent of the population does not use tobacco in any form. The absolute prevalence of tobacco use has decreased by six percentage points, from 34.60 per cent in 2009-10 to 28.60 per cent in 2016-17.

Just for the information of the Members, I would like to state that there are scientifically-proven and tested nicotine replacement therapy

products approved under the Drugs and Cosmetics Act 1940 and the Drugs and Cosmetics Rules, 1945 available for cessation in the country. These include gums, lozenges and patches with nicotine up to 2 mg. and 4 mg. In addition, evidence-based cessation counselling services are provided through Tobacco Cessation Centres, Quit-line Services and mCessation Programme. As such, any tobacco user who wants to quit can do so under the guidance of a Specialist and with scientifically-proven and tested methods.

Sir, I have broadly explained as to why we thought it as an emergency measure to come up with a legislation to ban e-cigarettes in the country and as to why we have to do it in the form of an Ordinance. I would seek the indulgence of the hon. Members of Parliament to the same extent and with the same spirit with which they have addressed this debate because all of you were unanimous in one fact that we must go to the extreme to actually ensure that we curb, eliminate and eradicate this tobacco menace in our country, and help the whole world by strengthening the fight against the tobacco companies, which it has been doing so aggressively since 2002. With these few words, I would request the hon. Members of Parliament to please pass this Bill.

HON. CHAIRPERSON : Thank you very much, Mr. Minister. Shri Adhir Ranjan Chowdhury. Please be brief.

SHRI ADHIR RANJAN CHOWDHURY : Sir, during the discourse I came to learn about a slew of outlandish words from the hon. Minister, which is simply growing in me, a symptom which may be called hippopotomonstrosesquipedaliphobia. Sir, you yourself have admitted that the cost of a casualty occurring due to tobacco is to the tune of

Rs.1,04,500 crore. What is the revenue being generated out of the tobacco trade and tobacco production in our country? Even so, you are stating that tobacco is an issue that is socially acceptable. If on this ground you say that tobacco could be continued on, it would send a wrong message. What I am arguing since yesterday is this. What's sauce for the goose must be the sauce for the gander. On the one front, you are pleading for prohibition but on the other front, you are advocating regulation. That means, it is beset with your dichotomic approach. That is why, I raised the issue during my speech.

13.27 hrs

(Hon. Speaker *in the Chair*)

माननीय अध्यक्ष: माननीय सदस्यगण, आप यह भी समझ लें कि आप जितना लंबा प्रश्न पूछेंगे, उससे चार गुना माननीय मंत्री जी का जवाब सुनना पड़ेगा। आप तैयार हो जाइए। प्रश्न पूछने वाले पहले तैयार हो जाएं।

...(व्यवधान)

श्री अधीर रंजन चौधरी : सर, हमारे मिनिस्टर खुद कहते हैं कि ई-सिगरेट एपिडेमिक रूप धारण कर रहा है। It has assumed epidemic proportions. But in our country, ten people die from the tobacco-related illness every second. Every second, we are losing ten people due to tobacco. You are stating that there is a tangible reduction in tobacco consumption. While percentage decline has been quoted from the GAT Report of 2016 to denote the success of GOI Report, what has been left out is, the absolute number of smokers has gone up significantly from 79 million in 1998 to 108 million in 2015, to 120 million in 2018. So, it is a serious menace. What all the Members of this House since yesterday have been proposing that this menace has to be curtailed. But in the hon. Minister's faltering reply, there is no bold and substantive argument visible in this House.

The hon. Minister is saying that the Ordinance was necessary for the sake of the youth population. A couple of months ago, we had Monsoon Session here, at that time you did not bring this legislation. Had been brought this legislation earlier, the issue of Ordinance would have not been raised, but, at that time, he was reluctant. Now, he is displaying himself as a proactive Minister to deal with this menace. This kind of dichotomic approach needs to be avoided. That is my proposition to him. Sir, the hon. Minister was talking about Juul company. Only the scare of Juul Company has propelled this Government to invoke the Ordinance route. Yes, Ordinance could be promulgated but it should be promulgated in emergency. The Government cannot invoke Ordinance in such a supercilious way or casual way.

In the hon. Minister's legislative document, he has given simply a no-holds-barred weaponry to the law enforcement agencies. No suit, prosecution or other legal proceedings shall lie against the Central Government, State Government or any officer of the Central Government or the State Government for anything which is done in good faith or intended to be done under this Act. Do you not think that it will give a no-holds-barred power which gives every opportunity to be misused by unscrupulous elements everywhere? In every segment of our society, unscrupulous elements are available.

Tobacco in India was first legislated under the template of Cigarettes (Regulations of Production, Supply and Distribution) Act, 1975. It is a long battle we have been fighting against the tobacco menace but you are yourself putting lame arguments in resisting the e-cigarette consumption. It is really poor and faltering. You should be bold enough about what you are going to do.

The hon. Minister is saying that, in America, a ban has been imposed. But it has been banned in a couple of States, not in the entire America. He was saying that vapes has created a havoc in America. But the US federal authority, CDC released its first report over a week back that clearly mentioned that the majority or over 87 per cent of such incidents were linked to vaping of the illegal substance, i.e. Tetrahydrocannabinol, available in black market and not e-cigarettes that should legally only have nicotine. It is also important to note that 87 per cent of those who have complained of lung issues admitted to buying illegal substances. हमारे देश में भी ये नारकोटिक ड्रग्स छाये हुए हैं ।

आप जिस ई-सिगरेट की बात करते हैं, उसकी एक किट के लिए 3 हजार रुपये खर्च करने पड़ेंगे । कुछ चुने हुए लोगों के लिए जरूर ई- सिगरेट कुछ सुविधा कर देती है, लेकिन हमारी शंका इसलिए है कि हिंदुस्तान के आम लोगों के लिए, जहां हर सेकेंड में 10 लोगों की मौत हो रही है, उस विषय पर आप उतने गंभीर नहीं हैं, लेकिन ई सिगरेट पर आप ज्यादा गंभीरता दिखा रहे हैं । मेरा सवाल इस पर है कि आपको इवेन हैंडेड होना चाहिए । अगर बचाना है, तो सभी को बचाना चाहिए । कुछ लोगों के लिए नहीं होना चाहिए । आप प्रि-इम्पिटिव एक्शन कहते हैं, इसे आपको कोर्ट में भी डील करना पड़ेगा क्योंकि Bombay High Court allowed the e-cigarette manufacturers and distributors to resume the sales of the product stating that e-cigarettes are not drugs. The High Court also directed the Food and Drug Administration to release the ceased stock of e-cigarettes. इसका लीगल इम्प्लिकेशन भी है । हमारा कहना है, डॉक्टर साहब आप बहुत बड़े डॉक्टर हैं और बहुत लोगों की जान बचाते हैं । हमारे फ्यूचर जेनरेशन के लिए सोचना चाहिए । आप ई-सिगरेट पीने वालों के बारे में जरूर सोचिए लेकिन उसके साथ-साथ हिन्दुस्तान के आम लोग जिनका हर सेकेंड में दस लोगों की मौत होती है, उन लोगों को बचाने के लिए कोई रोबस्ट और कम्प्रेहेन्सिव लेजिस्लेशन लाइए

और कोई कानून अपनाएं, हम सब आपके साथ हैं। हिन्दुस्तान को बचाना हम सब का फर्ज बनता है।

माननीय अध्यक्ष: अगर आप सभी सहमत हों तो जो माननीय सदस्य स्पष्टीकरण चाहते हैं, उनका एक साथ नाम बोल दूं। मंत्री जी एक साथ जवाब देंगे। क्यों मंत्री जी। मंत्री जी आपसे सब इतने संतुष्ट हैं कि आप लिख कर भी जवाब देंगे तो मान लेंगे। क्यों माननीय सदस्य मान लेंगे न?

श्री अधीर रंजन चौधरी : अध्यक्ष महोदय, उससे अच्छा होगा कि हम सभी का चेक-अप कर दीजिए। बचपन से बीड़ी पीते आ रहे हैं, कुछ हुआ कि नहीं पता नहीं।

PROF. SOUGATA RAY : Sir, the debate ends with this.

SHRI N. K. PREMACHANDRAN (KOLLAM): There is no point in replying. Actually, the debate ends with the reply of Shri Adhir Ranjan Chowdhury. He is the mover of the Statutory Resolution. With his reply, the matter ends. There is no reply to the reply by the Minister.

माननीय अध्यक्ष: मंत्री जी, सभी माननीय सदस्यों का एक साथ जवाब नहीं देंगे? सभी का क्लेरिफिकेशन कराऊंगा। माननीय सदस्य आपको किसी की सिफारिश करने की आवश्यकता नहीं है। जिन माननीय सदस्यों ने बोला है मैं सभी को बुलाऊंगा। आप खड़े होकर सिफारिश न करें।

डॉ. हर्ष वर्धन: महोदय, माननीय अधीर रंजन जी ने कल जो बातें कही थीं, वही बातें आज फिर से दोहराई हैं। सारा डाटा दिया है। इस बारे में किसी का कोई मतभेद नहीं है कि टबैको सबसे बड़ा मेनस है। मैंने आपको पूरे फैक्ट्स के बारे में बताया कि सारे दुनिया की सहमति से टबैको के खिलाफ लड़ाई चल रही है, आज की तारीख में वर्ल्ड हेल्थ आर्गेनाइजेशन के नेतृत्व में जाइंट लड़ाई है। एफसीटीसी के माध्यम से सारी दुनिया के देश साइन करके लड़ाई लड़ रहे हैं। इस लड़ाई को लड़ने में भारत में टबैको के लिए सबसे ज्यादा काम किया, जो इनिशिएट किया वह हमारी सरकार ने किया है, चाहे वह अटल बिहारी वाजपेयी

जी की सरकार थी, चाहे नरेन्द्र मोदी जी की सरकार है या दिल्ली के अंदर भारतीय जनता पार्टी की सरकार थी । जब आप बोलते हैं तब हम नहीं बोलते हैं । You are the leader of the Opposition. ...(*Interruptions*) I am not yielding. This is not the way you should behave. We expect much more dignified behaviour from you. You are a senior Member. ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY : You should not mislead the House also. ...(*Interruptions*)

DR. HARSH VARDHAN: This is not the way you should behave. ... (*Interruptions*) You are the leader of the Opposition. The House expects a more dignified behaviour from you. When you speak, I do not stand. We expect a more dignified behaviour from you. ...(*Interruptions*) Please do not misbehave like this. When you were speaking, did I stand? Did anybody stand? ...(*Interruptions*) Okay, you keep on speaking. ... (*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY : During your reply, you had also been intervened by other Members.

DR. HARSH VARDHAN: You have to be more dignified than what you pose yourself to be. I am sorry to say this, Sir. I feel sorry. ... (*Interruptions*) मेरा इतना कहना है कि 70 सालों में 60 साल यह शासन में रहे । टैबको के लिए ये इतने परेशान हैं पिछले 60 सालों में क्या किया, एक बात बताएं ।

SHRI ADHIR RANJAN CHOWDHURY : Hon. Minister Dr. Harsh Vardhan, with all the humility at my command, I would like to say that there is no politics. ...(*Interruptions*) I was simply expressing my concern along with our colleagues and the people of our country. I had

never made any allegation against you. ...(*Interruptions*) I am not yielding. ...(*Interruptions*) You are doing the same thing. You are intervening unnecessarily. It is your unceremonious intervention upon my territory also. ...(*Interruptions*)

SHRI DAYANIDHI MARAN (CHENNAI CENTRAL): Hon. Speaker should kindly intervene.

माननीय अध्यक्ष: दस मिनट आप सबने मिलकर सदन चला लिया है । क्या आप अब मुझे सदन चलाने की इज़ाज़त देंगे?

...(व्यवधान)

माननीय अध्यक्ष: मैं आपको क्लेरिफिकेशन के समय प्रश्न पूछने दूंगा ।

क्या माननीय मंत्री जी कुछ कहना चाहते हैं?

डॉ. हर्ष वर्धन: इन्होंने जितने सवाल आज पूछे हैं, मैंने सबके जवाब दे दिए हैं । अब ये न जवाब को सुनना चाहते हैं, न समझना चाहते हैं और न ही उसका इन्टरप्रेटेशन करना चाहते हैं, सिर्फ अपोजिशन फॉर द सेक ऑफ अपोजिशन करना चाहते हैं । मैंने इनको बताया है कि जो कुछ भी टबैको के लिए हुआ है, अंतर्राष्ट्रीय स्ट्रेटजी के तहत मैक्सिमम सरकार ने किया है । इन पांच सालों में जो किया है, वह भी मैंने डिटेल में इलेब्रेट करके बताया है । 50 साल पहले देश का कानून बना, मैंने उसके बारे में बताया । अब मैं इनसे पूछ रहा हूँ कि 60 साल के शासन में इन्होंने क्या किया? यह इतना बड़ा कन्सर्न देश के लोगों के लिए दिखा रहे हैं, लेकिन टबैको मेनेस के लिए क्या किया? एक तो चीज बताएं । ये 50 साल से शासन कर रहे हैं, देश में मैंने पहला कानून बनाया । क्या आपको 50 साल से होश नहीं आया कि देश में टबैको से इतने लोगों की मौत हो रही है? अब आप भाषण कर रहे हैं, यह कोई तरीका है?

श्री अधीर रंजन चौधरी : माननीय मंत्री जी, भाषण करने के लिए ही तो यहां आए हैं । आप भी भाषण करने के लिए आए हैं, मैं भी भाषण करने के लिए आया

हूँ । भाषण करना हमारा काम है । With all the humility at my command, I will try to respond to you. You are a very respected and hon. Minister of this Government. For your convenience, the first legislation regarding tobacco in India was the Cigarettes (Regulation of Production, Supply and Distribution) Act of 1975 which mandated a specific statutory health warning on cigarette packs in 1975. आप कह रहे हैं कि पीछे कुछ नहीं हुआ, सब आपने किया है, आपके कुछ करने से पहले भी हिन्दुस्तान में कुछ कानून बनाए गए थे, यह जाहिर है ।

Secondly, in India, use of nicotine as an ingredient in any food item is prohibited under the Food Safety and Standards (Prohibition and Restriction on Sales) Regulation 2011 of the Food Safety and Standards Act 2006. वर्ष 2006 में आप नहीं थे और 2011 में भी नहीं थे । Nicotine and Nicotine Sulphate were listed as hazardous chemicals under the Environment Protection Act 1986. उस समय भी आप सत्ता में नहीं थे । In the Manufacture, Storage and Import of Hazardous Chemicals Rules 1989. उस समय भी आप सत्ता में नहीं थे । There are other laws and regulations which are also applicable. हम तो मदद करना चाहते हैं, मदद करने के लिए और औजार देने की कोशिश कर रहे हैं, आप फिजूल बात करते हुए भागने की कोशिश कर रहे हैं ।

माननीय अध्यक्ष: अधीर जी, क्या आप संकल्प वापिस ले रहे हैं?

श्री अधीर रंजन चौधरी : माननीय अध्यक्ष जी, ऑर्डिनेंस जिस ढंग से लाया गया, मैं इसका जरूर विरोध करूंगा, नहीं तो सदन के लोग टेक फॉर ग्रांटेड कर लेते हैं । ऑर्डिनेंस एक इमेरजेंसी इंस्ट्रुमेंट है, अर्जेट इंस्ट्रुमेंट है । दुबे जी बहुत अच्छी तरह समझते हैं, लेकिन जिस ढंग से ये औजार को इस्तेमाल करते हैं, इस तरह से इस्तेमाल करना सही नहीं है । अगर माननीय मंत्री जी कहेंगे कि अगली बार सतर्क रहेंगे, तब मैं विदड्राँ करूंगा, अगर ऐसे ही करते रहेंगे तो मैं विरोध करूंगा ।

माननीय अध्यक्ष: माननीय मंत्री जी और माननीय सदस्यगण अब अध्यक्ष की व्यवस्था यह है कि मैं सभी माननीय सदस्यों को स्पष्टीकरण के लिए बोल रहा हूँ। स्पष्टीकरण का विषय केवल इतना है कि यदि कोई विषय हो तो स्पष्टीकरण ले लें। माननीय मंत्री जी आप भी सभी का एक साथ जवाब दीजिएगा।

डॉ. निशिकांत दुबे : बहुत-बहुत धन्यवाद अध्यक्ष महोदय। सरकार ने बहुत अच्छा काम किया है। लेकिन, 28 हजार करोड़ की कैंसर की इंडस्ट्री है, जो टोबैको के कारण है। मैं आपको पटना हाइकोर्ट के जजमेंट का दो उदाहरण दूंगा, जो अभी आया है। वहां इन लोगों ने दारु बंदी कर दी, शराब बंदी कर दी, उसके कारण पूरे गरीबों के ऊपर केस कम्पाइल हो गए हैं और हाइकोर्ट की ऐसी स्थिति नहीं है कि वह उस केस को खत्म कर पाए। दूसरा, ई-सिगरेट के लिए, मैं अभी 17-18 दिन पहले सिंगापुर में था। सिंगापुर एक ऐसा देश है जहां का लॉ एंड आर्डर बहुत अच्छा माना जाता है और दुनिया के सभी देशों के मुकाबले सिंगापुर एक बेहतर स्टेट माना जाता है।

अध्यक्ष महोदय, मैं आपकी जानकारी के लिए बताना चाहता हूँ कि वहां कोई ऐसा स्कूल नहीं था, कोई ऐसा रेस्टोरेंट नहीं था, जहां ई-सिगरेट नहीं बिक रही थी वहां का बार्डर खुला हुआ है, नेपाल का बार्डर खुला हुआ है, भूटान का बार्डर खुला हुआ है, बांग्लादेश से स्मलिंग हो रही है और ऑनलाइन, जितने मेम्बर ऑफ पार्लियामेंट ने यहां अपनी तकरीर दी है, ऑनलाइन आमेजन, फ्लिपकार्ट जैसी संस्था इसको बेच रही है। भारत सरकार ऐसा कौन-सा कानून बनाने जा रही है या कौन-सा ऐसा हथियार है, जिससे वह ई-सिगरेट पर बैन कर पाएगी। मैं सिंगापुर का अपना उदाहरण दे रहा हूँ कि मैं जिस रेस्टोरेंट में गया, वहां मुझे सारे लोग ई-सिगरेट पीते हुए नजर आए। जब सिंगापुर जैसा छोटा देश यह नहीं कर पा रहा है तो भारत कैसे कर पाएगा?

HON. SPEAKER: Shri Manish Tewari.

SHRI MANISH TEWARI (ANANDPUR SAHIB): I have no clarification to seek.

SHRI ANUBHAV MOHANTY (KENDRAPARA): Thank you very much. मेरा क्लेरिफिकेशन लगभग निशिकान्त जी के साथ मिलता है । I want to ask something different. सर मेरा पर्सनल एक्पीरिऐंस यह है कि भारत के कुछ राज्यों में जब एल्कोहल को पूरी तरह से बैन किया जाता है । I have seen alcohol being sold in bulk. ब्लैक मार्केटिंग बहुत होती है और वहां सबसे ज्यादा बिकता है । अगर आप ई-सिगरेट्स को बैन करेंगे, जैसे अभी कहा गया कि इसको ऑनलाइन भी बेचा जाता है और ब्लैक मार्केटिंग भी होती है । इसको किस तरह से मॉनिटरिंग किया जाएगा ताकि यह आगे लोगों के पास, युवाओं के पास न पहुंचे । जब अधीर रंजन जी ने कहा कि आप कुछ परसेंट लोगों को टॉरगेट करते हैं तो सबको क्यों नहीं देखते हैं? मैं इतना कहना चाहता हूं, This is a wonderful step taken by you. मैंने बहुत कम मंत्रियों को देखा है । You are one of the rarest Ministers who are always capable of answering so beautifully! I appreciate you. अगर पूरे देश को बचाना है, पूरे युवाओं को बचाना है तो सिगरेट से पहले देश को करप्शन से बचाना जरूरी है । This is my answer as a young Parliamentarian. Thank you very much.

श्री रितेश पाण्डेय (अम्बेडकर नगर): बहुत-बहुत धन्यवाद अध्यक्ष महोदय । मैं एक छोटा सा प्रश्न पूछना चाहता हूं । माननीय मंत्री जी ने अपने भाषण में यह मेशन किया था कि एक विदेशी कंपनी है जो यहां पर अपना सेटअप लगा रही थी । यह जो ऑर्डिनेंस आया है, इसका संदर्भ देते हुए आपने स्पष्टीकरण दिया है कि इस कंपनी को रोकने के लिए यह ऑर्डिनेंस जल्दी लाने की जरूरत है । मैं आपसे दो अनुरोध करना चाहता हूं । एक, आप भारत में एम्प्लॉयमेंट बढ़ाना चाहते हैं और निर्यात को भी बढ़ावा देना चाहते हैं । यह अच्छी बात है कि हमारे देश में ई-सिगरेट्स बैन हो जाए, लेकिन उसी चीज को आप दूसरे देशों में एक्सपोर्ट कर रहे हैं तो क्यों नहीं हो सकता है, जब दूसरे देशों ने इसके लिए लेजिस्लेशन नहीं बनाया है ।

मेरा दूसरा प्रश्न यह है कि जब यह फैक्ट्री यहां पर लगाई जा रही थी तो ये कितने लोगों को एम्प्लॉयमेंट दे रही थी, यह भी मंत्री जी बताने का कष्ट करें।

SHRI TEJASVI SURYA (BANGALORE SOUTH): Thank you, Adhyakshji. I have one clarification and two suggestions to make, before which I would want to congratulate and thank the hon. Minister for his relentless efforts against the tobacco industry. I think, the young people of this nation owe you a debt of gratitude for what you have been doing in the last 15 to 20 years. I congratulate you on behalf of the House for your personal relentless efforts.

The Bill, though it bans and prohibits the sale of e-cigarettes, does not extensively mention about the regulatory framework necessary to enforce the ban. So, an explanation could be given about that. Using this opportunity, I have two suggestions to make. First, the maximum number of cigarettes sold in India, data says, are loose cigarettes. As a lawyer, I have fought for these issues earlier through public interest litigations. If an amendment could be made to the COTPA to ensure that sale of loose cigarettes is banned, it would be a great step towards ensuring a tobacco-free India. Secondly, there are millions of farmers and other people employed in the tobacco industry. One of the reasons whenever a ban on tobacco industry is brought up, the suggestion is that these people would be rendered unemployed.

Sir, can we ensure a vision that by 2025 India will be a tobacco free country? Therefore, from today, can we start exploring alternative methods, other than tobacco, to educate farmers? Can that be started from today?

HON. SPEAKER: Shrimati Pratima Mondal.

SHRI TEJASVI SURYA : I will take just ten seconds.

माननीय अध्यक्ष: नहीं, माननीय सदस्य । मैं आपसे कहना चाहता हूँ कि मैंने यह व्यवस्था दी है, लेकिन यह स्पष्टीकरण के लिए होती है, पूर्णतः भाषण के लिए और वापस पूरी बात कहने के लिए नहीं है । अगर आप इसमें कोई स्पष्टीकरण चाहते हैं तो एक लाइन में पूछ लें ।

श्री तेजस्वी सूर्या : नेट फ्लिक्स, अमेज़ॉन और सोशल मीडिया में जो ऑनलाइन वीडियोज मिलते हैं, there are many videos on which we do not have statutory control of exhibition. Therefore, that should also be considered.

SHRIMATI PRATIMA MONDAL (JAYNAGAR): Thank you, Speaker, Sir. Though the Minister has replied very briefly to the points mentioned by Prof. Sougata Roy, I have a small request to the hon. Minister, through you. I have a suggestion that at Page No.2, line 16, 'heat-not-burn products' be omitted. Heated tobacco products only heat tobacco. The heating process generates vapours and since tobacco does not burn, the levels of harmful chemicals are significantly reduced compared to cigarette smoke. So, these products do not fall under the ambit of this Bill. They should be a part of Cigarettes and other Tobacco Products Act, 2003.

SHRI K. SUDHAKARAN (KANNUR): Sir, ask your conscious and say which is the lesser evil; e-cigarettes or conventional cigarettes. By passing such a Bill, you are necessarily protecting the conventional cigarette lobby in India. The Government is taking a hasty action. It is an untimely Bill. You are moving this Bill untimely because the harmfulness of e-cigarettes is not confirmed. From various corners we

are getting a report that e-cigarettes, that we get in the market now, are 95 per cent less harmful than conventional cigarettes. So, in my opinion e-cigarettes are less harmful than conventional cigarettes. Why are you in a hurry to bring a Bill to restrict e-cigarettes?

SHRI MARGANI BHARAT (RAJAHMUNDRY): Yesterday, I had rightly mentioned that about 50 per cent of the tobacco production is from Andhra Pradesh, especially, Prakasam district. It costs about Rs.10 lakh to construct a barn. The Government has earlier promised to give compensation to the farmers who are surrendering the barn. I had also mentioned yesterday about the ITC having the lion's share in the tobacco industry. ITC is also promoting the agro products. When the farmers are shifting to other crops, ITC should take a major role in promoting and educating the farmers in this regard. Our Chief Minister in Andhra Pradesh is trying to ban alcohol also. In the same way, tobacco should also be banned across the country.

SHRI N. K. PREMACHANDRAN : Hon. Speaker, Sir, thank you very much. Yesterday, I could not take part in the discussion. I will take only a few minutes.

HON. SPEAKER: No few minutes. आप स्पष्टीकरण ही मांग लें ।

SHRI N. K. PREMACHANDRAN : The first thing is regarding the promulgation of an Ordinance under Article 123 -- only extraordinary circumstances necessitate this legislation under Article 123. We cannot understand the reason behind this promulgation of an Ordinance.

I would seek a clarification from the hon. Minister. This Bill is necessitated for a reason that India is a Party to the World Health Organisation - Framework Convention on Tobacco Control, 2003. What does the Convention of World Health Organisation, 2003 say? The Convention urges the parties to restrict or prohibit, as appropriate, the manufacture, importation, exportation, distribution, presentation, sale and use of the Electronic Nicotine Delivery Systems as appropriate to their context. So, the Convention is only confining to a particular matter that the Electronic Nicotine Delivery System is prohibited. But here, the proposed Bill which you have moved before this House, is not only for the nicotine delivery system, but even the non-nicotine delivery system is also prohibited. How do you explain it? The World Health Organisation is confining to a particular matter regarding Electronic Nicotine Delivery Systems. We are banning the entire system. What is the impact?

Hon. Speaker, Sir, you may kindly see that in our State, liquor is banned by the Government. The students and the youths have started using drugs and other things. Now-a-days, we are facing a big danger. The use of drugs is endangering the human lives, especially the youths. Shri K. Sudhakaran has rightly mentioned it. Tobacco is permitted. E-cigarettes and even non-Nicotine Delivery System are prohibited. That needs a reasonable and logical explanation by which this Bill is being proposed. With this clarification, I would like to thank the hon. Speaker for affording this opportunity. I would also like to say that the hon. Minister has given a very detailed reply.

SHRI SHYAM SINGH YADAV (JAUNPUR): I would like to ask a small question to the hon. Minister. Is it not that you brought the Bill for

banning e-cigarettes because the business interest of ITC is being affected?

श्री जगदम्बिका पाल (डुमरियागंज): इनके वोटर समझ ही नहीं पाएंगे कि वे क्या बोल रहे हैं ।...(व्यवधान)

श्री श्याम सिंह यादव : मैं पूछना चाहता हूँ कि आप ई-सिगरेट को बैन करने का जो बिल लाए हैं, क्या वह इसलिए लाए हैं कि एक बहुत बड़ी कंपनी आईटीसी का बिजनेस अफेक्ट हो रहा है?

माननीय अध्यक्ष: श्री भर्तृहरि महताब जी, मैंने आपका नाम पुकारा है ।

SHRI BHARTRUHARI MAHTAB (CUTTACK): I have to move certain amendments. During the third reading if I am allowed to speak on the amendments, then I will reserve my speech for that time, otherwise I can ask certain clarifications relating to the amendment now.

माननीय अध्यक्ष: आप स्पष्टीकरण ही मांग लें, उस समय बिल पारित कराएंगे ।

श्री भर्तृहरि महताब : वह तो होगा ही । मैं यही स्पष्टीकरण मांगना चाहता हूँ कि बिल के क्लॉज-6 में है कि if an Authorized Officer has a reason to believe that any provision of this Act has been, or is being contravened, may enter and search any place. यह एक ब्लैकट पावर दी जाती है एनफोर्सिंग एजेंसी को, जिसके खिलाफ 1975 के बाद, 1977 में एक बड़ा आन्दोलन हुआ था और शायद आप भी उस आर्ग्यूमेंट से सहमत होंगे कि इस तरह का ब्लैकट ऑर्डर किसी को नहीं दिया जाना चाहिए । मेरा अमेंडमेंट इसलिए है कि आप कोर्ट से परमीशन लेकर, वारण्ट लेकर किसी आदमी के घर जाइए । Without a warrant, just on presumption, if you give this much of power to the enforcing agency, he will do hara-kiri.

14.00 hrs

I think the hon. Member from Baharampur, Shri Adhir Ranjan Chowdhury will also agree with me that this is a provision which will be very draconian and you have replied in a different manner that it has got the sanction of the Law Ministry but I stake that many Members will take strong objection to this....(व्यवधान)

कुंवर दानिश अली (अमरोहा): बेरहमरपुर ।

श्री भर्तृहरि महताब : बहरामपुर । I will be moving this amendment but if you satisfy me through your clarification, it will be better.

श्री सय्यद ईमत्याज ज़लील (औरंगाबाद): अध्यक्ष महोदय, मैं माननीय मंत्री जी से सिर्फ एक खुलासा चाहता हूँ कि गुटखे के ताल्लुक से जब बैन किया गया, तो एक आर्डर इस तरह का निकला कि गुटखे के ऊपर रेड करने का अधिकार सिर्फ फूड एंड ड्रग एडमिनिस्ट्रेशन को है और पुलिस इसमें हस्तक्षेप नहीं कर सकती है । इस तरह का कोई आर्डर सुप्रीम कोर्ट ने ही जारी किया था । ऐसी हालत में चूंकि एफडीए कॉम्प्लेंट नहीं है, उनके पास स्टाफ नहीं होता है और गुटखा के क्षेत्र में माफिया है । गुटखे का जितना भी इल्लीगल कारोबार चल रहा है, वह माफिया के जरिये चलाया जा रहा है । हम इस बिल का समर्थन कर रहे हैं, इसलिए सरकार से पूछना चाहते हैं कि आप कैसे इस बिल को जमीनी स्तर पर इम्प्लीमेंट करेंगे?

डॉ. हर्ष वर्धन : अध्यक्ष महोदय, ज्यादातर सवालियों के उत्तर मैंने डिटेल में दे दिए हैं ।

माननीय अध्यक्ष : सभी माननीय सदस्यों ने आपकी रिप्लाई मान ली है ।

डॉ. हर्ष वर्धन : मैं यह कहना चाहता हूँ कि यदि सिंगापुर अपने बच्चों के साथ गलत कर रहा है और अपने बच्चों को प्रोटेक्ट नहीं कर रहा है, तो क्या हम भी वैसा ही करेंगे? इसका तो एक ही लाइन में जवाब है – मोदी है तो मुमकिन है ।

हमारा पहला धर्म अपने बच्चों और अपने देशवासियों के स्वास्थ्य की रक्षा करना है । किसी ने निकोटीन के संबंध में सवाल किया है । मैंने अपनी बात की शुरुआत ही इस बात से की थी कि निकोटीन के अलावा जितने भी इनटोक्सिकेंट्स हैं, वे सारे के सारे स्वास्थ्य के लिए हानिकारक हैं । आज निकोटीन ENDS में यूज होती है, कल कोई दूसरा इनटोक्सिकेंट भी यूज हो सकता है । यदि कुछ दिनों बाद निकोटीन की जगह कोई दूसरी चीज यूज होगी और उसके लिए हम आज कोई कानून नहीं बनाएंगे, इस बात का तो कोई लॉजिक नहीं है । हम भविष्य को ध्यान में रखकर इसका प्रोविजन कर रहे हैं । किसानों के बारे में भी कहा गया है । आलरेडी हमारी एग्रीकल्चर मिनिस्ट्री वर्षों से इसका प्रयास कर रही है कि जो टोबैको फार्मिंग करते हैं, उन्हें कोई अल्टरनेट फार्मिंग करने के लिए हम कैसे हैल्प कर सकते हैं, कैसे उन्हें प्रमोट कर सकते हैं । आईटीसी ने भी नए तरीके से एग्रीकल्चरल प्रोडक्ट्स के लिए उन्हें टीच करने के काम में लगी हुई है । जिस कारण दुनिया में 100 परसेंट सिगरेट को बैन नहीं किया जा रहा है, वह रोजगार का इश्यू, टोबैको फार्मर्स के इश्यू आदि के प्रैग्मैटिक व्यू लेकर ही काम किया जा रहा है । हमने इतने डिटेल में बताया है और किसी ने यह भी कहा कि यह अनटाइमली है । मैं तो कहता हूं कि यह मोस्ट टाइमली है । आप इसे अनटाइमली कैसे कह रहे हैं? आपने कहा कि यह 90 परसेंट सेफ है । मैंने उसके बारे में इतनी डिटेल में बताया था कि 90 परसेंट सेफ नहीं है और यदि कोई चीज लेस हार्मफुल है, तो इसका मतलब यह नहीं है कि वह हार्मलेस है । मैंने इसका उदाहरण भी दिया था कि यह उसी तरह की बात है कि 14वीं मंजिल से छलांग लगाने की बजाय 10वीं मंजिल से छलांग लगाकर स्पूसाइड करो, तो क्या वह लेस हार्मफुल होगा, वह हार्मलेस नहीं होगा । मैंने इसी बात से अपना जवाब शुरू किया था कि हम यह आर्डिनेंस क्यों लेकर आए हैं । मैंने एक साल के इवेंट्स क्रोनोलॉजिकल आर्डर में बताए हैं ।

माननीय अध्यक्ष : आपसे सभी संतुष्ट हैं ।

डॉ. हर्ष वर्धन : कोई भी ऐसा सवाल मुझे दिखाई नहीं दिया, जिसका मैंने जवाब न दिया हो । फिर भी मैं हाउस के सभी सदस्यों को ऑफर करता हूं कि यदि

आपको किसी प्रश्न का डिटेल्ड उत्तर चाहिए, तो आप मुझे लिखकर भेजिए, मैं आपको डिटेल्ड उत्तर भेजूंगा ।

माननीय अध्यक्ष : नहीं, आप एक-एक घंटा सबको समझाओ । अब मैं श्री अधीर रंजन चौधरी द्वारा प्रस्तुत सांविधिक संकल्प को सभा के समक्ष मतदान के लिए रखता हूँ ।

प्रश्न यह है :

“कि यह सभा राष्ट्रपति द्वारा 18 सितम्बर, 2019 को प्रख्यापित इलेक्ट्रॉनिक सिगरेट (उत्पादन, विनिर्माण, आयात, निर्यात, परिवहन, विक्रय, वितरण, भंडारण और विज्ञापन) प्रतिषेध अध्यादेश, 2019 (2019 का संख्यांक 14) का निरनुमोदन करती है ।”

प्रस्ताव अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है:

“कि जनता की अपहानि से सुरक्षा करने के लिए जन स्वास्थ्य के हित में इलेक्ट्रॉनिक सिगरेट का उत्पादन, विनिर्माण, आयात, निर्यात, परिवहन, विक्रय, वितरण, भंडारण और विज्ञापन का प्रतिषेध करने के लिए तथा उससे संबंधित या उसके आनुषंगिक विषयों का उपबंध करने के लिए विधेयक पर विचार किया जाए ।”

प्रस्ताव स्वीकृत हुआ ।

माननीय अध्यक्ष : अब सभा विधेयक पर खंडवार विचार करेगी ।

प्रश्न यह है :

“कि खंड 2 विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 2 विधेयक में जोड़ दिया गया ।

Clause – 3

Definitions

माननीय अध्यक्ष : प्रो. सौगत राय जी, क्या आप संशोधन संख्या 2 से 6 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY (DUM DUM): Yes, Sir, I am moving my amendments No. 2 to 6.

I beg to move:

‘Page 2, line 9,--

for “any police officer not below the rank of sub-inspector”

substitute “any police officer equivalent to the rank of a Gazetted

Officer of the Government of India”. (2)

Page 2, line 10,--

for “sub-inspector”

substitute “officer equivalent to the rank of a Gazette Officer of the

Government of India. (3)

Page 2, line 16,--

omit “Head Not Burn Products,”. (4)

Page 2, line 41,--

after “any house,”

insert “vehicle.”

(5)

Page 3, line 5,--

after “by way of exchange,”

insert “or through barter system,”

(6)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 3 में प्रस्तुत संशोधन संख्या 2 से 6 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए।

माननीय अध्यक्ष : श्री जसबीर सिंह गिल जी, क्या आप संशोधन संख्या 17 और 18 प्रस्तुत करना चाहते हैं?

SHRI JASBIR SINGH GILL (KHADOOR SAHIB): Yes, Sir, I am moving my amendments No. 17 and 18.

I beg to move:

‘Page 2, line 9,--

for “the rank of sub-inspector”

substitute “the rank of inspector”

(17)

‘Page 2, line 10,--

for “the rank of sub-inspector”

substitute “the rank of inspector”.’

(18)

माननीय अध्यक्ष : अब मैं श्री जसबीर सिंह गिल द्वारा खंड 3 में प्रस्तुत संशोधन संख्या 17 और 18 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखे गये तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 21 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : Sir, one second. The Government can very well accept it. It is because, there is ‘advertise, sale, import, export’. Along with it display also has to be prohibited. It is a harmless amendment. The Government can very well accept it. ‘Display’ and ‘advertise’ both are entirely different. So, I am moving my amendment No. 21. The core of the amendment is to include ‘display’ also.

I beg to move:

‘Page 2, after line 11,--

Insert ‘(ba) “display” means to put in a prominent place in order that it may readily be seen;’.

(21)

माननीय अध्यक्ष : अब मैं श्री एन.के.प्रेमचन्द्रन द्वारा खंड 3 में प्रस्तुत संशोधन संख्या 21 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : श्री कोडिक्कुनील सुरेश जी, क्या आप संशोधन संख्या 35 प्रस्तुत करना चाहते हैं?

SHRI KODIKUNNIL SURESH : Yes, Sir, I am moving my amendment No. 35.

I beg to move:

‘Page 2, line 38,--

after “individuals”

insert “or online or e-commerce platforms and companies

duly constituted”.’

(35)

माननीय अध्यक्ष : अब मैं श्री कोडिकुनील सुरेश द्वारा खंड 3 में प्रस्तुत संशोधन संख्या 35 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 3 विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 3 विधेयक में जोड़ दिया गया ।

Clause 4 Prohibition on production, manufacturing, import, export transport, sale, distribution and advertisement of Electronic Cigarette

माननीय अध्यक्ष : प्रो. सौगत राय जी, क्या आप संशोधन संख्या 7 और 8 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : Yes, Sir, I am moving my amendments No. 7 and 8.

I beg to move:

'Page 3, line 9,--

after "export"

insert "or exchange in any form".

(7)

Page 3, line 12,--

after "promotes"

insert "or glorifies".'

(8)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 4 में प्रस्तुत संशोधन संख्या 7 और 8 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखे गये तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : श्री एन.के.प्रेमचन्द्रन जी, क्या आप संशोधन संख्या 22 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : Yes, Sir, I am moving amendment No. 22.

I beg to move:

Page 3, line 9,--

after "sell"

insert "or display".

(22)

माननीय अध्यक्ष : अब मैं श्री एन.के. प्रेमचन्द्रन द्वारा खंड 4 में प्रस्तुत संशोधन संख्या 22 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है:

“कि खंड 4 विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 4 विधेयक में जोड़ दिया गया ।

Clause 5

Prohibition on storage of electronic cigarette

माननीय अध्यक्ष : प्रो. सौगत राय जी, क्या आप संशोधन संख्या 9 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : Yes, Sir, I am moving my amendments No. 9.

I beg to move:

‘Page 3, line 21,--

for “without unnecessary delay”

substitute

“immediately”

(9)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 5 में प्रस्तुत संशोधन संख्या 9 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 23 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 3, line 17,--

after “sale,”

insert “display,” (23)

माननीय अध्यक्ष : अब मैं श्री एन.के. प्रेमचन्द्रन द्वारा खंड 5 में प्रस्तुत संशोधन संख्या 23 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 5 विधेयक का अंग बने ।”

-

प्रस्ताव स्वीकृत हुआ ।

खंड 5 विधेयक में जोड़ दिया गया ।

Clause 6 Power to enter, search and seize without warrant

माननीय अध्यक्ष : प्रो. सौगत राय, क्या आप संशोधन संख्या 10 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : Sir, this is the same amendment that Shri Bhartruhari Mahtab has mentioned that you have given untrammelled power to the inspectors to inspect any area. That is why, I beg to move:

Page 3, line 27,--

after “any place”

insert “, with a valid search warrant issued by the First Class

Magistrate of the area,”. (10)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 6 में प्रस्तुत संशोधन संख्या 10 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 24 और 25 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 3, line 29,--

after “stored”

insert “, display”. (24)

Page 3, line 40,--

after “seller,”

insert “displayer,”. (25)

माननीय अध्यक्ष : अब मैं श्री एन.के. प्रेमचन्द्रन द्वारा खंड 6 में प्रस्तुत संशोधन संख्या 24 और 25 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : श्री भर्तृहरि महताब, क्या आप संशोधन संख्या 31 और 32 प्रस्तुत करना चाहते हैं?

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, actually there are two amendments. Amendment No. 31 says, an authorised officer may, upon a warrant duly issued by an authorised court should enter and search. Amendment No. 32 says, after certain product is seized, it should be produced before the Court within seven days. Normally, a large number of days pass by and it gets manipulated. These are the two corrective methods which I would request the Minister to accept; otherwise this will go against the provisions that we have as per law. Thank you, Sir.

I beg to move:

Page 3, *for* lines 26 and 27,--

substitute “6. (1) An authorised officer may, upon a warrant duly issued by an authorised court, enter and search any place where—”. (31)

Page 3, *for* lines 34 to 37,--

substitute “matter referred to in sub-section (1) and produce the record or property so seized, before the Court of Judicial Magistrate of the first class within seven days of the seizure.”. (32)

माननीय अध्यक्ष : अब मैं श्री भर्तृहरि महताब द्वारा खंड 6 में प्रस्तुत संशोधन संख्या 31 और 32 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 6 विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 6 विधेयक में जोड़ दिया गया ।

Clause 7 Punishment for contravention of section 4

माननीय अध्यक्ष : प्रो. सौगत राय, क्या आप संशोधन संख्या 11 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : I beg to move:

Page 4, line 6,--

for “one year”

substitute “three years”. (11)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 7 में प्रस्तुत संशोधन संख्या 11 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रो. सौगत राय, क्या आप संशोधन संख्या 12 और 13 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : I beg to move:

Page 4, lines 6 and 7,--

for “one lakh rupees”

substitute “three lakh rupees”. (12)

Page 4, line 8,--

for “three years and with fine which may extend to five lakh rupees”.

substitute “five years and with fine which may extend to ten lakh rupees”. (13)

माननीय अध्यक्ष : अब मैं प्रो. सौगत राय द्वारा खंड 7 में प्रस्तुत संशोधन संख्या 12 और 13 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : श्रीमती प्रतिमा मण्डल क्या आप संशोधन संख्या 33 और 34 प्रस्तुत करना चाहती हैं?

SHRIMATI PRATIMA MONDAL (JAYNAGAR): I beg to move:

Page 4, line 6,--

for “which may extend to”

substitute “of”. (33)

Page 4, line 8,--

for “which may extend to”

substitute “of”. (34)

माननीय अध्यक्ष : अब मैं श्रीमती प्रतिमा मण्डल द्वारा खंड 7 में प्रस्तुत संशोधन संख्या 33 और 34 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए ।

माननीय अध्यक्ष : श्री कोडिकुन्निल सुरेश क्या आप संशोधन संख्या 37 प्रस्तुत करना चाहते हैं?

SHRI KODIKUNNIL SURESH (MAVELIKKARA): I beg to move:

Page 4, lines 6 and 7,--

for “one lakh rupees”

substitute “five lakh rupees”. (37)

माननीय अध्यक्ष : अब मैं कोडिकुन्निल सुरेश द्वारा खंड 7 में प्रस्तुत संशोधन संख्या 37 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 7 विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

खंड 7 विधेयक में जोड़ दिया गया ।

Clause 8 Punishment for contravention of section 5

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 14 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : I beg to move:

Page 4, lines 9 to 11, -

for “shall be punishable with imprisonment for a term which may extend to six months or with fine which may extent to fifty thousand rupees or with both.”.

substitute “shall be punishable with imprisonment for a term which may extend to one year or with fine which may extent to one lakh rupees or with both.”.

(14)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 8 में प्रस्तुत संशोधन संख्या 14 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 28 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 4, line 10,-

for “six months”

substitute “one year”. (28)

माननीय अध्यक्ष: अब मैं श्री एन.के. प्रेमचन्द्रन जी द्वारा खंड 8 में प्रस्तुत संशोधन संख्या 28 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 8 विधेयक का अंग बनो”

प्रस्ताव स्वीकृत हुआ ।

खंड 8 विधेयक में जोड़ दिया गया ।

खंड 9 और 10 विधेयक में जोड़ दिए गए ।

Clause 11 offences by companies

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 15 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : I beg to move:

Page 4, line 34,-

after “manager”,

insert “office in-charge, caretaker,”. (15)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 11 में प्रस्तुत संशोधन संख्या 15 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 11 विधेयक का अंग बनो”

प्रस्ताव स्वीकृत हुआ ।

खंड 11 विधेयक में जोड़ दिया गया ।

खंड 12 से 14 विधेयक में जोड़ दिए गए ।

Clause 15 Application of other Laws not barred.

माननीय अध्यक्ष: श्री एन.के.प्रेमचन्द्रन, क्या आप संशोधन संख्या 29 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 5, line 3, -

after “sale,”

insert “display,”

(29)

माननीय अध्यक्ष: अब मैं श्री एन.के.प्रेमचन्द्रन द्वारा खंड 15 में प्रस्तुत संशोधन संख्या 29 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 15 विधेयक का अंग बनो”

प्रस्ताव स्वीकृत हुआ ।

खंड 15 विधेयक में जोड़ दिया गया ।

Clause 16 Protection of action taken in good faith.

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 16 प्रस्तुत करना चाहते हैं?

प्रो. सौगत राय : सर, मुझे एक ही सवाल पूछना है कि हमारे अपोजीशन ने 7 अमेंडमेंट्स दिए हैं । क्या एक भी अमेंडमेंट में कोई मेरिट है, जो सरकार एक्सेप्ट कर सकती है? थोड़ी डेमोक्रेटिक स्पिरिट तो दिखानी चाहिए । सब अमेंडमेंट में कहते हैं कि “न वालों के पक्ष में है” और कैंसिल हो जाते हैं । यह तो आसान है, लेकिन डेमोक्रेटिकली कुछ एक्सेप्ट हो जाने चाहिए । Let me move the

amendment bill. Please allow me. कुछ तो डेमोक्रेसी रहनी चाहिए ।
अपोजीशन की थोड़ी तो रिस्पेक्ट रहनी चाहिए । कृपया थोड़ी कोशिश करिए ।

I beg to move:

Page 5, for lines 4 to 6,-

substitute “16. Any officer of the Central Government or any State Government shall be liable to be prosecuted or face other legal proceedings if he does any act with malafide intention to harass a person or a company and fails to prove it in the court.”. (16)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 16 में प्रस्तुत संशोधन संख्या 16 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 16 विधेयक का अंग बनो”

प्रस्ताव स्वीकृत हुआ ।

खंड 16 विधेयक में जोड़ दिया गया ।

खंड 17 और 18 विधेयक में जोड़ दिए गए ।

Clause 1 Short title and commencement

माननीय अध्यक्ष: प्रो. सौगत राय, क्या आप संशोधन संख्या 1 प्रस्तुत करना चाहते हैं?

PROF. SOUGATA RAY : I beg to move:

Page 1, line 3,-

after “Distribution,”

insert “Promotion,”.

(1)

माननीय अध्यक्ष: अब मैं प्रो. सौगत राय द्वारा खंड 1 में प्रस्तुत संशोधन संख्या 1 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 20 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 1, line 3, -

after “sale,”

insert “display,”.

(20)

माननीय अध्यक्ष: अब मैं श्री एन.के. प्रेमचन्द्रन द्वारा खंड 1 में प्रस्तुत संशोधन संख्या 20 को सभा के समक्ष मतदान के लिए रखता हूं ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष: प्रश्न यह है :

“कि खंड 1 विधेयक का अंग बनो”

प्रस्ताव स्वीकृत हुआ ।

खंड 1 विधेयक में जोड़ दिया गया ।

अधिनियमन सूत्र विधेयक में जोड़ दिया गया ।

Name

माननीय अध्यक्ष: श्री एन.के. प्रेमचन्द्रन, क्या आप संशोधन संख्या 19 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN : I beg to move:

Page 1, in the Long Title -

after “sale,”

insert “display,” (19)

माननीय अध्यक्ष: अब मैं श्री एन.के. प्रेमचन्द्रन द्वारा खंड नाम में प्रस्तुत संशोधन संख्या 19 को सभा के समक्ष मतदान के लिए रखता हूँ ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ ।

माननीय अध्यक्ष : प्रश्न यह है :

“कि नाम, विधेयक का अंग बने ।”

प्रस्ताव स्वीकृत हुआ ।

विधेयक का पूरा नाम विधेयक में जोड़ दिया गया ।

माननीय अध्यक्ष : माननीय मंत्री जी प्रस्ताव करें कि विधेयक को पारित किया जाए ।

DR. HARSH VARDHAN: Sir, I beg to move:

“That the Bill be passed”.

माननीय अध्यक्ष : प्रश्न यह है :

“कि विधेयक को पारित किया जाए ।”

प्रस्ताव स्वीकृत हुआ ।

14.21 hrs