

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:304
ANSWERED ON:11.12.2002
BAN ON CONSUMPTION OF TOBACCO PRODUCTS
RAMDAS ATHAWALE;SURESH CHANDEL

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

- (a) whether the Government are aware that some High Courts had banned the Gutka Pan Masala for health reasons;
- (b) if so, whether the government are also aware that the Supreme Court has recently granted Stay Order on the above order of the High Courts;
- (c) if so, whether the Government propose to contest this case alongwith other States;
- (d) if not, the reasons therefor;
- (e) whether there is any proposal to bring Central Legislation to curb consumption of tobacco products; and
- (f) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a)to(f): A statement is laid on the table of the Lok Sabha.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 304 FOR 11.12.2002

As per information received from Government of Madhya Pradesh, the manufacture, sale, transportation, possession and use of `Gutkha` and `Tobacco Guthka` was banned in Madhya Pradesh by the High Court of Madhya Pradesh (Jabalpur Bench) vide Order dt. 2.8.02 in Writ Petition No. 3837 of 2002. A Special Leave Petition vide CC No. 6358/02 was filed in the Supreme Court of India, which stayed the application of the impugned order on 7.8.02.

As per information furnished by the Government of Uttar Pradesh, Allahabad High Court vide order dated 18.7.2002 had directed the State Government to ban production, sale and advertisement of Pan Masala and Gutka in W.P.No. 3654/2002. Manufacturers of Gutka and Pan Masala filed an SLP against this order in the Supreme Court, which set aside the said order on 28.10.2002.

There is no proposal for the Government to seek review of the Supreme Court order. The Government has also not advised the State Governments in any matter pending before the Courts for which State Governments can take action as deemed fit.

Under the Prevention of Food Adulteration Act, 1954, the State Food (Health) Authorities have the independent power to prohibit the sale of any article of food in the interest of public health. Some of the States like Andhra Pradesh, Maharashtra and Tamil Nadu have already prohibited the sale of Pan Masala containing tobacco/Gutka/Chewing tobacco under the said provisions. A few more states like Rajasthan and Bihar have also announced their intentions to ban these products in their states. As the issue concerns the health of the people, the Government of India has not been opposed to such initiatives of the State Governments and has not considered appropriate to advise the State Governments to review their decisions imposing ban on Gutka / Pan Masala or other alike products.

A comprehensive legislation titled `The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2001` was introduced in the Rajya Sabha in March 2001. This inter-alia aims to curb consumption of tobacco products by banning advertisement of tobacco products, sale of tobacco products to minors and smoking in public places, among other things. The Legislation was referred to the Department related Parliamentary Standing Committee on Human Resource Development. This Committee made certain recommendations. These were circulated to concerned Central Ministries/Departments for comments which have since been received. Action has been initiated to seek approval of the Cabinet on the recommendations of the Standing Committee. When approved, necessary amendments to the Bill will be introduced in Rajya Sabha.