

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

UNSTARRED QUESTION NO:1221
ANSWERED ON:30.11.2005
BAN ON SMOKING IN FILMS
Danve Shri Raosaheb Patil

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

- (a) whether the Government has recently imposed a ban on cigarette smoking in films ;
- (b) if so, the details thereof ;
- (c) whether the Government has also imposed ban on the publicity of cigarette through various advertisements in the country ;
- (d) whether the sale of cigarette is still continuing openly despite the ban imposed by the Government; and
- (e) if so, the action taken/proposed to be taken by the Government against the guilty person ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a) & (b) Yes sir. Amendments to the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules 2004, were made vide notification dated 31.05.2005, which inter-alia, provides that 'no individual or a person or a character in cinema and television programmes shall display tobacco products or their use'. It has been decided to provide exemption for the following:

- (i) Characters representing historical personalities or historical era;
- (ii) Old films both Indian and Foreign;
- (iii) Documentaries depicting dangers of tobacco use;
- (iv) Live coverage of news, current affairs, interviews, public meetings, sports events, cultural events being telecast in Television. These provisions will come into effect from 1st January 2006.

(c) Section 5 of 'The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003', which have come into effect from 1st May, 2004, prohibits advertisement which directly or indirectly suggests or promotes the use of consumption of cigarettes and other tobacco products. The Act further provides that no person shall promote any trademark or brand-name of tobacco products in exchange for a sponsorship, gift, prize or scholarship.

(d) The Government has imposed ban on advertisements only and not on sale of cigarette products. Sale of cigarette is, however, prohibited to

(i) persons less than 18 years of age; and

(ii) within 100 yards of any educational institution.

(e) The Tobacco Control Act, 2003 has penal provisions whereby persons acting in its contravention can be prosecuted. The Act is implemented mainly through the State Governments who have been advised to enforce the provisions of the law strictly and put in place necessary mechanisms.