

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

UNSTARRED QUESTION NO:4527

ANSWERED ON:07.09.2012

BAN ON TOBACCO PRODUCTS

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

- (a) whether Regional Cancer Centres (RCC) in India have urged the Government to impose a countrywide ban on the sale of various tobacco products including gutkha and pan masala, if so, the details thereof along with the reaction of the Government thereto;
- (b) the details of the States where sale of articles containing nicotine and tobacco has been prohibited in the country;
- (c) whether illegal marketing and sale of gutkha, tobacco, pan masala and similar articles at higher prices have been reported in the above States following the ban;
- (d) if so, the details thereof along with the action taken/proposed by the Government against the offenders; and
- (e) the measures taken/proposed by the Government to impose total ban on gutkha, tobacco, pan masala and other forms of tobacco products across the country?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a): The Directors of 14 Regional Cancer Centres have written letters to Government appealing for ban on sale of Gutkha and other tobacco products in the country. The aforesaid letters are part of the report on the contents of gutkha, tobacco, pan masala and similar articles manufactured in the country and harmful effects of consumption of such articles, prepared by National Institute of Health and Family Welfare (NIHFW), New Delhi in consultation with Ministry of Health & Family Welfare and submitted to Hon'ble Supreme Court in compliance with its directions in the matter of Ankur Gutka Vs Indian Asthma Society (SLP 16308/2007).

(b): The States/UTs of Madhya Pradesh, Kerala, Bihar, Rajasthan, Maharashtra, Haryana, Chhatisgarh, Jharkhand, Gujarat, Chandigarh and Mizoram have issued orders/notifications for implementation of the provisions of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011 issued under the Food Safety and Standards Act, 2006, which prohibits the use of nicotine and tobacco in food products.

(c)& (d): The responsibility of enforcement of the above regulations and action against the offenders lies with the Commissioners of Food Safety under the state governments, as per the provisions of Food Safety & Standards Act 2006. The information on illegal marketing and sale of gutkha, tobacco, pan masala and similar articles at higher prices is, therefore, not available with this Ministry. However, this Ministry has written to the Governments of the States/UTs to strictly implement the regulations.

(e): The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, issued under the Food Safety and Standards Act, 2006, lays down that tobacco and nicotine shall not be used as ingredients in any food products. The Hon'ble Supreme Court in Godawat Pan Masala Vs UOI, 2004 (7) SCC 68 has held that "Since pan masala, gutka or supari are eaten for taste and nourishment, they are all food within the meaning of Section 2

(v) of the (Prevention of Food Adulteration) Act." As such, by virtue of the regulation dated 1st August 2011 issued under the Food Safety and Standards Act, 2006, read with the judgement of the Hon'ble Supreme Court on the issue, Gutkha products are food products containing tobacco and nicotine and their manufacture, sale or storage is not permitted under law. By virtue of the same regulation, Pan Masala, if it contains tobacco and nicotine, cannot be manufactured or sold.

This Ministry has written to the Governments of all the States/UTs to strictly implement the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011.