

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

STARRED QUESTION NO:58
ANSWERED ON:26.11.2012
TOBACCO PRODUCTS
Reddy Shri Anantha Venkatarami

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether a large number of people in the country are dependent on production of tobacco and related activities thereon for their livelihood;
- (b) if so, the details thereof;
- (c) whether the Government has decided to impose ban on the tobacco related products and if so, the details thereof and the reasons therefor;
- (d) whether the Government has assessed the impact of such a ban on the tobacco growers and those who are engaged in the manufacturing or distribution of tobacco related products; and
- (e) if so, the details thereof and the remedial measures taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA)

a) to e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 58 FOR ANSWER ON 26TH NOVEMBER 2012 REGARDING "TOBACCO PRODUCTS"

a-b) Yes, madam, It is estimated that 38 Million people are dependent on production of tobacco and related activities thereon for their livelihood.

c) The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, issued under the Food Safety and Standards (FSS) 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 had 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 under the FSS Act, 2006, read with the judgment of the Hon'ble Supreme Court on the issue, gutka 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.

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.

Many states including Madhya Pradesh, Kerala, Bihar, Rajasthan, Maharashtra, Haryana, Chhattisgarh, 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 issued under the FSS Act, 2006 which prohibits the use of nicotine and tobacco in food products.

d) The Department of Commerce has not assessed the impact of such a ban on the tobacco growers and those who are engaged in the manufacturing or distribution of tobacco related products.

e) Does not arise.