

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

UNSTARRED QUESTION NO:5237

ANSWERED ON:26.04.2013

PICTORIAL GRAPHIC HEALTH WARNINGS ON TOBACCO PRODUCTS

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

- (a) the anti-tobacco laws, particularly with reference to pictorial and graphic health warnings enacted by the Government in compliance with the WHO Framework Convention on Tobacco Control (FCTC);
- (b) whether sale of a few tobacco products without the depiction of new pictorial and graphic health warnings in certain parts of the country has come to the notice of the Government;
- (c) if so, the details thereof and the action taken/proposed by the Government against the offenders; and
- (d) the steps taken/proposed by the Government to ensure mandatory compliance of anti-tobacco laws including depiction of pictorial and graphic health warnings on the tobacco products in the country in order to deter people from smoking and consuming tobacco products in the country?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a): The Government of India has enacted "The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003" (COTPA 2003) to regulate consumption, production, supply and distribution of tobacco products, inter-alia, through mandatory depiction of specified pictorial health warnings on all tobacco product packs, in particular through sections 7 to 10 thereof read with rules notified there-under.

The extant provisions under COTPA are substantially compliant with the WHO Framework Convention on Tobacco Control (FCTC), except only in terms of the display area required to be occupied by the pictorial health warnings.

(b) & (c): All tobacco products manufactured on or after 1st April, 2013 are required to have the new pictorial health warnings notified vide G.S.R. 724(E) dated 27th September, 2012. The Act (COTPA 2003) and the rules issued there-under for enforcement of the provisions relating to depiction of specified pictorial health warnings on tobacco product packs have notified/authorised officials with the powers of entry, search and seizure and made them competent to act in case of violation of these provisions. The penal provisions for violation of these provisions are laid down in sections 20 and 26 of COTPA, 2003.

(d): In order to ensure mandatory compliance with anti-tobacco laws, Ministry sends regular advisories to the states. Guidelines for implementation of various provisions of COTPA 2003 have been framed and shared with the State Governments. Ministry has written to the Director Generals of Police in all states/UT's to make compliance with COTPA 2003 a part of the monthly crime review meetings at district level. Ministry has also written to Ministry of Home Affairs to get the compliance with COTPA 2003 included in the agenda of 'Social Policing'. Ministry issues public notices from time to time in the leading national and regional newspapers to create awareness about the provisions of the extant rules.

Ministry supports and maintains a helpline with toll free number for reporting any violations of the anti-tobacco laws. The reported violations are shared with states for necessary action.