

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

STARRED QUESTION NO:286

ANSWERED ON:30.08.2013

TOBACCO CONTROL

Botcha Lakshmi Smt. Jhansi;Siricilla Shri Rajaiah

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

- (a) the details of the guidelines laid down and strategies recommended for the reduction of demand and supply of tobacco products under the WHO-Framework Convention on Tobacco Control (FCTC);
- (b) the action taken/proposed by the Government in compliance with the WHO FCTC to reduce demand and supply of tobacco products in the country;
- (c) the steps taken/proposed by the Government to regulate advertisements of tobacco products, particularly in view of their adverse effects on children in the country;
- (d) whether the Government has identified various obstacles coming in the way of imposing a complete ban on consumption, production, supply and distribution of various tobacco products in the country; and
- (e) if so, the details thereof and the time by which tobacco products are likely to be banned in the country?

Answer

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

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

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 286 FOR 30TH AUGUST, 2013

(a) The Framework Convention on Tobacco Control (FCTC) negotiated under the World Health Organization (WHO) enlists key strategies for reduction of demand and supply of tobacco products. The key demand reduction strategies are contained in Articles 6 to 14 which include

Article: 6 – Price and tax measures to reduce the demand for tobacco.

Article: 7 – Non-price measures to reduce the demand for tobacco

Article: 8 - Protection from exposure to second hand tobacco smoke.

Articles 9 & 10 - Tobacco content and product regulation

Article: 11 - Packaging and labeling of tobacco products.

Article: 12 - Education, communication, training and public awareness.

Article: 13 - Tobacco advertising, promotion and sponsorship

Article: 14 – Demand reduction measures concerning tobacco dependence and cessation

The key supply reduction strategies are contained in Articles 15 to 17 which include –

Article: 15 – Illicit trade in tobacco products.

Article: 16 - Sales to and by minors;

Article: 17 - Provision of support for economically viable alternative activities.

To facilitate and assist countries in meeting their obligations under the Convention, WHO FCTC has framed guidelines duly approved by Conference of the Parties (COP) to WHO FCTC. Currently seven guidelines have been developed and approved by FCTC: the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry (Article 5.3); protection from exposure to tobacco smoke (Article 8); regulation of the contents of tobacco products and of tobacco

product disclosures (Articles 9 and 10); packaging and labelling of tobacco products

(Article 11); education, communication, training and public awareness

(Article 12); tobacco advertising, promotion and sponsorship (Article 13); and demand reduction measures concerning tobacco dependence and cessation (Article 14).

(b) Parliament enacted "The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act," (COTPA) in 2003 to regulate consumption, production, supply and distribution of tobacco products, by imposing restrictions on advertisement, promotion and sponsorship of tobacco products; prohibiting smoking in public places; prohibiting sale to and by minors, prohibiting sale within a radius of 100 yards of educational institutions and through mandatory depiction of specified pictorial health warnings on all tobacco product packs. All the provisions contained in COTPA 2003 are compliant with WHO FCTC and even go beyond.

The National Tobacco Control Programme was launched in 11th Five Year Plan covering 42 districts of 21 states. The programme is being upscaled and expanded to cover all endemic areas of the country in a phased manner in the 12th Five Year Plan.

To fulfill the objectives laid down in Article 17 of WHO FCTC (provision of support for economically viable alternatives), the Ministry of Health & Family Welfare has been in touch with Ministries of Agriculture and Rural Development, Government of India as well as with the Departments of Agriculture of major tobacco producing states.

(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" (COTPA) inter alia prohibits all forms of advertisement (direct / indirect), promotion and sponsorship of tobacco products in all media. All the tobacco products mentioned in the schedule to the Act are regulated under this Act.

For protection of children, the COTPA and its enabling Rules prohibit sale of tobacco products to and by minors and within a radius of 100 yards of educational institutions, mandate depiction of specified pictorial health warnings on tobacco product packs and health warnings on boards to be displayed at points of sale. The Ministry has further notified the Rules to regulate depiction of tobacco products or their use in films and TV programmes, considering their influence on impressionable young minds of children.

(d)&(e) Smoking in all Public places including private workplaces is prohibited under Section 4 of COTPA. Further, the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, has been notified under the Food Safety and Standards Act, 2006, which lays down that tobacco and nicotine shall not be used as ingredients in any food products.

So far, 33 States/Union Territories have issued orders for implementation of the Food Safety Regulations banning manufacture, sale and storage of food products such as Gutka and Pan Masala containing tobacco or nicotine.