

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

UNSTARRED QUESTION NO:327

ANSWERED ON:06.12.2013

BAN ON TOBACCO PRODUCTS

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

- (a) whether the Government has issued directions/notifications to the States/UTs to ban gutkha and other similar products containing nicotine and tobacco across the country;
- (b) if so, the details thereof along with the mechanism put in place to monitor their enforcement in the country, State/UT-wise;
- (c) whether marketing of tobacco products and sale of tobacco and pan masala in separate pouches by their manufacturers which defeats the purpose of the above ban have been reported in the country;
- (d) if so, the details thereof and the action taken by the Government thereon; and
- (e) the steps taken/proposed by the Government to impose complete ban on cigarette, gutkha, pan masala and other similar tobacco products and educate people about their adverse health effects in the country?

Answer

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

(a) & (b): Gutkha and similar other food products containing nicotine and tobacco have been banned across the country vide Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, issued under the Food Safety and Standards Act, 2006. The said Regulation 2.3.4 lays down as under:

"Product not to contain any substance which may be injurious to health: Tobacco and nicotine shall not be used as ingredients in any food products".

So far, 33 States/UTs have issued orders for implementation of the Food Safety Regulations banning manufacture, sale and storage of Gutka and Pan Masala containing tobacco or nicotine. (Madhya Pradesh, Kerala, Bihar, Himachal Pradesh, Rajasthan, Maharashtra, Mizoram, Chandigarh, Chattisgarh, Jharkhand, Haryana, Punjab, Delhi, Gujarat, Uttar Pradesh, Nagaland, Andaman & Nicobar, Daman & Diu, Dadra and Nagar Haveli, Uttarakhand, Odisha, Andhra Pradesh, Goa, Sikkim, Manipur, Arunachal Pradesh, J&K, Assam, West Bengal, Tripura, Tamil Nadu, Karnataka and Puducherry).

Enforcement and implementation of this regulation lies with the Commissioners of Food Safety under the state governments, as per the provisions of Food Safety & Standards Act 2006.

(c) & (d): Ministry of Health & Family Welfare, Government of India is aware of incidents of sale of tobacco and pan masala in separate pouches thereby circumventing the provisions under Food Safety Regulation. The said matter has been brought to the notice of the Hon'ble Supreme Court of India by the Ld ASG representing Union of India in the matter of Ankur Gutka vs. Indian Asthma Care Society & Ors. [SLP No.16308/2007.]. The Apex Court during its hearing on 03.04.2013 directed the Health Secretaries of 28 States/UTs who had till then issued orders for implementation of the Food Safety Regulations, to file affidavits on the issue of compliance of ban imposed on manufacturing and sale of gutkha and pan masala with tobacco and/or nicotine.

(e): Gutkha and other similar food products containing nicotine and tobacco are prohibited under 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. The said regulation lays down that tobacco and nicotine shall not be used as ingredients in any food products.

Other forms of tobacco including cigarette and bidi etc. are regulated by the Cigarettes and Other Tobacco Products (Prohibitions of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act," (COTPA), which regulates 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.

National Level Public Awareness campaign is a very important activity under National Tobacco Control Programme which is aimed at educating people about the adverse health effects of tobacco use. A variety of media like electronic (Government and private Channels and FM/radio), outdoor billboards, bus panels, exterior train wrap-up, news-paper advertisement etc. have been used to

reach a wide set of audience. Dedicated spots have been developed as well as adapted from global best practices.

Health spots relating to harmful effects of tobacco use are also displayed by films and TV Programmes displaying tobacco products or their use, as per the Rules notified under COTPA, 2003.