

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

UNSTARRED QUESTION NO:2886

ANSWERED ON:13.03.2015

AMENDMENTS TO ANTI TOBACCO LAWS

Mondal Shri Sunil Kumar;Pathak Smt. Riti;Patil Shri Sanjay(Kaka) Ramchandra

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

- (a) whether the existing anti-tobacco laws are adequate to meet the obligations under the WHO-Framework Convention on Tobacco Control (FCTC), if so, the details thereof and if not, the reasons therefor;
- (b) the details of the recommendations made by the expert panel for amendments to the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA);
- (c) the follow up action taken by the Government to carry out the aforesaid amendments in order to make the antitobacco laws more stringent indicating the reasons for delay in implementing the same; and
- (d) the measures being taken by the Government to ban the sale of bidis, cigarettes, gutkha, pan-masala and other tobacco products in the country?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI JAGAT PRAKASH NADDA)

(a) to (c): The existing anti-tobacco legislation (COTPA , 2003) is not fully compliant with WHO FCTC. As such, a Committee was constituted in July, 2014 to review and suggest amendments to the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA). The Committee has made a number of recommendations with regard to, inter alia, prohibition of smoking in public places, advertisements at point of sale, minimum legal age for sale of tobacco products, loose sale of tobacco products, depiction of tar and nicotine contents and the penal provisions etc.

The draft amendment bill along with the Notes on clauses were placed in public domain, as part of pre-legislative consultations, with a view to eliciting comments/views of the stakeholders including the general public, upto 15th February, 2015.

(d): Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, issued under the Food Safety and Standards Act, 2006 by the Food Safety & Standards Authority of India (FSSAI), lays down that tobacco and nicotine shall not be used as ingredients in any food products. Therefore, Gutkha is a prohibited product under regulations. So far 34 States / Union Territories 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, Puducherry & Meghalaya). Some of the State Governments like Mizoram, Manipur, West Bengal, Bihar, Maharashtra have expanded the scope of this regulation and prohibited other forms of smokeless tobacco like Zarda, Chewing tobacco.

Under the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), sale of bidis, cigarettes and other tobacco products is prohibited to and by minors and within a radius of 100 yards of educational institutions.