

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

STARRED QUESTION NO:446

ANSWERED ON:08.08.2014

ANTI TOBACCO LAWS .

Adsul Shri Anandrao ;Yadav Shri Dharmendra

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

(a) Whether India is a signatory to the WHO Framework Convention on Tobacco Control and if so, the details of the obligations made thereunder;

(b) Whether anti-tobacco laws framed by the Government are adequate to meet the obligations made under the WHO Framework Convention on Tobacco Control, if so, the details thereof and if not, the reasons therefor;

(c) The details of the obstacles identified in enforcement of the said convention in the country and the measures being taken by the Government to overcome the same; and

(d) Whether the Government has taken note of certain reports/studies which suggest that increase in price of /tax on tobacco products is not only likely to reduce their consumption but also prevent premature tobacco-related deaths in the country; and if so, the details thereof and the steps taken/ proposed to be taken by the Government in this regard?

**Answer**

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. HARSH VARDHAN)

(a) to (d): A statement is laid on the Table of the House STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 446 FOR 8th AUGUST, 2014

(a): Government of India has ratified the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) in 2004 and is a party to the Convention. WHO- FCTC provides for various measures to reduce the demand as well as supply of tobacco.

The key demand reduction strategies are contained in Articles 6 to 14 as follows:

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.

Article: 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 as follows:

Article: 15 - " Illicit trade in tobacco products.

Article: 16 - Sales to and by minors;

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

(b): The Anti-tobacco law namely `The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act,` (COTPA) enacted in 2003 is compliant with most of the provisions contained in the WHO FCTC. Further, the food safety regulations prohibiting use of tobacco and nicotine as ingredient in any food products go even beyond the provisions of WHO FCTC

(c): The enforcement of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) lies with the States. Ministry of Health & Family Welfare has requested all States/Union Territories to incorporate COTPA in the Monthly Crime Review Meetings at the District Level. Based upon the request of Ministry of Health & Family Welfare, the Ministry of Home Affairs also sent an advisory to the Director Generals of Police in States /Union Territories to incorporate COTPA as one of the agenda items in the Monthly Crime Review Meetings at the District Level. Apart from this, the Ministry has been taking regular feedback from states and communicating with them on the shortfalls noticed in implementation of the National Tobacco Control Programme as well as in enforcement of anti-tobacco laws and regulations.

One of the main obstacles to enforcement was limited coverage of the National Tobacco Control Programme in the Country during the 11th Plan. As such, approval has been obtained for phase-wise up-scaling of the programme to all States and Districts during the 12th Plan.

(d): The Government has taken note of the studies which suggest that increase in price of tobacco products is not only likely to reduce their consumption but also prevent premature tobacco-related deaths in the Country. The Ministry of Health & Family Welfare has, therefore, been advocating for substantial increase in Central Excise Duty and Value Added Tax on all tobacco products. The Ministry is also advocating for adoption of a `Comprehensive Tax Policy` for tobacco products, both at the Centre and in the States/Union Territories in public health interest and with a view to protecting youth and children from getting addicted to tobacco use.