

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

UNSTARRED QUESTION NO:2236

ANSWERED ON:05.12.2014

AMENDMENTS TO ANTI TOBACCO LAWS

Chaudhary Shri P.P.;Karandlaje Km. Shobha;Panda Shri Baijayant "Jay";Patle Smt. Kamla Devi;Suresh Shri Doddaalahalli Kempegowda;Teacher Smt. P.K.Sreemathi;Tumane Shri Krupal Balaji;Wanaga Shri Chintaman Navsha

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

- (a) whether the existing anti-tobacco laws are adequate and effective to curb smoking and consumption of tobacco products in the country, if so, the details thereof and if not, the reasons therefor;
- (b) the details of the suggestions/ recommendations made by the expert panel recently constituted by the Government to make anti-tobacco laws more stringent in order to deter people from smoking and consuming tobacco products in the country;
- (c) the details of the amendments to the anti-tobacco laws proposed by the Government to ban the sale of loose cigarettes, raise the age limit for consumption of tobacco products, increase the fine for smoking in public spaces and make this a cognizable offence in the light of the aforesaid suggestions;
- (d) the steps taken/proposed to be taken by the Government to curb consumption of imported cigarettes being sold without restrictions at cheaper rates in the country; and
- (e) the other measures being taken by the Government to make India a tobaccofree country?

**Answer**

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

(a) to (c): A Committee was constituted 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 place, 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. A draft Note for the Cabinet has been prepared and circulated for Inter - Ministerial Consultations.

(d): A protocol to eliminate illicit trade in tobacco products, negotiated under Article 15 of WHO Framework Convention on Tobacco Control (WHO FCTC), to which India is a party, was adopted in the Fifth Session of the Conference of Parties (COP5) held in Seoul, South Korea, in Nov. 2012.

Following steps, inter-alia, have been taken by the Government to discourage tobacco use and create awareness about its harmful effects.

1) The Anti-Tobacco law titled "Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA) 2003" was enacted to regulate the tobacco products in public health interest.

2) The National Tobacco Control Programme (NTCP) was launched in the year 2007-08, with the objectives to (i) create awareness about the harmful effects of tobacco consumption, (ii) reduce the production and supply of tobacco products, (iii) ensure effective implementation of the provisions made under "The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003" (COTPA) and (iv) help people quit tobacco use through Tobacco Cessation Centres.

3) The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011 were issued under the Food Safety and Standards Act, 2006, laying down that tobacco and nicotine shall not be used as ingredients in any food products. Currently, 34 States / UT's have issued orders for implementation of the Food Safety Regulations banning manufacture, sale and storage of Gutka and Pan Masala containing tobacco or nicotine.

4) National level public awareness campaign is a key activity under the National Tobacco Control Programme. A variety of media have been used to reach a wider audience.

5) Rules were notified to regulate depiction of tobacco products or their use in films and TV programmes. As per these rules, all films and TV programmes (both Indian & Foreign) depicting tobacco products or their use have to screen a health spot of 30 seconds duration and a disclaimer of 20 seconds duration on the harmful effects of tobacco use, at the beginning and in the middle of the films

and TV programmes.

6) The new pictorial health warnings for tobacco product packages have been notified on 15th October, 2014, and shall come into effect on 1st April 2015. As per the new rules, the pictorial health warnings shall occupy 85% of the principal display area and shall be placed both on the back as well as front panels/sides.

7) In the Union Budget 2014-15, Excise Duty on cigarettes was increased by 72% for cigarettes of length not exceeding 65 mm and by 11% to 21% for cigarettes of other lengths. Similar increases were made on cigars, cheroots and cigarillos. Further, Basic Excise Duty was increased from 12% to 16% on pan masala, from 50% to 55% on unmanufactured tobacco and from 60% to 70% on jarda scented tobacco, gutkha and chewing tobacco.