

LOK SABHA DEBATES

LOK SABHA

Monday, May 21, 1990, Vaisakha 31,
1912 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

[English]

RE: DEMAND FOR PRESIDENT'S RULE
IN HARYANA

MR. SPEAKER: What happened?

(Interruptions)

MR. SPEAKER: This is Question Hour.

SEVERAL HON. MEMBERS: No. (Interruptions)

MR. SPEAKER: Let us go on with Question Hour. You can raise it at 12 O' Clock.

(Interruptions)

SHRIP. CHIDAMBARAM (Sivaganga):
Please allow us. (Interruptions)

MR. SPEAKER: Mr. Dinesh Singh, I

cannot hear. Let us proceed with the Question Hour.

(Interruptions)

MR. SPEAKER: Please take your seats.

(Interruptions)

MR. SPEAKER: Mr. Kumaramangalamji and Dineshji, please take your seats. I would like to tell you that let us go on with the Question Hour. And we can take up the matter...

(Interruptions)

MR. SPEAKER: I am on my legs. The Speaker is on his legs.

(Interruptions)

[Translation]

MR. SPEAKER: Mr. Rao, please sit down. All of you take your seats.

[English]

My point is, you can raise it after Question Hour is over.

(Interruptions)

SHRI P.R. KUMARAMANGALAM (Salem): We want President's Rule in Haryana. (Interruptions)

PROF. P.J. KURIEN (Mavelikara): We

want President's rule in Haryana. (*Interruptions*)

[*Translation*]

MR. SPEAKER: Mr. Joshi, please sit down.

(*Interruptions*)

[*English*]

SHRIDINESHSINGH (Pratapgarh): Mr. Speaker, Sir, you will appreciate that in view of the barbaric happenings in Haryana, it would be impossible for us to continue with the Question Hour. The matter is far too serious for us to deal in a normal manner. It is, therefore, our requests that the Prime Minister who is present here...

MR. SPEAKER: You can raise it after 12 o'clock.

(*Interruptions*)

SHRI DINESH SINGH: It is not a matter which can wait even till 12 o'clock. Our Prime Minister is here, Sir. He has already given some expression to his views in his private aeroplane. When the House is sitting, it would have been appropriate if the Prime Minister had given his views to this House. This is a serious matter. It is not a usual matter in which you can give your views separately. And it would have been appropriate. One can say that he has only expressed his view, not a Government's policy. But even so, view of the Prime Minister becomes the Government policy. And, therefore, we are sorry that the Prime Minister has chosen to give it quietly in his cabin in the air rather than to have shared his views with us in this House. Our request is, Sir, that the President's rule should be imposed immediately. The Chautala Government should be dismissed... (*Interruptions*)

Why we are asking for the President's rule, Sir, has a meaning. It is not in abstract that we are asking. The Prime Minister was pleased to concede that there should be a judicial enquiry. This is being disputed by the Government of Haryana. Even so, with the kind of rule that exist in Haryana, can a judicial enquiry be meaningful today? Even the CBI enquiry is not meaningful. If the Government can scheme to kill a person only to enable a person to win an election from some other constituency, how can there be an impartial judicial enquiry successful under these circumstances? I would therefore request the Prime Minister through you that he declares here that President's rule will be imposed in Haryana and the Assembly will be dissolved and fresh elections will be held. (*Interruptions*)

MR. SPEAKER: Are you for suspension of the Question Hour? Let me know the Government's view.

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): I am responding to the point made by Shri Dinesh Singh. (*Interruptions*)

MR. SPEAKER: If the House agrees that we should not have the Question Hour, I have no objection. I would like to know the Government's view on the suspension of the Question Hour. I want to hear the Law Minister about the suspension of the Question Hour.

(*Interruptions*)

MR. SPEAKER: If you are all standing like this, I cannot hear anything.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): If the same thing happens in Andhra will you demand the same thing? (*Interruptions*)

MR. SPEAKER: let us hear the Prime Minister.

SHRI B. SHANKARANAND (Chikkodi): We want dissolution of the Assembly, not just the President's rule.

PROF. P.J. KURIEN: We want three things; dismissal of the Chautala Government, dissolution of the House and the President's rule in Haryana. *(Interruptions)*

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): May I be allowed to say something? *(Interruptions)*

MR. SPEAKER: Shri Poojary, let us hear the Prime Minister. He is on his legs.

(Interruptions)

SHRI VISHWANATH PRATAP SINGH: I think, Sir, there is still some steam; let them let it out and then, I will respond. *(Interruptions)*

One thing more. *(Interruptions)*

Shri Poojary, we were together. *(Interruptions)*

SHRI JANARDHANA POOJARY (Mangalore): That is why, I know you. Please show your value based politics. *(Interruptions)*

SHRI VISHWANATH PRATAP SINGH: Sir, last time in the House, there was a demand for an enquiry by the sitting Judge of the Supreme Court. Hon. Shri Vasant Sathe has raised this point. The Government agreed to it and the Chief Minister of Haryana has also expressed himself that he will concede to the request. Regarding the CBI enquiry... *(Interruptions)*

MR. SPEAKER: Please take your seats.

You are senior Members of the House.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): Shri Vasant Sathe... *(Interruptions)* The Prime Minister has yielded. *(Interruptions)* Sir, taking part in the Adjournment Motion, Shri Vasant Sathe... *(Interruptions)* Sir, why are they allergic to the name of Shri Vasant Sathe? *(Interruptions)* Where is Shri Vasant Sathe? Don't you want him any more?

(Interruptions)

SHRI LOKANATH CHOUDHURY (Jagatsinhpur): Sir, I am on a point of order.

MR. SPEAKER: What is your point of order?

(Interruptions)

MR. SPEAKER: Under what Rule?

(Interruptions)

MR. SPEAKER: I am calling the Prime Minister.

(Interruptions)

MR. SPEAKER: What is the point of order?

(Interruptions)

MR. SPEAKER: I can ' hear.

(Interruptions)

SHRI LOKANATH CHOUDHURY: The issue is about suspension of the question hour. Without giving your ruling about suspension of the question hour, the Prime Minister cannot speak.

MR. SPEAKER: There is no point of order. Please take your seat, Mr. Choudhary. Mr. Prime Minister.

SHRI VISHWANATH PRATAP SINGH: I just mentioned that the Government had given assurance in this House for inquiry by a sitting Supreme Court Judge and we stand by it. I believe, the Home Minister today will be moving... (*Interruptions*)

You cannot upset me by these tactics. You know it. You can go on trying. I will try to cooperate with you and I will tell you. (*Interruptions*)

Today itself, the Government will be moving the Chief Justice of India for the appointment of a Judge so that commitment, that we have made, is implemented. (*Interruptions*)

This was a request from that side, from yourself. Hon. Vasant Sathe had made this request. Specifically he had mentioned it. We agreed to it. We are implementing it. (*Interruptions*)

The services of the CBI will be available to the investigating Judge apart from other agencies which he may wish. The Home Minister is also trying to get in touch with the Chief Minister; he is away, not in the capital there. (*Interruptions*)

I am informing the House exactly what we have done. I am trying to share it with you. As soon as he comes in touch, the final position on this will also be clear. But we stand by what we have said.

I did express a view, as hon. Dinesh Singh said, that one of the ways also could be of fresh elections. Now, the demand here in the House is for immediate President's Rule. It is not possible to immediately given a reaction because creating of precedents

also is there. I believe and I have said so and abide by it—in public life, we have to look in a much broader context and the sense of the House I will put before the Cabinet. We can take a collective view only then. Otherwise I am unable at this stage immediately to say anything on this. (*Interruptions*)

But certainly we will take a view in the Cabinet in whole context.

SHRIMATI UMA GAJAPATHI RAJU (Visakhapatnam): When?

SHRI VISHWANATH PRATAP SINGH: Today.

MR. SPEAKER: I have called upon Mr. Rajiv Gandhi.

(*Interruptions*)

SHRI DINESH GOSWAMI: I would like him to speak. But, after that I hope that you will permit me to make a legal submission on the submissions made by the Opposition.

SHRI RAJIV GANDHI (Amethi): Mr. Speaker Sir, the Prime Minister is right that Mr. Sathe had asked for an inquiry—Let me talk, I also know what has happened—by a Supreme Court judge. From what I read in the newspapers, I find that the inquiry that has been contemplated by the government is an inquiry into the murder of an individual. Sir, that is only part of the issue. The issue in Meham is a murder of our democratic process. (*Interruptions*)

[*Translation*]

MR. SPEAKER: I request you to, listen passionately to the leader of the opposition also as you listened to the Hon. Prime Minister. Later on I will call the Minister of Law.

(*Interruptions*)

[English]

SHRI RAJIV GANDHI: After they have finished, I will speak Sir..... (Interruptions)... Sir, we would like to have a clear understanding and a clear undertaking from the Prime Minister here today... (Interruptions)... If they want a separate Supreme Court judge to sit on Amethi, let them appoint a committee. But let us not try to underrate what has happened in Meham by raising other issues here. Let us be clear about that. I want a commitment from the Prime Minister here, in this House, today that the Supreme Court judge will inquire not only into the murder of an individual but also in the misuse of all the Government machinery, in the subversion of democratic forces and not just in the by-election of Meham... (Interruptions) ... Sir, I want a clear commitment that the Supreme Court judge will look into the misuse of Government machinery and the hijacking of the democratic process. He should not only look into this by-election but also in the election that took place in February. He should also look into the failure of the Election Commission to ensure security for all the candidates and also the failure of the Central Government to take action at the right time, i.e., February. There can be no unbiased exercise of going into all these things as long as this Government sits in Haryana. We demand Presidents' Rule and a commitment now. (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): If a Supreme Court judge is not available, Mr. Shankaranand can be appointed as one-man Commission of Inquiry! (Interruptions)

SHRI RAJIV GANDHI: One more point, with your permission.

The Prime Minister has just said that he cannot act immediately. The Prime Minister has been waiting since February to act. I request him to act at least now.

SHRI VISHWANATH PRATAP SINGH: I think there is a lapse of memory on a part of the Leader of the Opposition. He has forgotten that in February itself, as soon as the matter came, I myself personally, as the President of the Janta Dal, contacted the Election Commissioner and requested him, as the Party President, not as the Prime Minister, because that is not the relationship with which you approach the election Commissioner, for a repoll of the Meham election. Immediately that was done... (Interruptions)

Look here, you never did it... (Interruptions).

Is there any one incident where you have done it? Tripura passed away; and Amethi also. Much water has flowed. But we do not want to sacrifice the right. ?We ourselves, the Janta Dal itself, asked for repoll; maybe first time a party asking for a repoll.

The Home Minister also sent a copy of the newstract to the State Government for immediate action, for investigation and report back to the central Government.

Presently, we have immediately responded by a judicial enquiry. And as it is a Cabinet system and we have collective responsibility, it is necessary to create all the inputs, constitutional inputs, legal inputs, and political inputs, take stock of it and come with a decision to the Parliament. Also, with the terms of reference once framed, we will come before the Parliament. We have agreed to the demand for enquiring by a Supreme Court Judge as also the CBI enquiry.

SHRI RAJIV GANDHI: As I understand, the Prime Minister has just refreshed my memory of the devastating action that his Government took after February. What was this devastating action to protect democracy in Haryana? The Prime Minister himself phoned the Election Commissioner and he

asked for a repoll. How many times in the history of this democratic country has the Prime Minister used his influence on the Election Commissioner?

SHRI VISHWANATH PRATAP SINGH: I have told you that as President of the Janata Dal, I told the election Commissioner, not as Prime Minister. You do not listen; because you do not listen, you are in trouble. I said, as President of the Janata Dal, in that capacity I had told him. I made it very clear, but you do not listen. You are not listening properly. I said—in my capacity as the Janata Dal President.

SHRI RAJIV GANDHI: I am very deeply impressed by this value-based politics of our Prime Minister. He thinks that by taking his cap off, he becomes the President of the Janata Dal and he is no more the Prime Minister. Does the Election Commissioner not know that it is the Prime Minister that is phoning him? Did I as the President of the Congress even once phone the Election Commissioner to influence him on a poll? The fact of the matter is that the Prime Minister has used his position, misused his position to influence the Election Commission, and it is the Prime Minister's telephone call to the Election Commission which called the repoll in the whole constituency, which countermanded that election. If the Prime Minister had not phoned, the Chief Minister would have lost that election. The Prime Minister by phoning the Election Commissioner saved the Chief Minister of Haryana from losing the election. If that is not true, Sir, let the Prime Minister lay on the Table of the House a tape recorded copy of the conversation with the Election Commissioner. Let him lay it on the Table of the House. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Sir, I am ready if the Election Commissioner is ready to put his versions before the House.

(*Interruptions*)

Now, hold on for a minute. Sit down. I am on my legs. (*Interruptions*)

SHRI RAJIV GANDHI: Sir, I am not yielding. (*Interruptions*)

MR. SPEAKER: Please take your seat. Absolutely, there is no problem. I think the whole thing is going on well. After the Leader of the Opposition finished speaking, Prime Minister stood up. Let the Prime Minister speak now. If he yields, I have no objection.

(*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Mr. Speaker, Sir, I am on my legs. (*Interruptions*)

SHRI RAJIV GANDHI: Sir, you asked me to speak.

MR. SPEAKER: I can accommodate you. There is no difficulty. Yes, Mr. Prime Minister.

SHRI VISHWANATH PRATAP SINGH: Sir, the Leader of the Opposition has charged me of trying to influence the Election Commissioner. The fact that I phoned him up, came in the Press and I publically acknowledged it that a President of the Janta Dal I rang him up and requested for a repoll and not for countermand. It was not behind the scene. It was made public. (*Interruptions*)

It was followed by a request from the Party Secretary to the Election Commission—also in writing—for the repoll. There was no method of people around me sending words. I directly made a request and it was mentioned publically because I thought it to be corrective. It was formally followed by a request by the Party. So, we acted in the best interest of the democracy.

SHRI DINESH GOSWAMI: Sir,....

MR. SPEAKER: Let us hear the Leader of the Opposition. It will call you afterwards.

SHRI RAJIV GANDHI: Sir, I take very strong exception to the Prime Minister using the words 'sit down'. Only you have the right to say sit down. Prime Minister does not have a right to say so. I demand that those words are expunged.

MR. SPEAKER: I will look into it.

(Interruptions)

SHRI RAJIV GANDHI: Sir, if you look into it, we will abide by whatever you say. *(Interruptions)*

SHRI RAJIV GANDHI: Sir, let me get to the two substantive points that the Prime Minister has made. I have charged the Prime Minister of inaction from February till now. I have charged the Prime Minister and the Government as being responsible for what has happened in Meham now. If they had taken action in February, this perhaps would not have happened. The Prime Minister has answered saying that his Government took dramatic action. What are the two-action point that he just mentioned?

SHRI SOMNATH CHATTERJEE (Bolpur): What is this question-answer going on? *(Interruptions)*

SHRI RAJIV GANDHI: Sir, the Prime Minister mentioned only two actions that their party and Government have taken. One action which, I think, is highly irregular, was for the Prime Minister to telephone the Election Commissioner. He can pretend he is wearing any cap or no cap at all. It does not make a difference. The second action—the massive thing the Government did. What did the Government do? The Home Minister sent a copy of the *Newstrack* report to the

Haryana Government. Is that the limit of the action this Government has taken? These were the only two points. This is exactly the point I have been making. It is the vacillation and prevarication of this Government. Perhaps that is what V.P. stands for (*Interruptions*) that has caused the death in Meham. It is time that the Government woke up and took action; and this Opposition will not stand by and watch our democratic process being subverted and ended, just because of vacillation and prevarication by this Government. *(Interruptions)*

SHRI DINESH GOSWAMI: I yielded twice..... *(Interruptions)*

MR. SPEAKER: Mr Biplab Babu, let us hear the Minister.

SHRI DINESH GOSWAMI: I yielded twice when the Leader of the Opposition stood up, and I hope he will show the same course to me, and permit me to have my say without interruption. The Leader of the Opposition has said that the Prime Minister had influenced the Election Commission. Unfortunately, the Election Commission is under the Law Ministry, and the Leader of the Opposition and his party.... *(Interruptions)* Let me complete. Please listen to me. Unfortunately up till now, his Government did not have the courage of conviction to give total freedom to the election Commission. We are bringing an amendment to give total freedom to the Election Commission.

Sir, it is the greatest thing in Indian democracy that inspite of the fact that their Government tried to keep Election Commission under their control, by keeping it under the Law Ministry, the Election Commission has acted independently, and has preserved the democratic structure in the country so long. *(Interruptions)* The Leader of the Opposition, by saying that the Prime Minister has influenced the Election Commission, has cast a reflection on the Election Com-

mission, and thereby has affected the credibility of the election Commission. He does not realize the greatest disservice he has done by casting aspersions on the Election Commission. The Election Commission in this country, inspite of pressures by these members, including the Leader of the Opposition and his partymen, has acted independently; and I admire and congratulate the Election Commission for their independence. (*Interruptions*)

SHRIP. CHADAMBARAM: What is your point?

SHRI DINESH GOSWAMI: The Election Commission in this country, inspite of tremendous pressure and pulls, have acted with independence. Now, I congratulate the Janata Dal... (*Interruptions*)

MR. SPEAKER: Mr. Biplob Dasgupta and Mr. Agarwal, please take your seats. Let us hear the Minister.

SHRI DINESH GOSWAMI: I hope that when the new Electoral Reforms Bill which I am introducing, comes up—which will give total freedom to the Election Commission—it will get the support of these Members. (*Interruptions*) Mr Bhagat, in the meeting, did not have the courage to support it. I cogratulate the Janata Dal that at least it has the courage to ask for the report. (*Interruptions*)

I wish the Leader of the Opposition also has the same courage. In the last election, we saw booth capturing. Where was the courage of conviction in the last election? (*Interruptions*) That is a difference of approach between you and us. Under the law, the Election Commission had no other alternative but to countermand it. (*Interruptions*) Under the law, a report need not come. In fact, we are going for an amendment that there should be a report in case there is a booth-capturing. (*Interruptions*) These are

the faults in the law for which you must take the responsibility, because you did not correct them.

A demand has been made for the President's Rule. (*Interruptions*) Let me explain the legal position of the President's Rule. Under Article 356 of the Constitution of India, the jurisdiction to exercise power for imposition of the President's Rule rests with the Executive and no other authority. It is on a report of the Governor, or otherwise, that the Executive has to be satisfied that power under Article 356 should be exercised. The Legislature comes much later. Once the imposition of the President's Rule is ordered, the Proclamation has to be placed before Parliament, and the legislators then have an opportunity to look at the Proclamation. Nobody can influence the Executive when it decides whether the President's Rule should be imposed or not. Any influence on the Executive on the question of satisfaction either by the Legislature or even by the Judiciary will be wholly extraneous. If the Executive, not on its own but on the demand of some one else including the Legislature, exercises power under Article 356, that will be a *malafide* exercise of power. (*Interruptions*) The powers of the Executive and the powers of the Legislature are totally different. A legislature cannot act as an Executive. Under Article 356, no House by a majority even can say that the Executive must impose the President's Rule. That will an illegal exercise of power. No High Court can say that the Government must exercise power under Article 356. The Executive, on a report of the Governor and other materials, has to be satisfied. There had been decisions by the Supreme Court, there had be decisions by the other courts that this exercise of satisfaction by the Executive must been its own satisfaction; even this satisfaction can be examined to a limited extent by a court of law, whether it is *malafide* or not. Therefore, I submit that the Parliament has no power to demand that the Executive must

impose the President's Rule. The Members have a right to demand it. I am not saying for a moment that the Members cannot demand that the President's Rule should be imposed. But, ultimately, a decision must be the Executive alone; and no motion can be..... *(Interruptions)* I will conclude by saying that unfortunately to the Members of the Opposition, the Constitution does not matter. They had over-ridden the Constitution times without number with impunity. Therefore, constitutional niceties do not have any meaning to them. To us the Constitution is important. We will not do anything which is not permitted by the Constitution itself. *(Interruptions)*

MR. SPEAKER: I think we are discussing the Nagaland issue under Rule 189.

(Interruptions)

MR. SPEAKER: I think since we have not suspended the Question Hour, let me proceed with the Question Hour.

(Interruptions)

SHRI DINESH SINGH: The hon. Law Minister was pleased to explain to the House the constitutional position regarding the imposition of the President's rule. He is a learned lawyer.

MR. SPEAKER: You are no less.

SHRI DINESH SINGH: I am not. Both the Speaker of this House and I are not lawyers and therefore we can use our common sense.

MR. SPEAKER: He has also conceded the rights of the Members to discuss about the President's Rule.

SHRI DINESH SINGH: I would like to draw his attention to Article 356 of the constitution. I think he has the book.

SHRI SOMNATH CHATTERJEE: The Article most misused by you!

SHRI DINESH SINGH: There are some people more loyalist than the King. But we have to live with them. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: We are the victims.

SHRI DINESH SINGH: Article 356(1) says:

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provision of this Constitution....."

So, there is a power of the President to act without the recommendation of the Government and therefore, I request that the Prime Minister recommend to the President without the need of a recommendation from the Governor to impose President's Rule immediately. *(Interruptions)*

SHRI DINESH GOSWAMI: I am happy that Mr. Dinesh Singh has now conceded my position. *(Interruptions)* I am happy that the hon. Member Shri Dinesh Singh has now conceded the position which I took. I say that the President either on the report of a Governor or otherwise may come to a conclusion that the constitutional machinery has broken down and impose a President's Rule. I am not saying that the Government is bound by the Governor's report. The Executive perhaps may take a decision. The Parliament has no right to demand that the Executive must take such a decision. *(Interruptions)*

MR. SPEAKER: I have called Mr. Advani. Let us hear him.

(Interruptions)

SHRI L.K. ADVANI (New Delhi): Mr. Speaker, Sir, even though it is somewhat late, I think a wrong precedent would be set if even now we do not start the Question Hour. (*Interruptions*)

MR. SPEAKER: I agree with you, Mr. Advani. Let us start the Question Hour. I completely agree with you. Let me start the Question Hour.

SHRI P. CHIDAMBARAM: We are discussing Nagaland. (*Interruptions*)

MR. SPEAKER: You can discuss it in the house later on. Dr. Bengali Singh.

ORAL ANSWER TO QUESTION

[*Translation*]

Ban on Smoking

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*901. DR. BENGALI SINGH:
SHRI P.M. SAYEED:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government have taken a decision for imposing a limited ban on smoking and if so, the places selected for this purpose;

(b) when the directives imposing a ban on smoking will become effective;

(c) whether Government have conducted any survey in this regard and if so, the details thereof; and

(d) if not, the reasons therefor?

[*English*]

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI NILAMANI ROURAY): (a) and (b). The Government has issued orders on May 7, 1990 prohibiting smoking in a few selected places, namely, hospitals, dispensaries and other health care establishments, educational institutions, conference rooms, domestic air-flights, air-conditioned chair cars, air-conditioned sleeper coaches in trains, suburban trains and airconditioned buses. The ban comes into effect after 30 days of the issue of the order.

(c) No, Sir.

(d) Overwhelming Scientific evidence already exists to established the fact that passive smokers are as prone to smoke related diseases as the smokers themselves.

(*Interruptions*)

[*Translation*]

DR. BENGALI SINGH: Mr. Speaker, Sir, what action is proposed to be taken by the Government against the persons defying ban on smoking? Will they be prosecuted? If they are to be punished then what will be the nature and mode of punishment to be given to them and how... (*Interruptions*)...

[*English*]

SHRI NILAMANI ROURAY: Although we have not conducted any regular survey to indicate the number of victims of the evil effects of the smoking habits yet the occasional sample survey undertaken by various organisations established the serious, alarming and hazardous consequences of tobacco smoking. India is the third largest producer of tobacco, next to U.S.A. and China and our excise revenue from tobacco products