

Tobacco Control In India: Accomplishments Challenges and Opportunities

Four Non-Communicable Diseases

Four Shared Risk Factors

	Tobacco Use	Unhealthy diets	Physical Inactivity	Harmful Use of Alcohol
Cardio-vascular				
Diabetes				
Cancer				
Chronic Respiratory				

TOBACCO USE IS THE LEADING PREVENTABLE RISK FACTOR FOR NCDS

Tobacco use: A complex problem for India

- Smoking

- Cigarette
- Bidi
- Cheroot
- Cigar
- Hookah

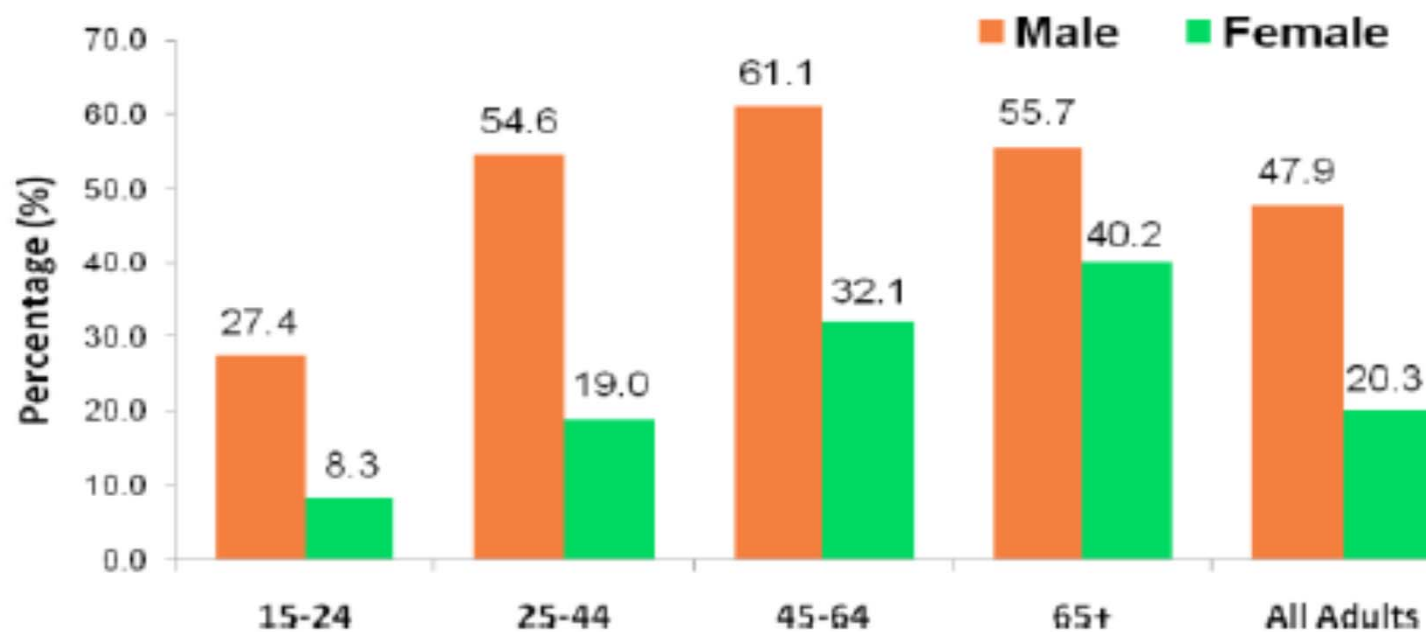


- Smokeless

- Khaini
- Gutkha
- Snuff
- Zarda

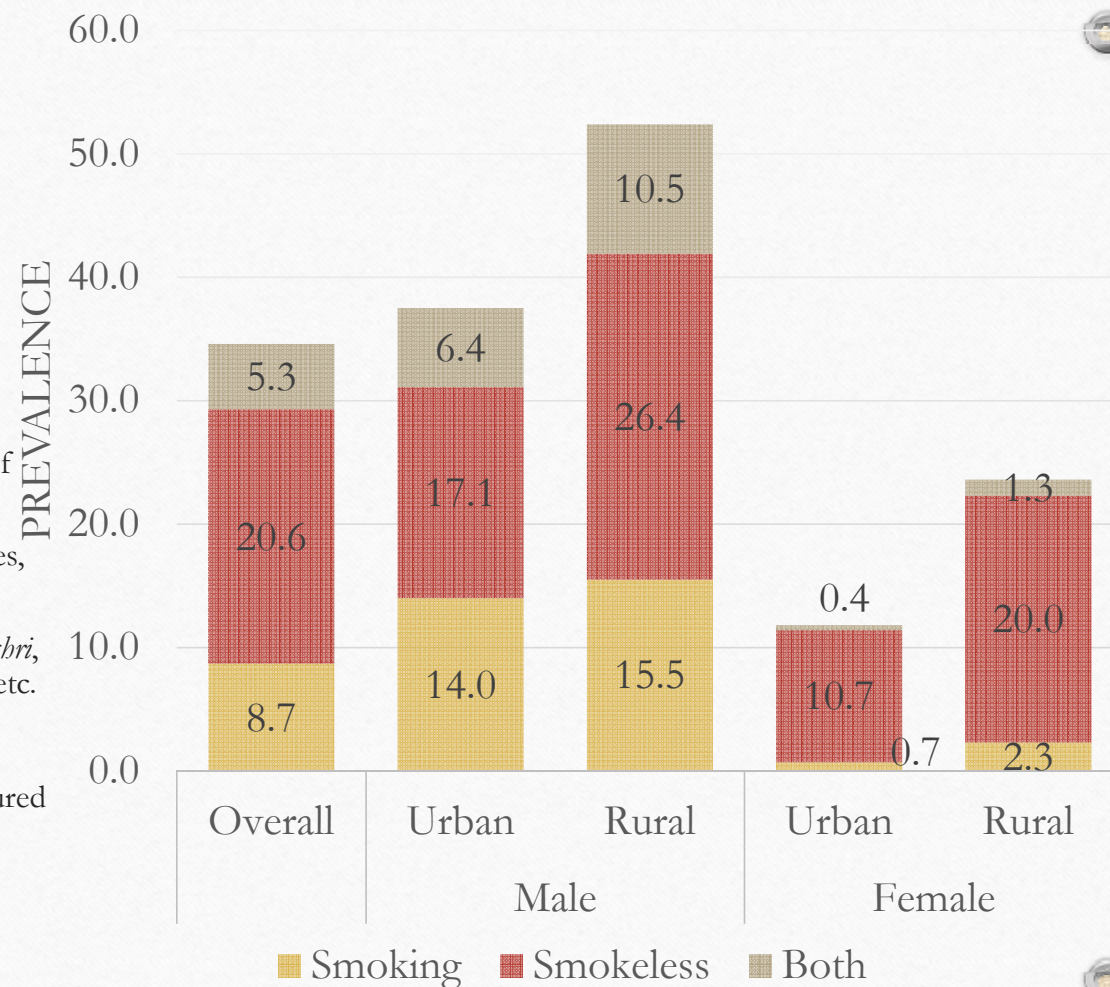


Current Tobacco Use Prevalence by Age Group and Gender / GATS India, 2009-2010



Consumption of Tobacco

- The myriad varieties of tobacco products and patterns of use poses a unique regulatory challenge for India.
- Nearly 9% smoke cigarette, bidi, cigar, *hookah*, water pipes, *chuttas*, *dhumti* and chillum etc.
- About 21% use smokeless tobacco e.g. *khaini*, *gutkha*, *mishri*, *mawa*, *gul*, *bajjar*, *gudakhu*, snuff betel quid with tobacco etc.
- And more than 5% use both.
- Products like bidis and smokeless tobacco are manufactured in unorganized sector.



Increasing tobacco use among youth

- As per the Global Youth Tobacco Survey 2009 (India), 14.6% (Boy = 19.0%, Girl = 8.3%) of youth (13-15 years) use tobacco in some form.
- Sixth grade students are two to four times more likely to consume tobacco as compared to eighth grade students.
- Gender gap is narrowing with more young girls starting to use tobacco.

Tobacco: Death, Disease and Poverty

- In India, more than one million deaths annually are attributed to smoking alone.
- Tobacco use contributes to approximately 60% of all CVD death in India, and 42% and 18% of cancer death among men and women respectively are due to tobacco use.
- Tobacco use is not only a health burden, and huge economic losses are incurred due to massive expenditures on the treatment of diseases caused from tobacco use.
- It is estimated that expenditures on tobacco and on health care cost due to tobacco related diseases impoverishes roughly 15 million people in India.
- The overall economic burden of tobacco related diseases has been estimated at \$22.4 Billion in 2011

Efforts to tackle the menace

- The Cigarettes Act, 1975
- The Kerala High Court, 1999
- The Supreme Court of India 2001
- The Cigarettes and Other Tobacco Products Act, 2003
- Framework Convention on Tobacco Control (**in force since 2005**)
- The National Tobacco Control Programme 2007
- Ban on Gutkha/Smokeless Tobacco 2012 onwards

The Cigarettes Act 1975

- All Cigarette packs and their advertisements to have the statutory warnings i.e.

“Cigarette smoking is injurious to health”

- Only cigarettes covered all other tobacco products remain beyond the ambit of the law

The High Court of Kerala – 1999

K. Ramakrishnan and Anr. Vs. State of Kerala and Ors.

- *“Public health action by policy makers to eliminate exposure to environmental tobacco smoke (ETS) is long overdue. A total ban on smoking is preferred on various grounds. Policy makers should pursue all strategies that would help accomplish that goal, including education, legislation, regulation, litigation and enforcement of existing laws.”*
- *“Public smoking of tobacco in any form whether in the form of cigarettes, cigars, beedies or otherwise is illegal, unconstitutional and violative of Article 21 of the Constitution of India.”*

Narayana Kurup, J.

The Supreme Court of India - 2001

Murli S. Deora vs. Union of India and ors

- *“Fundamental right guaranteed under Article 21 of Constitution of India, inter alia, provides that none shall be deprived of his life without due process of law. Then-why a non-smoker should be afflicted by various diseases including lung cancer or of heart, only because he is required to go to public places? Is it not indirectly depriving of his life without any process of law? The answer is obviously-yes.”*
- *“Realising the gravity of the situation and considering the adverse effect of smoking on smokers and passive smokers, we direct and prohibit smoking in public places and issue directions to the Union of India, State Governments as well as the Union Territories to take effective steps to ensure prohibiting smoking in public places....”*

M.B. Shah and R.P. Sethi, JJ.

A Comprehensive Tobacco Control Law in 2003

- Salient provisions of The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003:
 - Prohibits smoking in public place. (S.4)
 - Prohibits direct and indirect advertisement of tobacco products. (S.5)
 - Prohibits sale of tobacco products to minors. (S.6)
 - Prohibits sale of tobacco products nearby educational institutions. (S.6)
 - Mandates depiction of pictorial health warnings on all tobacco packs. (S.7)

Section 4: Smokefree public places

“no person shall smoke in any public place”

- The Government of India passed new rules on **May 30, 2008** for effective realization of the objectives of smoke free environments as stipulated under the Indian law and Article 8 of the FCTC.
- These rules are effectively implemented since October 2, 2008.
- **Challenge: Short of 100% smokefree as it provides for DSR/smoking room/area**

Section 5: Prohibition on tobacco advertising, promotion and sponsorship (TAPS)

There is a total ban on all forms of direct and indirect tobacco advertisement, promotion and sponsorship.

However, **'on-pack', 'in pack' advertisement** and **'point of sale' advertisements** are still permitted with some restrictions.

List of tobacco products available for sale here:-

**Tobacco
Kills**

20 x 15 cms

1. Cigarette
2. Bidi
3. Gutkha
4. Khaini
5. Pan Masala
6. Zarda

Sample of Point of sale Advertisement board

Leading the way: TAPS ban in Films and TV programmes

- No advertisement or promotion in films and television programmes.
- It is mandatory to screen:
 - Health spots minimum thirty seconds at the beginning and middle of films and television programmes.
 - Health warning static message minimum 30 second upon display of tobacco use with effect from November 14, 2011.
 - Display an audio visual film on the ill effects of tobacco use minimum 20 seconds at the beginning and middle of films and television programmes.
 - Non compliance may lead to **suspension of license**.
 - **No films to be certified** without compliance with the rules.

Challenges in implementing TAPS ban

- Enforcement
- Surrogate advertisements
- Brand extension products
- Catchy Lyrics with Tobacco products or situations in films

Section 6: Prohibition on sale of tobacco products to and by minors and certain places

- Prohibition on sale of tobacco products to minors.
- Clear and prominent warning board at point of sale against sale to minors.
- No sale of tobacco products in any manner by which they are directly or easily accessible to minors.
- No sale of tobacco through vending machines.
- Prohibits sale of tobacco products within 100 yards of any educational institutions



Sale of tobacco products to a person below the age of eighteen years is a punishable offence.

60cm x 30 cm

Challenge: Enforcement

Section 7 - Pictorial Health Warnings (PHW) in India



PHWs in India

- Implemented in May, 2009.
 - Specified warning including a pictorial warning
 - Covers 40% of the front panel of the pack
 - Rotational (every 24 months)



For Smokeless Forms



For Smoking Forms

Pictorial health warnings in India from 1st April 2016

SLF image-1 First Year



WARNING
Tobacco causes
mouth cancer

SLF image-2 Second year



WARNING
Tobacco causes
mouth cancer

60%

Smokeless Forms (SLF)

SF image-1 First Year



WARNING
Smoking causes
throat cancer

SF image-2 Second year



WARNING
Smoking causes
throat cancer

25%

Smoking Forms (SF)

Challenges in implementing larger PHWs

- Numerous court cases against implementation of stronger and larger PHWs
- Commercial and vested interests
- Observation from the Committee on Subordinate Legislation of the Lok Sabha
- **Other countries moving towards plain packaging**

National Tobacco Control Programme (NTCP)

Ministry of Health and Family Welfare, Government of India

National Tobacco Control Cell

State Tobacco Control Cell

District Tobacco Control Cells

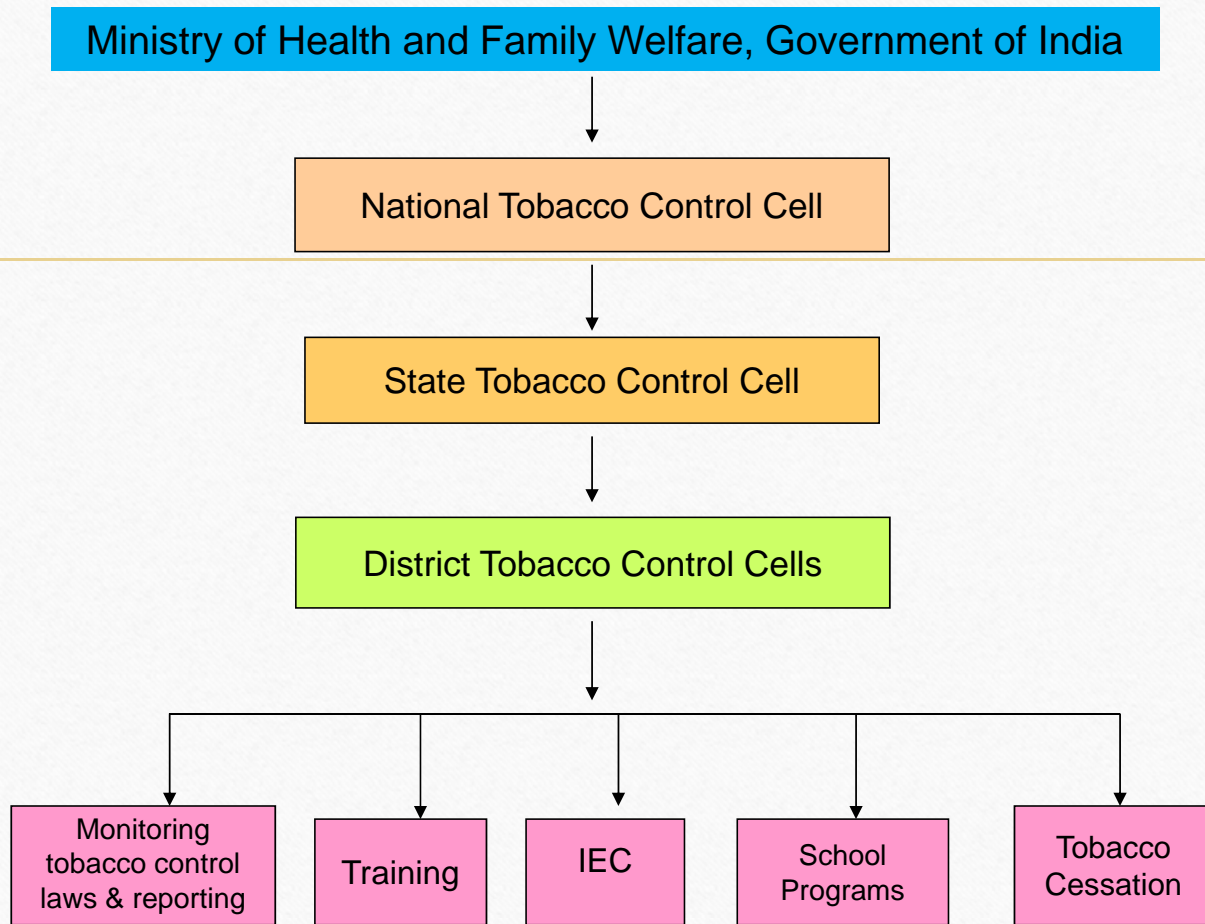
Monitoring
tobacco control
laws & reporting

Training

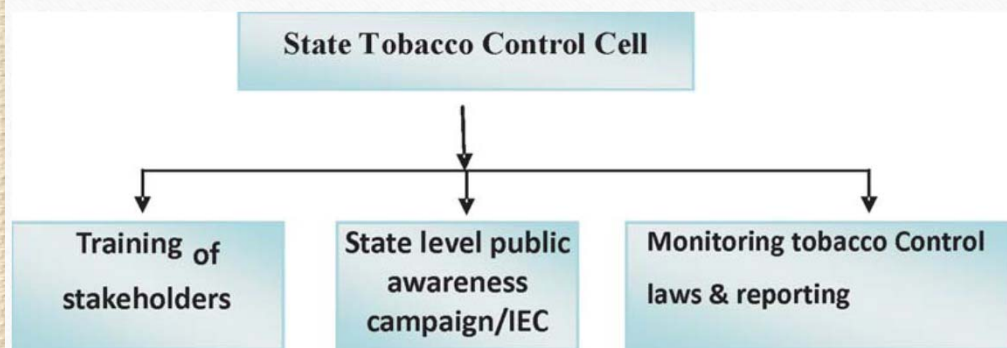
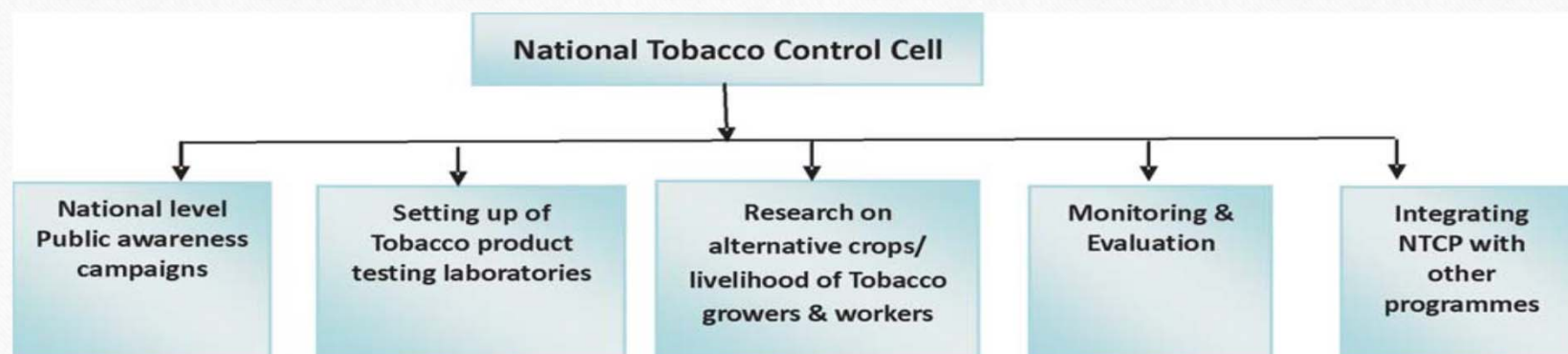
IEC

School
Programs

Tobacco
Cessation



NTCP Major Components and activities



District Tobacco Control Cell:

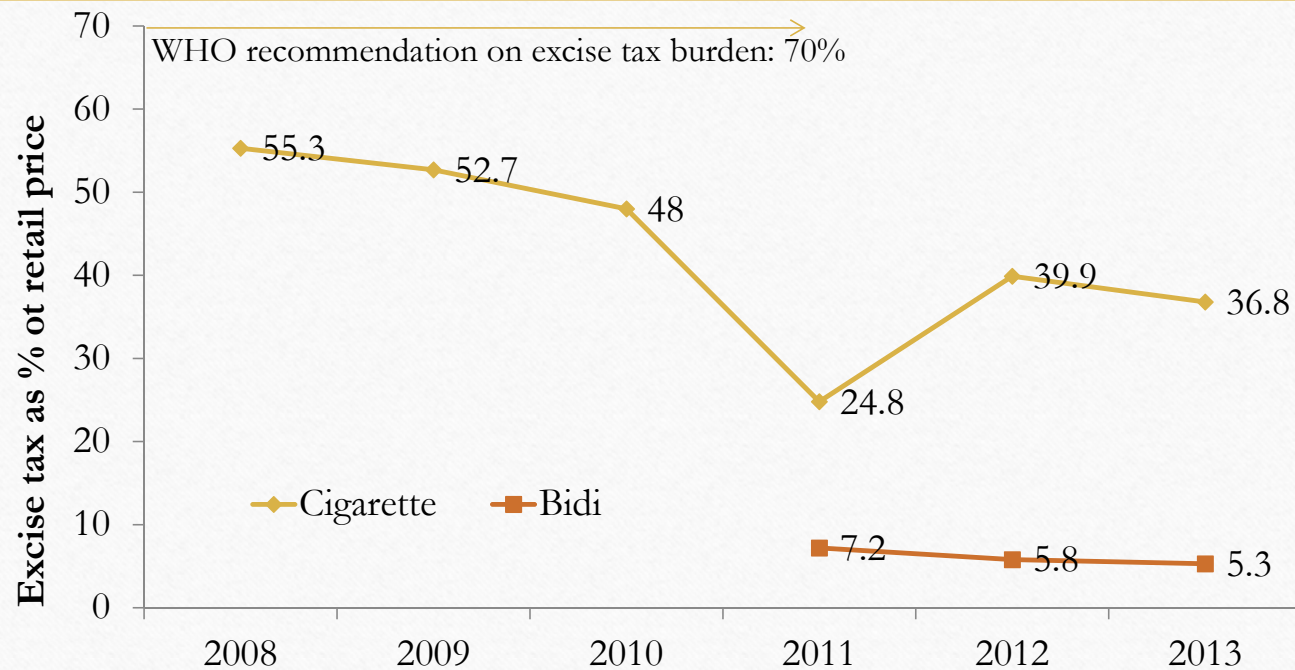
- Training and Capacity Building
- School Awareness Programmes
- Setting up and expansion of tobacco cessation facilities
 - IEC/ Media Campaign
- Monitoring the enforcement

Tobacco Taxation in India

- Tobacco taxation as a tobacco control measure not effectively used in India
- Products like bidi need to be taxed progressively
- Several tiers within a product category make tax administration cumbersome

“Raising bidi taxes to Rs 98 per 1000 sticks would add Rs 36.9 billion to tax revenues and prevent 15.5 million current and future smokers dying prematurely; increasing cigarette taxes to Rs 3691 per 1000 sticks would further add Rs 146.3 billion to tax revenues and prevent 3.4 million premature deaths.”

Tax Burden on cigarette and bidi



Food Safety and Standards (Prohibition and Restriction on Sales) Regulation, 2011 (dated august 1, 2011)

2.3.4: 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.

Juvenile Justice Act, 2015

- **S. 77** - Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug **or tobacco products** or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous **imprisonment for a term which may extend to seven years** and shall **also** be liable to a **fine which may extend up to one lakh rupees**.

State level action

- Several states have implemented prohibition on sale of Gutkha/SLT products
- Several states have imposed increased VAT on tobacco products including Bidis
- States prohibiting sale on ENDS
- Several states prohibited sale of loose tobacco
- States making it mandatory to take license to sell tobacco
- States prosecuting violation of JJ Act

Seventh Session of COP

- India is also going to host the 7th session of the Conference of Parties
- The world's largest gathering of tobacco control policy makers will witness serious debate on burning tobacco control policy issues including implementation of the WHO-FCTC.
- COP7 presents a great opportunity to present the tobacco control accomplishments and lessons learnt to the global community and in turn get benefitted from their experiences to advance tobacco control in India.

Way forward

- Implementation of the larger PHWs from April 1st 2016
- Preparations for a successful COP7 in November 2016
- Amendment to COTPA to make it robust, comprehensive and FCTC compliant
- Using tobacco taxation as an effective tool to curb tobacco use
- Keenly observing plain packaging developments globally and the discussion in India.



Dummy Plain Packs in Light Grey Colour



Thank You