

Tobacco Control Strategies in India

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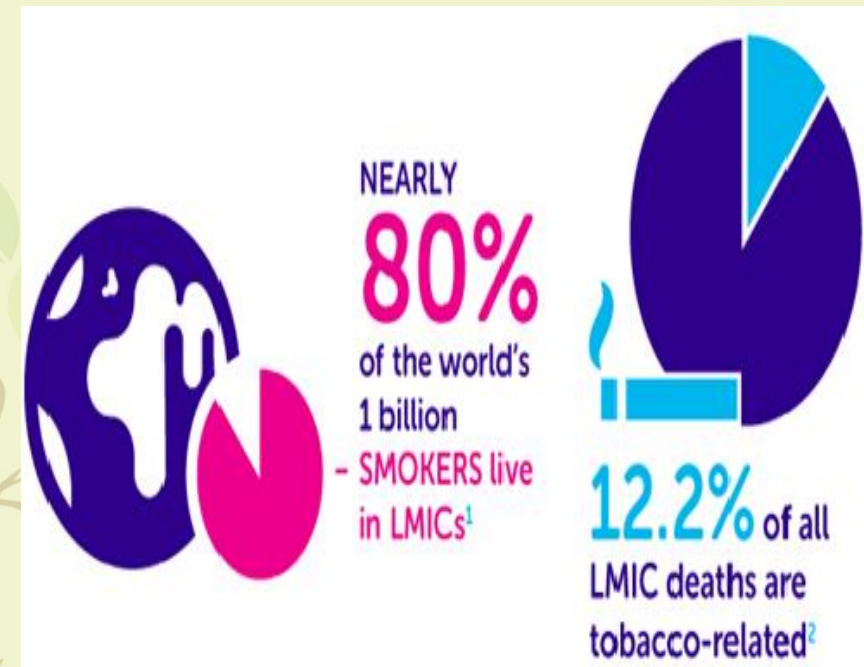
**Remember that the
tobacco is
the Villain !!**



Global Burden of Tobacco Use

• Tobacco kills

- Up to **half** of its users
- **>8 million** people annually
- **>7 million** [direct tobacco use]
- **1.2 million** [exposed to SHS]
- 2.5 million DALYs lost [**SLT**]
- 148.6 million DALYs lost [**Smoking**]



Source: World Health Organization, Factsheets- Tobacco (last updated on 27 May 2020)

<https://www.who.int/news-room/factsheets/detail/tobacco#:~:text=The%20tobacco%20epidemic%20is%20one,exposed%20to%20second%2Dhand%20smoke> .

[https://www.cancerresearchuk.org/Siddiqui et al, 2020](https://www.cancerresearchuk.org/Siddiqui%20et%20al,%202020); <https://bmcmmedicine.biomedcentral.com/articles/10.1186/s12916-020-01677-9> GBD 2015 Tobacco Collaborators; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5439023/>

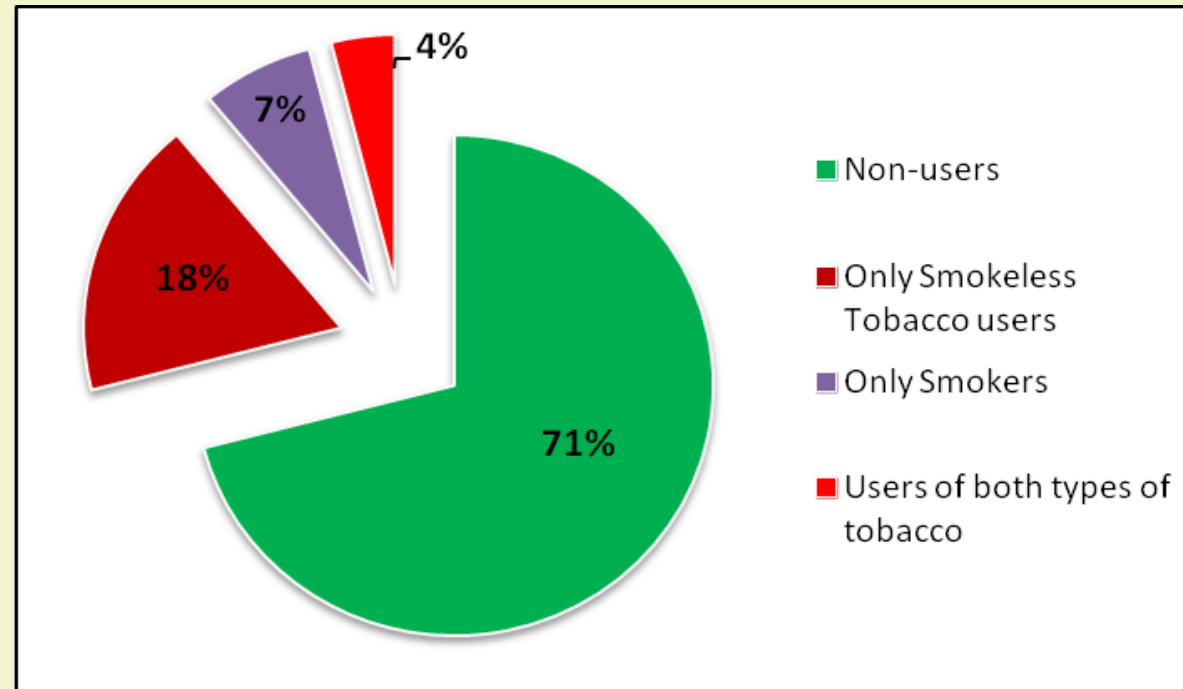
BURDEN OF TOBACCO USE - INDIA

2nd Largest
Consumer

2nd Largest
Producer



Burden of Tobacco Use- India



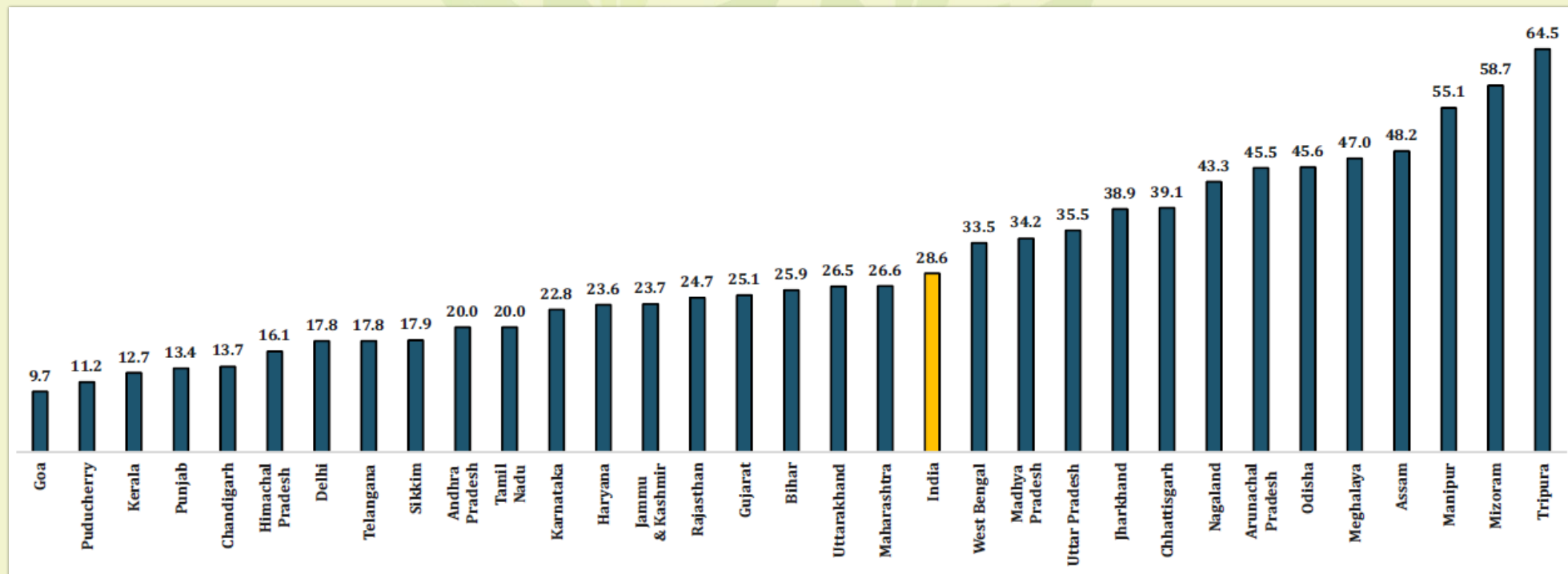
Global Adult Tobacco Survey-2 (GATS) India estimated the number of tobacco users in India is **26.7 crore**, with **19.9 crore users of smokeless tobacco**, **10 crore smokers** and **3.2 crore users of both smoking and smokeless tobacco**.

Source: Global Adult Tobacco Survey (GATS)-2, India (2016-17)

Burden of Tobacco Use Among Adults in India

Overall Prevalence of Tobacco use among adults:

6% decrease from GATS1 to GATS2



Source: Global Adult Tobacco Survey (GATS)-2, India (2016-17)

Burden of Tobacco Use - India

Smokeless Tobacco:

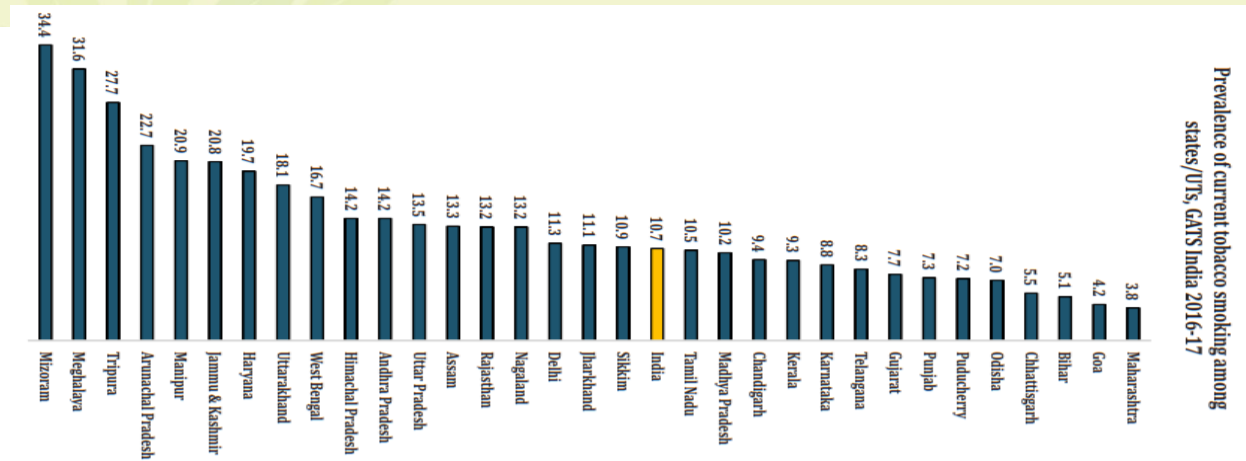
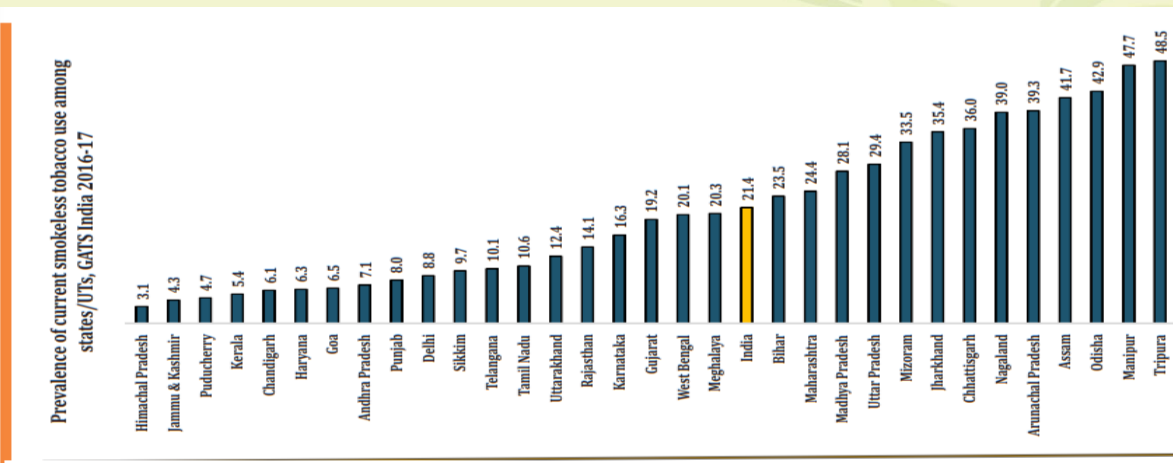
21.4% [199.4 million] of all adults

Males (29.6%) > Females (12.8%)

Smoking:

10.7% [99.5 million] of all adults

Males (19%) > Females (2%)



Source: Global Adult Tobacco Survey (GATS)-2, India (2016-17)

Source: Global Adult Tobacco Survey (GATS)-2, India (2016-17)

Burden of Tobacco Among Students in India

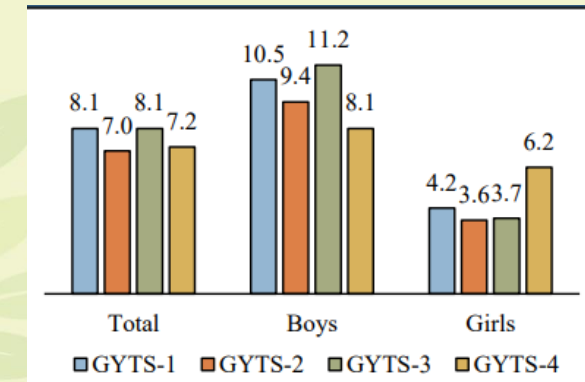
13-15 years school students

- **8.4%** use tobacco (9.4% and 7.0% in boys and girls)
- **7.2%** Current use of smoking tobacco
- **12.5%** Current use of smokeless tobacco
- **12 %** reported exposure to SHS in their homes

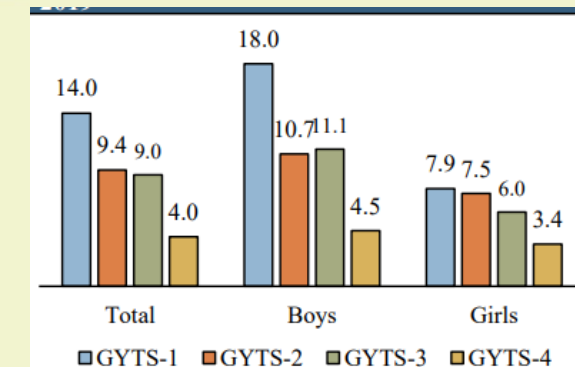


Source: Global Youth Tobacco Survey (GYTS) 2019, India

Current **tobacco smoking** by gender – GYTS India 2003, 2006, 2009 and 2019



Current use of **smokeless tobacco** by gender – GYTS India 2003, 2006, 2009 and 2019



FORMS OF TOBACCO USE - INDIA

Smoking

Smokeless



Gutkha



Mawa



Khaini



Mishri
(masheri)



Creamy



Qiwam



New Tobacco Products (Banned in India)



Electronic Cigarettes



HNBs



Herbal Tobacco Products



Juul Pods

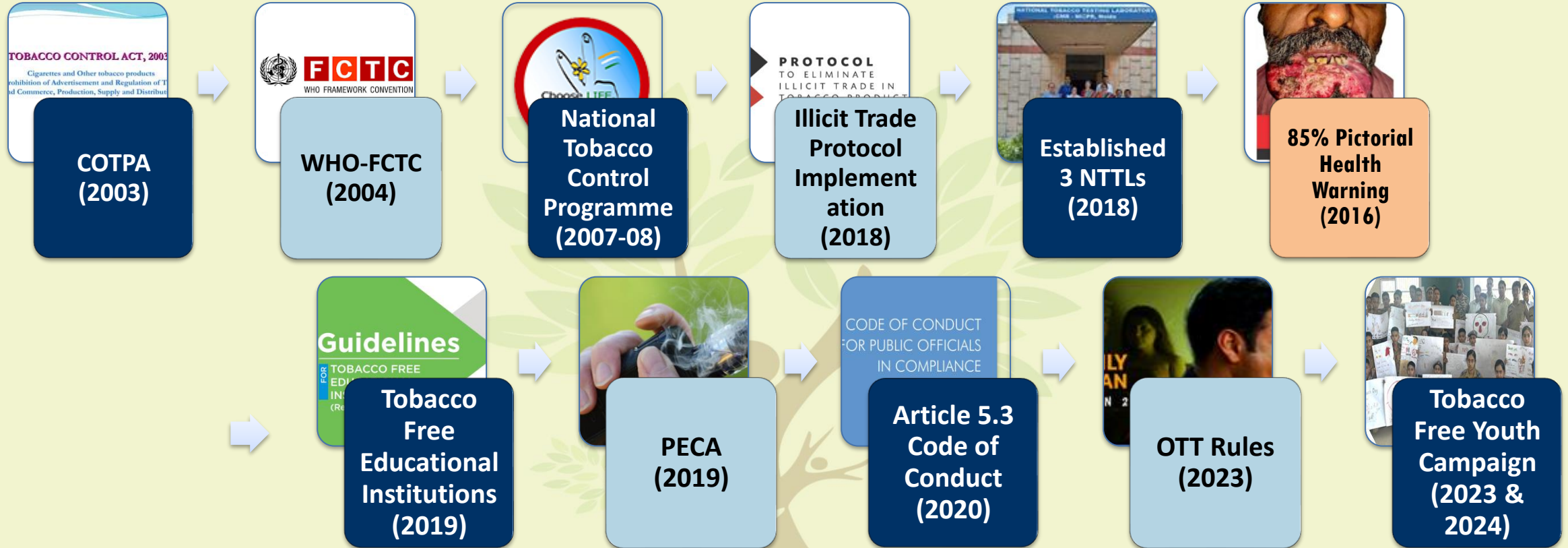


Vaping Pens



Nicotine Pouches

India's tobacco control efforts

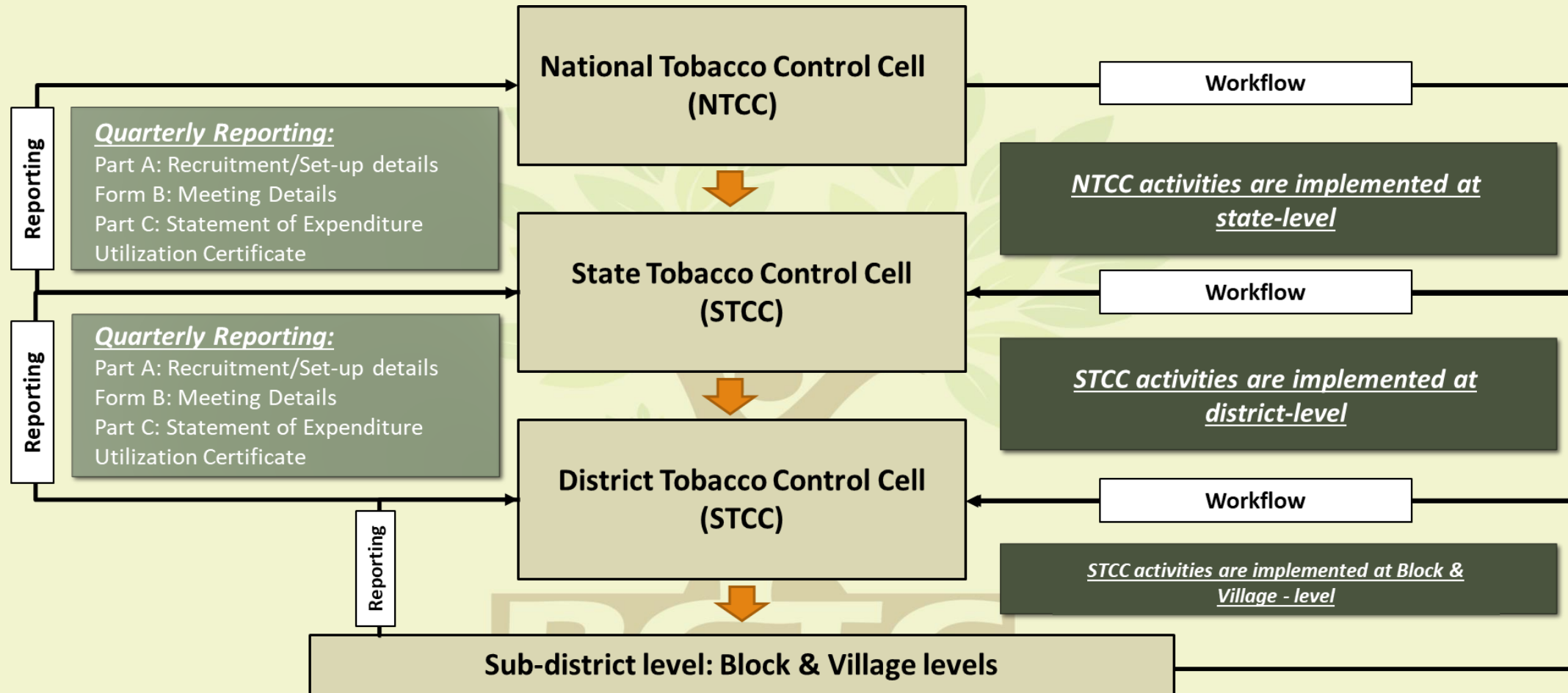


India is the **first country globally** to regulate tobacco depiction on OTT platforms.

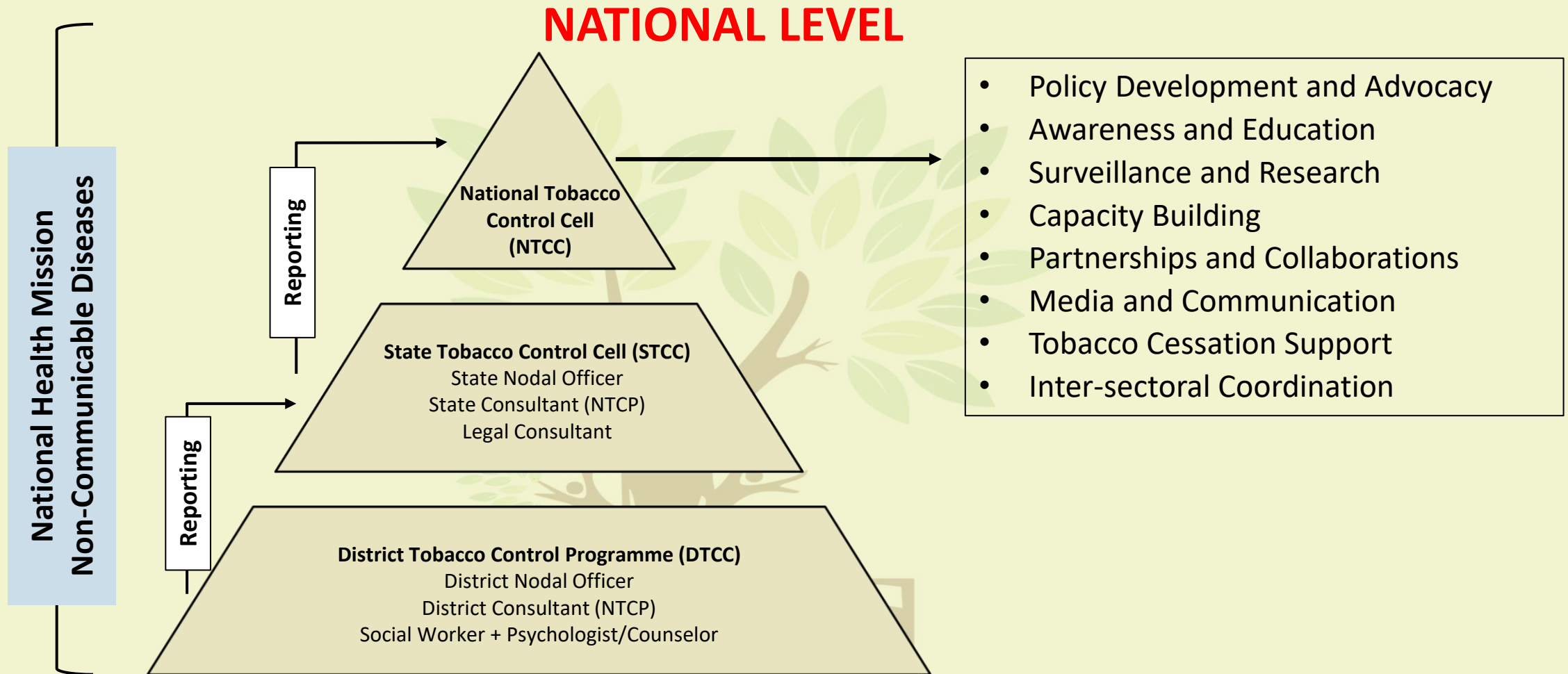


NATIONAL TOBACCO CONTROL PROGRAMME (NTCP)

NTCP. three tier structure

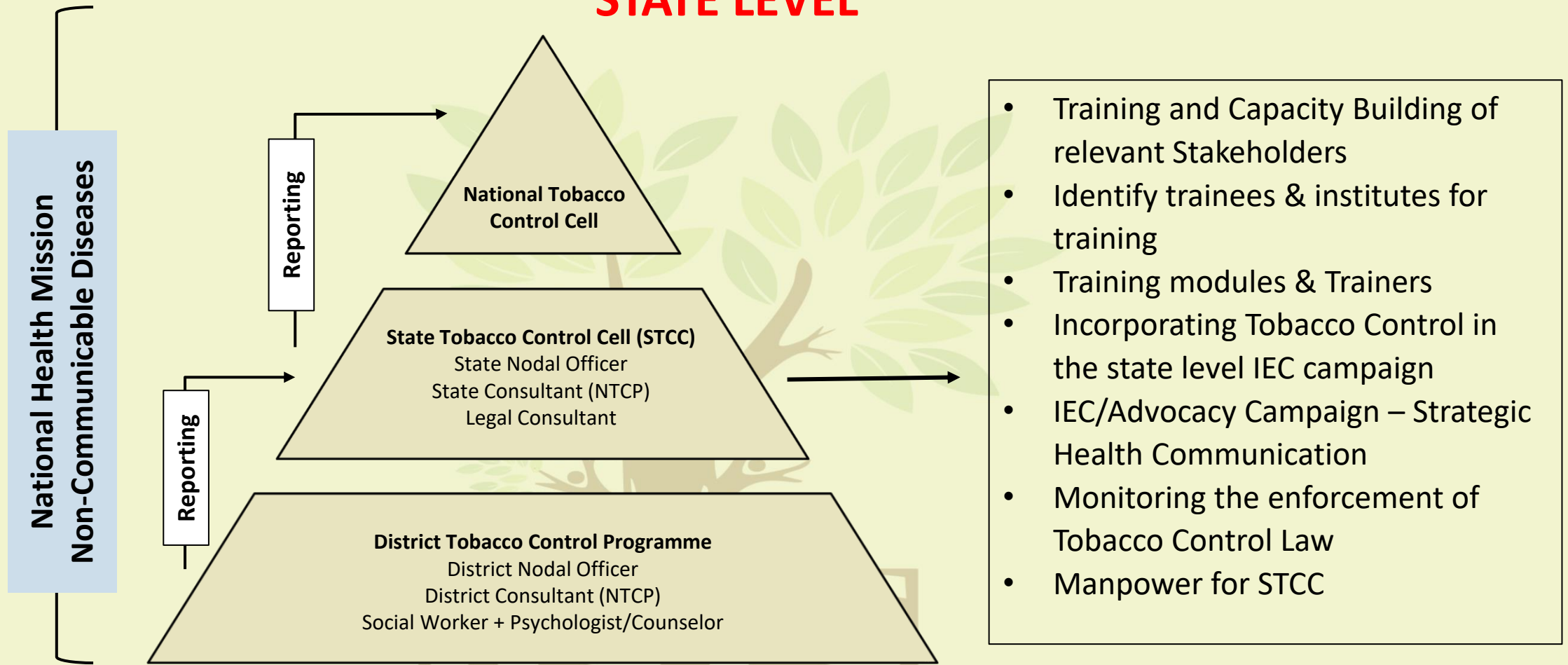


NTCP-staffing pattern and functions



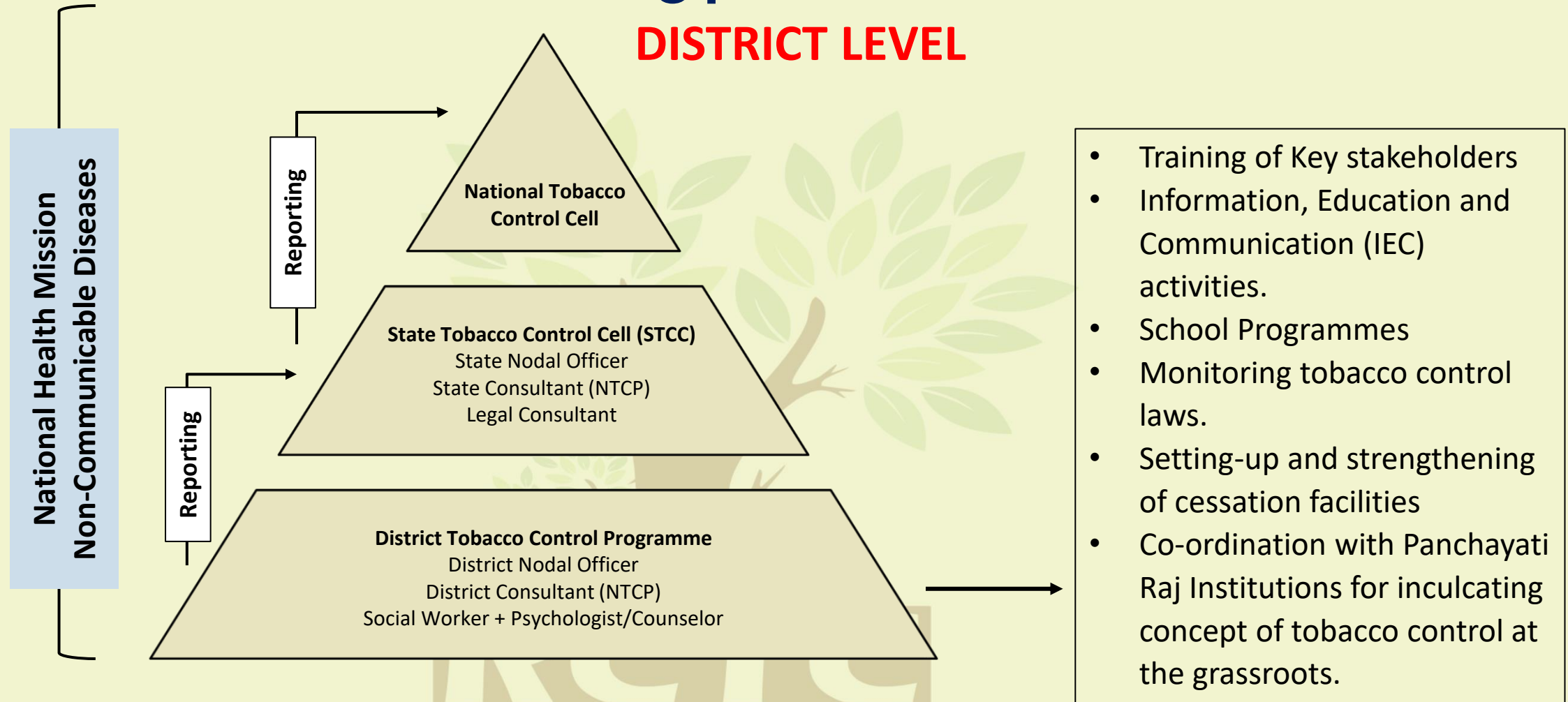
STOC-staffing pattern and functions

STATE LEVEL



DTOC-staffing pattern and functions

DISTRICT LEVEL



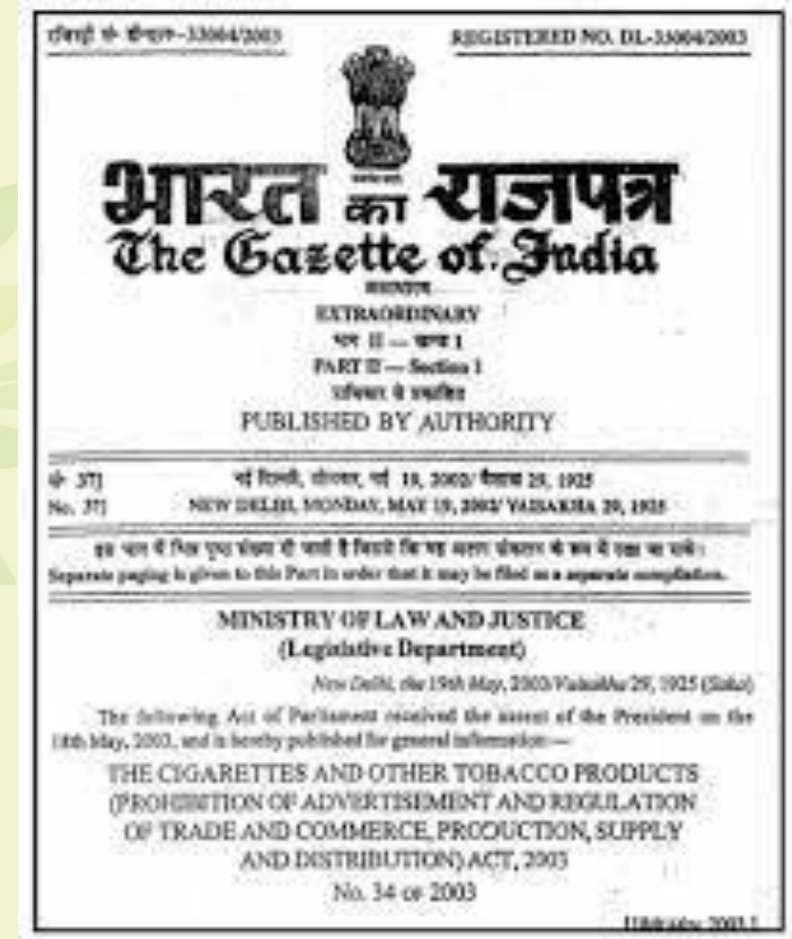
COTPA

Act 2003

The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA Act.)

Background

- COTPA was enacted by parliament in the fifty – fourth year of Republic of India In the year of 2003 and has undergone several amendments to strengthen its provisions and address emerging challenges related to tobacco control.
 - The primary objective of COTPA is to reduce the consumption of tobacco products and protect the health of the citizens of India.
 - To regulate the production, sale, distribution, advertising, and consumption of tobacco products.
 - The Act encompasses various provisions that aim to curb the tobacco epidemic in India, which has significant public health implications due to the various health risks associated with tobacco use, including various types of cancers, respiratory diseases, and cardiovascular problems.



Section 4: Prohibits smoking in public place.

- Protection from exposure to second hand smoke.
- Indian Law categorically provides that “no person shall smoke in any public place”.
- Initially rules framed in 2004 later comprehensive set of new rules on **May 30, 2008** notified for effective realization of the objectives of smoke free environments as stipulated under the Indian law and the FCTC.
- These rules are implemented since October 2, 2008.



Public Place (as per sec.4)

- 
- auditorium,
 - hospital buildings,
 - railway waiting room,
 - amusement centres,
 - bars, restaurants,
 - discotheques,
 - refreshment rooms,
 - banquet halls,
 - canteen,
 - coffee house,
 - pubs,
 - airport lounge (airports can have a facility of providing separate smoking lounge)
 - public offices,
 - court buildings,
 - educational institutions,
 - libraries,
 - workplaces (private offices)
 - shopping malls
 - cinema halls
 - open auditorium
 - Guest house
 - stadium
 - railway station
 - bus stop
 - public conveyances
 - And the like which are visited by general public

Statutory Signage for smokefree public places



Smoke-free signage to be placed at every

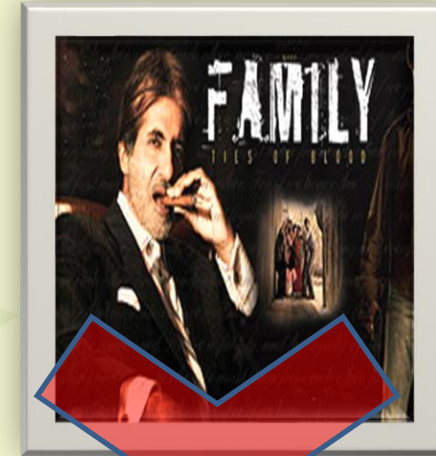
- Entrance;
- Floor;
- Staircase;
- Entrance of the Lift; and
- Conspicuous place(s) inside

Implementing smoke free rules at Hotel, Restaurant and Airport

- Only a **Hotel, Restaurant** (with 30 or more rooms or seating capacity) and **Airports MAY PROVIDE** for a 'Smoking Area Or Space'
- In **"SMOKING AREA"** only smoking and no other service(s) allowed; it should be:
 - Not at the entrance or exit
 - Physically separated and separately ventilated room
 - Full height walls on all four sides.
 - With automatic closing door that is generally kept close
 - The air is exhausted/ventilated directly to the outside
 - Smoke does not mix back in the supply air/non-smoking areas
- Hotels may have **"SMOKING ROOMS"** with similar specifications
- Such rooms should be in a separate section of the same floor or wing.
- In case of more than one floor/wing the rooms should be in one floor/wing

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

- ❖ Prohibits all forms of direct & indirect (surrogate) **advertisement** of tobacco products – these are prohibited in all forms of audio, visual and print media.
- ❖ Prohibits all forms of **promotion** of use or consumption of tobacco products.
- ❖ Prohibits promotion of trade mark or brand name of tobacco product in exchange for **sponsorship**, gift, prize or scholarship.



Violations of section 5



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

Section 6 (a)

Prevents **supply of tobacco to minors**

- Prohibition on sale of tobacco products to minors.
- Clear and prominent indicator at the 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.



Section 6 (b) – Warning Boards at Schools / Educational Institutions



The board should warn that:

Sale of cigarettes and other tobacco products in an area within a radius of 100 yards from this institution is strictly prohibited and the offence is punishable with a fine which may extend to Rs 200/-

Section-7, 8, 9, 10: Tobacco Product Packages

- All **tobacco product packages** produced/manufactured/imported for sale in India to carry **health warnings as specified by Rules**.
- The warning shall be **pictorial** in nature.
- The warning shall be **legible, prominent and conspicuous** as to size and colour.
- The package shall not contain any matter or statement **which is inconsistent with, or detracts** from the warning.



The pictorial health warnings in India (Packaging and Labelling Rules)

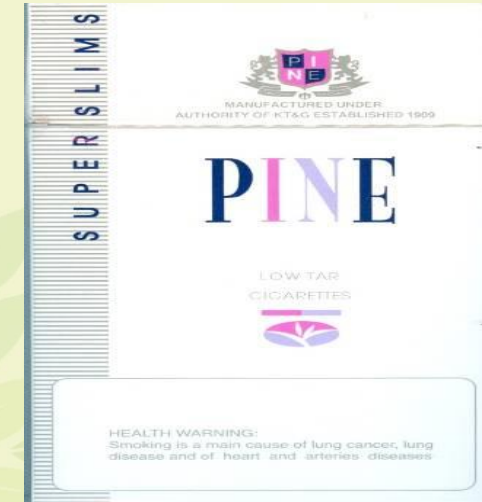
Notified in March 15, 2008 implemented since 31 May 2009

- Packaging & Labeling Rules 2008, mandating display of pictorial health warning covering **40% of front of tobacco packages** were enforced from 31st May 2009.
- Packaging & Labeling Rules 2014, mandating display of pictorial health warning covering **85% of both sides of tobacco packages** were enforced from 1st April 2016.
- Rules give detail of manner of display of warning for box, conical, cylindrical, box, carton and pouch type of packages.
- **Rotation** of images of warning **every 24 months**
- **No distractions on the pack:** The pack shall not display any messages, images and pictures that promote any specific brand or tobacco use and any matter or statement which is inconsistent with or detracts from the warnings on the package.



Images of Violation of PHWRules

- Packages with no warning/ old warning/inconsistent warning
- Single sticks/Loose Cigarettes/Beedis
- Promotional insert



Penalties under COTPA

- **Section 4: up to Rupees 200**
 - **Section 6: up to Rupees 200**
- Compoundable and Summary trial
- **Section 5:**
 - First conviction: up to **2 yrs jail or up to Rs.1,000 fine or both**
 - Subsequent conviction: **up to 5 yrs jail and up to 5,000 fine**
 - **Section 7:**
 - Producers or manufacturers:
 - First conviction: **up to 2 yrs jail or up to Rs.5,000 fine or both**
 - Subsequent conviction: **up to 5 yrs jail and up to 10,000 fine**
 - Seller or distributor:
 - First conviction: **up to 1 yrs jail or up to Rs.1,000 fine or both**
 - Subsequent conviction: **up to 2 yrs jail and up to 3,000 fine**

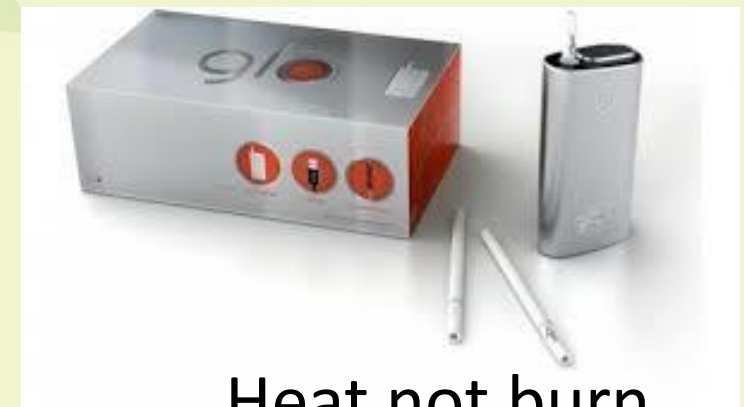
Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

Novel products promoted as “reduced harm” or “cleaner” alternatives



Electronic cigarettes

Ban on electronic cigarettes and heating products



Heat not burn

Food Safety and Standards Act, 2006

- 2.3.4: *“tobacco and nicotine shall not be used as ingredients in any food products.”*
- To fulfill the real import of the provision, state notifications under FSSAI to prohibit use of any kind of additives, scents, or flavourings in all tobacco products (e.g. fragrances, scented supari, slaked lime etc.).
- Regulation 3.1.1 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011, regulates the use of anti- caking agents (beyond the extent permitted) like carbonates of calcium and magnesium in foods products.



Ban on smokeless tobacco



Trademarks Act, 1999

- Section 9 (2) of the Trade Marks Act, 1999 suggests that trademarks shall not be registered if:
 - (a) it is of such nature as to deceive the public or cause confusion;
 - (b) it contains or comprises of any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India;
 - (c) it comprises or contains scandalous or obscene matter;
 - (d) its use is prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950.”



Juvenile Justice Act, 2015

- Juvenile Justice (Care and Protection of Children) Act, 2015, envision complete ban on sale and exposure of tobacco to minors.
- The provision of the Act is very stringent with severe punishment.
- “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.”



RCTC

Consumer Protection Act, 2019

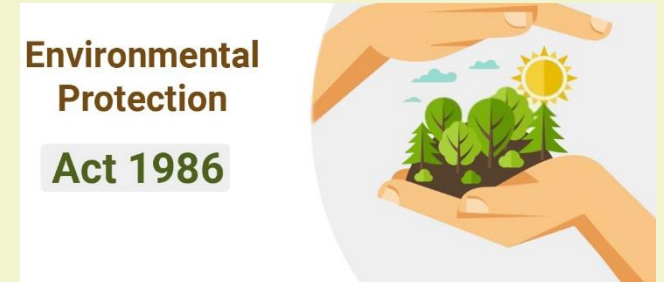
- The provisions of this Act can be invoked to protect the rights of the consumers against 'defective' products and 'deficient' services and against exposure to secondhand smoke.
- Tobacco and nicotine are per se defective and hazardous.
- Products sold in violation of the existing laws and regulations violate consumer's rights.
- S2.(6) "complaint" means any allegation in writing, made by a complainant for obtaining any relief provided by or under this Act, that—
- (v) the goods, which are hazardous to life and safety when used, are being offered for sale to the public—
- (a) in contravention of standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force;
- (b) where the trader knows that the goods so offered are unsafe to the public;



**Consumer
Protection
Act 2019**

Environment (Protection) Act, 1986

- **The Plastic Waste Management(Amendment) Rules, 2016**
- Rule 4 (f) mandates: Sachets using plastic material shall not be used for storing, packing or selling gutka, tobacco and pan masala.
- Rule 4 (i) of the said Rules, mandates: plastic material in any form including Vinyl Acetate, Maleic Acid, and Vinyl Chloride Copolymer, shall not be used in any package for packaging gutka, pan masala and tobacco in all forms.



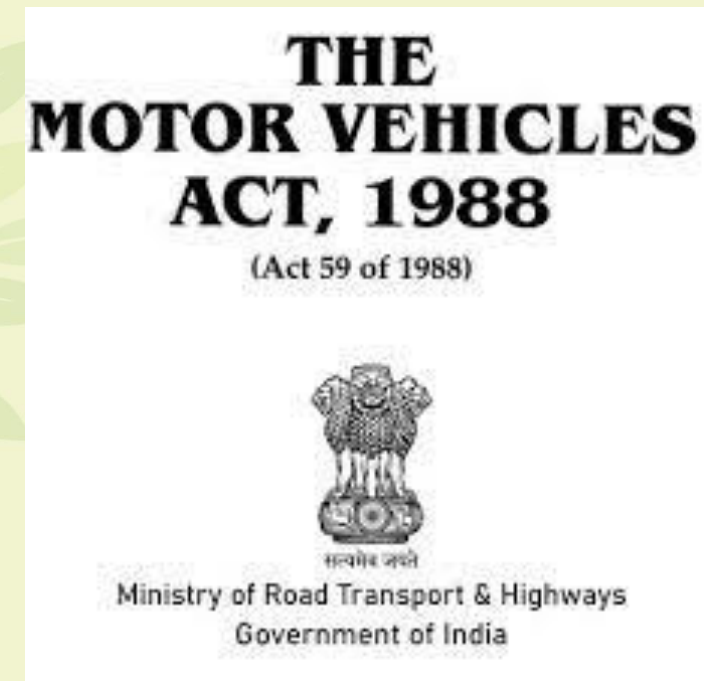
Drug and Cosmetics Act, 1940

- (i) The Central Government vide notification GSR 443(E), dated 30th April, 1992, under Section 33(EED) of the Drugs and Cosmetics Act, 1940 and Notification GSR 444(E), dated 30th April, 1992, under Section 26A of the Drugs and Cosmetics Act, 1940, prohibited the use of tobacco in tooth-pastes/tooth-powders.
- (ii) The sale, supply, import, manufacturing and trade of nicotine for human consumption in India is only permitted under “Schedule K” of “Drugs and Cosmetic Rules, 1945” at item No.33 wherein 2mg or 4mg of nicotine in Chewing Gums/Lozenges is permitted as an aid for nicotine replacement therapy (NRT).
- (iii) Section 18(c) of the Drugs and Cosmetics Act, 1940, states, no person shall himself or by any other person on his behalf, manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale, or distribute any drug, except under, and in accordance with the conditions of, a license issued for such purpose.



The Motor Vehicles Act, 1988

- Section 95 empowers state governments to make rules for conduct of passengers in private vehicles.
- Section 95(2)(h) specifically empowers the State Governments to make Rules, that requires a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited.





Thank you !!

