

Tobaccogate's overlooked aspects also require public scrutiny

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THE Tobaccogate is much deeper and wider than the din sparked by brazen attempts by a few BJP members of Parliament to ridicule the correlation between smoking and cancer and other diseases.

Certain grave aspects of Tobaccogate that have been overlooked by the mainstream media are:

- 1) two identical but separate parliamentary committees have taken diametrically opposite stance on the issue of enforcement of rules framed under Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA).
- 2) NDA Government's recent decision to consider cigarette licensing applications of certain companies in a completely non-transparent fashion.
- 3) The lobbying for cigarette industry in general and bidi industry in particular cuts across the political spectrum.

This recently resulted in production of unanimous but one-sided report for the bidi industry by Lok Sabha Committee on Subordinate Legislation (LSCSL), whose members include MPs from the Congress, Trinamool Congress, Biju Janata Dal, Anna Dravida Munnetra Kazhagam, Rashtriya Lok Samta Party and Sikkim Democratic Front.

Before elaborating these issues, we should appreciate Modi Government for showing the political will to jettison UPA's reluctance to promptly and fully comply with World Health Organization's (WHO's) Framework Convention on Tobacco Control (FCTC).

In January 2015, the Government unveiled for public comment FCTC-compliant COTPA amendment Bill. It even targets tobacco spitting in public places to prevent infectious diseases like tuberculosis and to promote **Swachh Bharat** and **Swastha Bharat Abhiyan**.

Reverting to the overlooked elements of Tobaccogate, LSCSL's recent report on COPTA and its rules is poles apart from the one released by Rajya Sabha Committee on Subordinate Legislation (RSCSL) on the same subject on 3 rd September 2013.

RSCSL, in the very first paragraph of its report observes: "The linkage between use of tobacco and ill-health is a well-established medical fact. Tobacco is an avoidable public health hazard. It has been associated with cancer, vascular and coronary heart disease. This is one industry or a product where only the manufactures/sellers are benefited by its sales and not the consumer."

RSCSL berated the Government (read UPA regime) for tardy implementation of COPTA and its rules. The Committee recommended a slew of amendments to the legal framework to protect public health and to tighten the leash on the tobacco industry.

It is pertinent to cite a recommendation that is of immediate relevance to controversy over warnings against smoking on cigarette and bidi packs.

RSCSL stated: "

words such as 'smoking causes heart attack', 'second hand smoke kills', 'smoking during pregnancy may cause still birth', 'tobacco causes gangarene', 'cigarette smoke has more than 400 cancer causing chemicals', 'smokeless tobacco has about 28 cancer causing chemicals' be used in Big/Bold size on the packs."

Turn now to LSCSL report that was presented to Parliament on 18th March 2015. It has not said a word about the direct linkage between tobacco consumption and diseases such as cancer. On the contrary, it has relied on BJP MP and Committee Member Shyama Charan Gupta's contention that "there is no medical evidence that bidi cause cancer."

Mr. Gupta, who heads a multi-sector conglomerate that includes massive bidi business, was instrumental in prompting LSCSL to consider taking up the subject of COPTA's proposed amendment to rules pertaining to increase in the size of pictorial warning on cigarette and bidi packets.

The Ministry of Health and Family Welfare has put on hold the enforcement of amendments to the Cigarettes and other Tobacco Products (Packaging and Labeling) Rules with effect from 1 st April 2015 following LSCSL's recommendations.

The deferred amendments, among other changes, envisage increase in the size of the specified health warning from the current 40% to 85% of the principal display area of the package of the tobacco product. Of the 85% display area, 60% should cover pictorial health warning and the balance 25% should cover textual health warning.

As put by LSCSL report,

"On scrutiny of the aforesaid rules and in the light of representation dated 13.12.2014 received from Shri Shyama Charan Gupta, MP and a written Memoranda received from All India Bidi Industry Federation..., various issues were noticed."

In an earlier letter to LSCSL Chairman, Mr. Gupta stated:

"bidis are natural product. It is very small as compared to cigarettes and there is very little tobacco in each bidi, hence the harmful effects are nil as compared to cigarettes & chewing tobacco. There is no medical evidence that bidis cause cancer. Thus, the present size of pictorial warning i.e. 40% is sufficiently large and clear and conveys the message unambiguously. The new rule of 85% of horrific pictorial warning on bidi wrapper is unreasonable."

LSCSL report, which has not incorporated viewpoint of health experts and anti-tobacco activists, has mentioned names of certain other MPs, who were not on the Committee, who submitted representations to it. The report is packed with misinformation. Will the opposition parties including Congress have the courage to pull up their MPs who lobbied for tobacco industry?

The fact that the Committee's report is loaded in favour of tobacco industry is evident from its content. LSCSL admits: " the Committee are yet to hear the views of other stakeholders, experts in the field as well as the formal evidence of the Ministry of Health and Family Welfare and other Government authorities concerned with the subject."

To strike a balance between the interest of bidi industry and public health, the Committee should have at least referred to Government's replies to several questions in Parliament on the harmful effects of tobacco on human health.

In reply to question on impact of smoking of bidis put in Lok Sabha on 17th December 2008, the then Minister of State for Health and Family Welfare, Panabaka Lakshmi, stated: "there are studies to indicate that bidi smoking is more harmful because of low-porosity of the leaf wrapper. In the absence of significant filtration, the bidi smoke deliveries of high toxic chemicals are greater than cigarettes. Systemic exposure to chemicals in bidi smoke or bidi tobacco also results in damage of chromosomal and respiratory tract."

An authoritative 2010 study conducted by Lucknow-based Chatrapati Sahuji Maharaj Medical University (formerly K.G. Medical University) concluded ***"Bidi smoking poses a very high risk for lung cancer even more than that of cigarette smoking."***

Mr. Gupta should read MOHFW-WHO monograph captioned ***'Bidi Smoking & Public Health'*** published in March 2008. It is a compilation of scientific studies on effects of bidi smoking.

LCSLC Chairman, D.K.M Gandhi, should have searched the cyberspace for a few seconds before stating that there is no Indian study to confirm that tobacco consumption results in cancer.

Mr. Gandhi, an ex-Minister of State for Shipping, could have at least spared time to read a few questions raised in Parliament.

Answering a question on stringent tobacco control measures in Rajya Sabha on 24th February 2015, the Minister for Health and Family Welfare, J.P. Nadda, As per the report of Indian Council of Medical Research (ICMR), 50% of cancers in males and 25% of cancers in females in India are related to tobacco use.

The official reply to another question raised in the same house on 9 th December 2014 states:

"Ministry of Health & Family Welfare commissioned a study titled 'Economic Burden of Tobacco Related Diseases in India' (2014) in collaboration with World Health Organization (WHO). The study has estimated that the total economic costs attributable to tobacco use in India in the year 2011, being the direct and indirect costs from all diseases caused due to tobacco use for persons aged 3569 years amounted to Rs. 1,04,500 crores."

There many more studies that can demolish LSCSL's posturing for tobacco industry.

As regards secrecy observed by the Government in handling industrial licence applications for cigarette manufacture, it is pertinent to note in December 2014, that Licensing Committee (LC) decided to take a call on the delayed requests of two cigarette firms for conversion of their respective letter of intents LOIs) into industrial licences (ILs) and endorsement of the capacity specified in LOIs in their respective registrations with the Tobacco Board.

An informed source quoted inter-ministerial LC as deciding that this "policy issue" would be "processed on file."

In January 2008, Department of Industrial Policy and Promotion (DIPP) had decided that it would not process applications for conversion of LOIs into LIs and for issue of fresh LOIs pending finalization of cigarette manufacturing policy. DIPP has not issued any LOI since 1999.

The issue pertains to representation from dominant cigarette company ITC and an obscure one named Western Tobacco Limited (WTL).

ITC holds LOI dated 1 st August 1996 for manufacture of 60 billion cigarettes per annum (BCPA) in Bangalore against which it has installed capacity of 19 BCPA. The company holds another LOI dated 1 st August 1996 to produce 35 BCPA at Saharanpur in UP against which it has installed capacity of 13.7 BCPA. ITC holds yet another LOI dated 27 th August 1998 to produce 12.25 BCPA at Kidderpore in West Bengal against which it has an installed capacity of 4.8 BCPA.

WTL holds LOI dated 12 th October 1995 to produce 3.2 BCPA at Manideep Goharganj in Madhya Pradesh.

The company has told DIPP that it has been producing cigarettes under registration with Tobacco Board since 1999. Now Tobacco Board is insisting on production of IL to enable it to renew WTL's registration.

Why is the Government treating a commercial matter relating to a hazardous product as official secret? Is there more to the case than meets the eye?

The decision to process the two cases on the file appears odd against the fact that a Committee of Secretaries headed by Cabinet Secretary is preparing a comprehensive policy on tobacco & tobacco-related issues.

These and certain other related and equally serious aspects make Tobaccogate a perfect case for an investigation by Joint Parliamentary Committee (JPC). It should consider the utility of both houses of Parliament having certain separate committees such as the one on subordinate legislation that take up common issues.

JPC should also revisit the domain of conflict of interest encountered by MPs in their participation in various activities in Parliament.

JPC should lay down clear-cut guidelines for penalties on MPs who participate in deliberations in Parliament and its committees in areas in which they have pecuniary and non-pecuniary interests. The guidelines must provide for ample public disclosure of all interests of MPs, apart from their assets and liabilities.

It should also lay down comprehensive code of conduct for MPs from both the houses of Parliament. At present, Rajya Sabha has a clearly defined code of conduct for its members, whereas the Lok Sabha lacks such concise document.

Above all, JPC should recommend a fast-track law to regulate and monitor business lobbying within and outside Parliament.