

Bill No. _____ of 2012

THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF
ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE,
PRODUCTION, SUPPLY AND DISTRIBUTION)
AMENDMENT BILL, 2012

BY

SHRI BAIJAYANT PANDA, M.P.

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*to further amend the Cigarettes and other Tobacco Products (Prohibition of
Advertisement and Regulation of Trade and Commerce, Production, Supply
and Distribution) Act, 2003.*

BE it enacted by Parliament in the Sixtieth Year of the Republic
of India as follows:—

1. This Act may be called the Cigarettes and other Tobacco Short title.
Products (Prohibition of Advertisement and Regulation of Trade
and Commerce, Production, Supply and Distribution)
Amendment Act, 2012.

2. In section 3 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act),-

Amendment of
Section 3.

(i) after clause (h), the following clause shall be inserted, namely:-

`(ha) “mark” shall have the meaning as assigned to it under sub-section (m) of section 2 of the Trade Marks Act, 1999;’;

(ii) after clause (j), the following clause shall be inserted, namely:-

`(ja) “principal display area” means-

(i) in the case of box type packages, those two equal faces of the box which have the largest area and are visible under normal or customary conditions of sale or use;

(ii) in the case of conical or cylindrical type of packages, the entire curved area of the package which is visible under normal or customary conditions of sale or use; and

(iii) in the case of any other form or type of package, the entire surface area of the package which is visible under normal or customary conditions of sale or use; ’ ; and

(iii) after clause (p), the following clause shall be inserted, namely:-

`(pa) “trade mark” shall have the meaning as assigned to it under section 2 of the Trade Marks Act, 1999;’

3. In section 5 of the principal Act, in sub-section (2), proviso (a) and (b) shall be omitted.

Amendment of
Section 5

4. In section 7 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:-

Amendment of
Section 7

“(4) The specified warning shall occupy at least 60% of the principal display area of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply.”

5. After section 7 of the principal Act, the following section shall be inserted, namely:-

Restrictions on
printing and
packaging of
cigarettes and
other tobacco
products.

“7A. Every package of cigarettes or any other tobacco products shall comply with the following conditions, namely:-

(i) the business or brand or company name, trade mark or any other mark shall appear-

(a) on the outer surface of the package not more than once;

(b) in not more than one line; and

(c) horizontally below the specified warning with such font size and font style as may be prescribed;

(ii) the colour and texture of the outer and the inner surfaces of every package shall be such as may be prescribed; and

(iii) a package shall not have any embossing, ridges, irregularities of shape or size, removable or folding tabs, inserts or onserts, or any other embellishment; and

(iv) a package shall not be printed, painted or coated with an ink or material which changes colour with passage of time or becomes visible in certain light or reveals any text or picture when scratched.”

STATEMENT OF OBJECTS AND REASONS

Tobacco use is responsible for nearly six million deaths every year across the world. If the use of tobacco remains unchecked, this number is likely to cross eight million by the year 2030. These deaths are an outcome of preventable causes. In our country itself, about one million people die every year due to use of tobacco. The Planning Commission puts the annual health cost of tobacco related diseases in India at approximately \$6.5 billion.

World Health Organisation under its Framework Convention on Tobacco Control recommends norms for packaging and labeling of tobacco products. It is believed that such norms can help reduce the demand for tobacco products. Independent research studies conducted by other organisations have also concluded that removal of brand descriptors from packages of cigarettes and other tobacco products reduce the appeal of smoking, especially among the youth.

In December 2012, Australia will become the first country to enforce 'plain packaging' norms for tobacco products. Plain packaging requires standardisation of packages across brands. It restricts tobacco industry logos, brand imagery, colours and promotional text appearing on packages. Brand and product names are allowed only in a standard colour, position, font style and size in a pre-defined area on the package. These norms are expected to be a vital preventive public health measure in Australia.

This Bill amends the original Act to stipulate for plain packaging of tobacco products in India. It increases the size of the health warning and the accompanying graphic. It also prohibits advertisement of tobacco products in warehouses and shops at the point of sale. It is expected that these changes will help in reducing the consumption of tobacco and educate the citizenry about the ill-effects of tobacco use.

Hence this Bill.

NEW DELHI;

BAIJAYANT PANDA

September 10, 2012.

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to further amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

(Shri Baijayant Panda, M.P.)