



Government of Karnataka

No:HFW 03 CGE 2019

Government of Karnataka
Vikasa Soudha
Bengaluru, Date: 25.01.2019

NOTIFICATION

1. As per WHO report, 12 lacks people die every year due to tobacco use in India. According to the Global Adult Tobacco Survey (2016-17) conducted by Government of India and World Health Organization (WHO), prevalence of tobacco use among adults in Karnataka being 35.02% in males and 10.3 % in female.
2. WHEREAS, The World Health Organization Framework Convention on Tobacco Control (FCTC) is the first treaty negotiated under the auspices of the World Health Organization. This treaty was developed in response to the globalization of the tobacco epidemic. It entered into force on 27th February 2005 and currently there are 181 parties to the treaty. In 2004 India has ratified FCTC and therefore obligated to uphold the provisions of the FCTC.
3. And WHEREAS, Preamble of the FCTC recognised the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts. With Article 5.3 it states that **"in setting and implementing their public health policies with respect to tobacco control Parties shall act to protect these [tobacco control] policies from commercial and other vested interests of the tobacco industry in accordance with national law."**
4. And WHEREAS, Section 2 of the Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) states "it is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.
5. And WHEREAS, State Government of Punjab [vide gazette notification no. 21/51/085HB5/539949/3 dated 13-07-2015]; Mizoram [vide notification no. J.11011/28/2015-HFW dated 20.05.2016]; Bihar [vide Notification No. SHSB/NTCP/GA/1981/2016/1520 Dated 23.06.2017] and Tamil Nadu [vide Notification No. G.O(Ms)No.395 Dated 10.11.2017] has constituted a empowered committee to implement Article 5.3 of FCTC in order to deal with any kind of interference by Tobacco Industry, whether registered or local manufacturer / seller or any person(s) intended to act as representative of the same in the Governments' tobacco control policies and programmes.

Jayalal 1.1.18

6. And WHEREAS, Government of Maharashtra, Jammu and Kashmir, Himachal Pradesh and Chandigarh administration [vide circular no. MH-III-2007/ 18920 dated 24-07-2007] has instructed all officers not to participate in any tobacco industry activities and not to accept any sponsorship/ funding from any corporate or individual engaged in tobacco trade or commerce in any form .
7. And WHEREAS, the two Honourable High Courts of Rajasthan and Karnataka have pointed to the nefarious linkage between tobacco industry and government agencies with the intent to subvert the tobacco control initiatives.
8. And WHEREAS, many instances of tobacco industry interference to subvert/ dilute or delay the government's tobacco control initiatives have been noticed in the State, there is urgent need to develop and notify guidelines to implement Article 5.3 of Framework Convention on Tobacco Control in the State and to stop tobacco industry interference in tobacco control programme.
9. Therefore, in the interest of public health, an empowered committee is constituted by Principal Secretary, Health and Family Welfare Department, to implement Article 5.3 of WHO's Framework Convention on Tobacco Control to deal with any kind of interference by Tobacco Industry (registered / local manufacturer/ Seller/ any person or organisation intended to act as representative of the same) in the implementation of provisions of Cigarette and Other Tobacco Product Act 2003 (COTPA) and any initiative taken or in consideration to reduce human consumption of any form of tobacco or any products intended to promote its use.

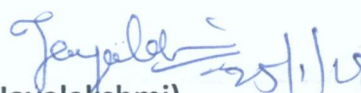
Committee shall have the following members:

- | | |
|--|--------------------------------|
| I. Principal Secretary, Health and Family Welfare Department | Chairman |
| II. Principal Secretary, Home Department or representative | Member |
| III. Principal Secretary, Finance Department or representative | Member |
| IV. Secretary, Information and Public Relation or representative | Member |
| V. Secretary, Commerce and Industries or representative | Member |
| VI. Secretary, Labour Department or representative | Member |
| VII. Secretary, Law Department or representative | Member |
| VIII. Commissioner, BBMP, Bangalore | Member |
| IX. Commissioner, Health and Family Welfare Services | Member &
Designated Officer |
| X. Director, Medical Education, | Member |
| XI. Director, Health and Family Welfare Services | Member |
| XII. Joint Director (Medical) & State Tobacco Control Cell | Member Secretary |

Tayal - 1/1/19

Committee will ensure that the protocol (enclosed) to deal and engage with the tobacco industry or its representatives is adhered to. Commissioner, Health and Family Welfare Services will be the special designated officer to receive any representation from the Tobacco Industry & to decide whether they are required to be dealt with or not. He/She may take decision on necessity of meeting with the tobacco industry representative(s), if required in consultation with other members and will communicate the decision to the concerned officers.

All Head of Departments are hereby instructed to refer any case related to this matter to the Chairman or Designated Officer as and when received.


(Jayalakshmi)

Under Secretary to Government
Health & Family Welfare Department
(Health 1&2)



1. Principal Secretary to Government, Home Department, Vidhana soudha, Bangalore.
2. Principal Secretary to Government, Finance Department, Vidhana soudha, Bangalore,
3. Secretary to Government, Information and Public Relation Department, M.S. Building, Bangalore.
4. Secretary to Government, Commerce and Industries Department, Vikasa soudha, Bangalore.
5. Secretary to Government, Labour Department, Vikasa soudha, Bangalore.
6. Secretary to Government, Law Department, Vidana soudha, Bangalore.
7. Commissioner, BBMP, Bangalore.
8. Commissioner, Health & Family Welfare Services, Anandarao Circle, Bangalore,
9. Director, Health & Family Welfare Services, Anandarao Circle, Bangalore,
10. Joint Director (Medical), Health & Family Welfare Services, Anandarao Circle, Bangalore,

Copy for necessary action:

To All Principal Secretary/ Secretary's (Excluding Labour, C&I, Home, Law & Finance Department)

Annexure -1

Protocol for empowered committee to implement Article 5.3 of WHO Framework Convention on Tobacco Control and to stop Tobacco Industry Interference

There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests. In its effort to undermine strong tobacco control policies, the tobacco industry has historically engaged in various tactics globally.

This protocol is developed due to increasing instances where Tobacco Industry representative have approached and met the public servants. Therefore it is imperative for the State to have explicit guideline in this matter.

General guideline:

- 1) Public officials and employees shall limit interactions with the tobacco industry and/or its representative.
- 2) Meeting shall be conducted only in the event that it is strictly necessary for the interest of the public and The committee in all its meeting shall prioritizing the importance of public health.
- 3) The Department will not collaborate or take any sponsorship from Tobacco Industry.
- 4) To inform tobacco industry and public in general, all offices and institutions must prominently display a board (Annexure-2) at the entrance of the building and at reception.
- 5) The committee may refer any violation to Director (Vigilance) for enquiry and appropriate action as per the applicable service rules.

Procedure for setting the meeting:

- 1) Any representation from the tobacco industry for a meeting with any public servant, should be brought to the notice of the Commissioner (Health and Family Welfare) in writing *before any further communication with them.*
- 2) Representative(s) of tobacco industry should clearly identify (in writing) the agenda points for the meeting.
- 3) *After reviewing the agenda, the designated officer of the empowered committee shall decide whether to permit the meeting with the representative(s) or not and if permitted will finalise the agenda.*
- 4) Predetermine the meeting participants (from tobacco industry) by asking for their name, and position of those who will attend the meeting.
- 5) Representative from law department or legal expert from the government should be present and closely advice the committee's members or concerned officer meeting tobacco industry representative(s) during the meeting.
- 6) Before the meeting, it must be clarified that such interaction does not imply partnership, dialogue and collaboration and indicate it in writing to the tobacco industry that they will not mischaracterise the nature of the meeting
- 7) The meeting shall be conducted within the premises of government department and ensure that any photograph taken at this meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry.
- 8) All non-mediated exchanges (in person, phone or email) between officials, employees and representatives of the agency should be avoided.

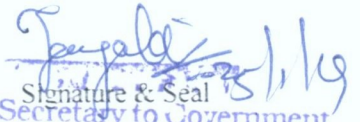
Procedure for conducting the meeting

- 1) Meeting should be brief and only pre-fixed agenda is to be discussed.
- 2) Maintain the right to terminate the meeting at any point.
- 3) A transcript/detailed minute of the meeting's proceeding should be prepared. A voice recording of the meeting may be made to assist in preparing the transcript and further should be filed for record purposes.
- 4) If there are any follow up questions that needs to be answered after the meeting, following further discussion , it may be noted to respond through correspondence.

Code of Conduct for public servants including officials and employees

All public servants who have a role in setting and implementing public health policies with respect to tobacco control, shall declare to the committee that:

- 1) Shall not demand or receive any contribution from the tobacco industry for herself/himself.
- 2) Shall not accept contributions nor payments, gifts and services, monetary or in-kind, research funding, financial aid, policy drafts and legal advice.
- 3) They shall avoid the creation of any perception of real or potential partnership or cooperation with the tobacco industry and shall publicly correct any such misperception that may have been created.
- 4) If any public servant experiences any kind of tobacco industry interference or have met/ approached by the representative of tobacco industry without prior knowledge, he/she shall immediately refer the matter to the empowered committee in writing, seeking necessary instruction.


Signature & Seal 15/1/19
Under Secretary to Government
Health and Family Welfare Department
(Health-1&2)
Karnataka Government Secretariat

Annexure-2

NOTICE

Notice to Visitors

For meeting with any officials of this department, All Tobacco Industry's representatives or its affiliates / agents / liaison etc. are required to contact following authority:

Commissioner (Health and Family Welfare),
Address: Commissionerate, Department of Health and Family Welfare &
Ayush, 3rd Floor, IPP Building, Anand Rao Circle, Bengaluru 560009.
Email: comhfw@gmail.com

Sd/name/ designation/

Specification

- Minimum size of the display board : Size 60Cms x 45Cms .
- Language : Kannada and English
- To be displayed at the entrance of the building/premise and at the reception

Jayalal
23/1/19
Under Secretary to Government
Health and Family Welfare Department
(Health-1&2)
Karnataka Government Secretariat