

# Policy Brief

## WHO FCTC Article 5.3: A Cue to Policy Implementation in India

### Introduction

Tobacco use is a global public health problem and contributes to approximately 1.35 million deaths every year in India, more than the combined deaths due to tuberculosis, malaria, HIV/AIDS, and roadside accidents (**World Health Organization, 2024**). The Tobacco Industry (TI) (Figure. 1) employs various tactics to promote tobacco use, thus undermining public health efforts. These include sponsoring and promoting research to discredit proven science, using lawyers and front groups to aggressively lobby for pro-industry measures, influencing the political and legislative process, and intimidating governments with the threat of litigation. Additionally, the industry promotes misinformation, either directly or through front groups, to exaggerate its economic importance and positive role in society, thereby normalizing tobacco control (**World Health Organization, 2019**). India, alongside over 193 countries, has signed and ratified the Framework Convention on Tobacco Control (FCTC), committing to protecting public health policies. One of the crucial articles under this treaty is Article 5.3 that aims to protect public health policies from the vested interests of the industry i.e. Tobacco Industry Interference (TII) (Table 1). However, the efforts by the TI are in direct conflict with the public health policies of the FCTC (**Peruga et al., 2021**).



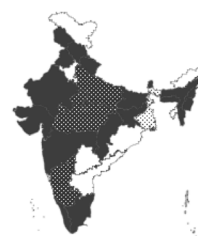
Figure. 1. Supply and sale chain, allies, third parties and front groups (World Health Organization, 2019)

### Development/Milestones in Article 5.3 Implementation in India

Embarking its journey from the state of Punjab (2016) till date (July 2024), 22 Indian states have adopted Article 5.3 guidelines in varying forms to protect their public health policies from tobacco industry interference (Figure. 2). However, there is a scope to include all the proposed principles and recommendations under WHO-FCTC Article 5.3 for its effective implementation. Based on the Global Tobacco Industry Interference (GTII) Index, the report indicates a decline in the TII score from 69 in 2019 to 58 in 2023, as illustrated in Figure 3.

Figure 2: Status of WHO- FCTC Article 5.3 policy guidelines adoption in India

- Adoption of policy guidelines at state-level only
- ▨ Adoption of policy guidelines at district-level only
- ▩ Adoption of policy guidelines at state and district-level
- Not adopted

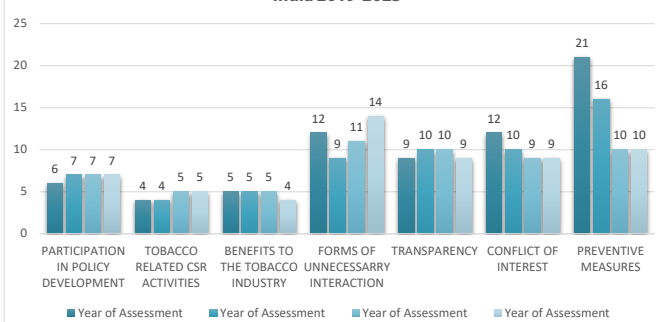


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Table 1: Tobacco Industry and Tobacco Industry Interference

About	Description
TI	It shall mean organisations, entities, associations, individuals and others who work for or on behalf of tobacco manufacturers, wholesalers, distributors, importers of tobacco products, growers, and other individuals or organisations that work to further the interests of the tobacco, such as front groups and retailers (Ministry of Health and family welfare Government of India., n.d.).
TII	It shall mean a broad array of tactics and strategies used directly or indirectly by the tobacco industry to interfere with the setting and implementation of public health policies with respect to tobacco control (Ministry of Health and family welfare Government of India., n.d.).
Front group	A tobacco front group is a group created by the tobacco industry to combat public health measures, such as federal regulation of tobacco (Apollonio & Bero, 2007).

Figure 3: Comparison of Tobacco Industry Interference Index in India 2019-2023



### National-Level Code of Conduct

In July 2020, Ministry of Health and Family Welfare (MOHFW) has adopted Code of Conduct that applies to departments under its jurisdiction. The purpose and scope of this code of conduct is to protect public health policies from the influence of the TI. It outlines the purpose and scope, defines 'TII', Interaction with Tobacco Industry (Table 1), Partnership and Contribution, Conflict of Interest (Figure. 4).

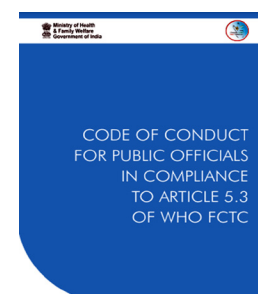


Figure. 4: Code of conduct for public officials in compliance to article 5.3 of WHO FCTC

## Best practices for countering TII

Various strategies have been identified to counter TII, such as exposing industry conduct and false claims, accessing decision-makers, generating and utilizing evidence, filing complaints or taking legal action, and mobilizing coalitions and supporters (Matthes et al., 2023). Countries like Nepal have successfully countered TII through litigation, media advocacy, public awareness campaigns, legislative education, and monitoring industry activities (Bhatta et al., 2020). Key measures in combating TII include closely monitoring the tobacco industry, engaging in legal actions, and timely disclosure of industry activities (Jinkui et al., 2017). Evaluating the implementation level of regulations like Article 5.3 of the WHO Framework Convention on Tobacco Control helps identify areas needing improvement to prevent industry interference (Kumar et al., 2022). Establishing a nationwide monitoring system for the tobacco industry is recommended to effectively track and counter TII (Jinkui et al., 2017).

## Recommendations

### At national level

- Expansion of the Ministry's code of conduct by incorporating various provisions such as stringent monitoring and reporting mechanisms, punitive action for the violator, and whistleblower protection.
- 'Whole of government approach' should be adopted i.e. at all levels of all departments & Ministries, along with autonomous institutions and Offices under their jurisdiction and to any person acting on their behalf.
- Issuance of an advisory from centre to all stakeholder department of various states/ UT to adopt article 5.3 guidelines
- Inclusion of the TII monitoring under the broader ambit of the NTCP i.e. specific indicators to be included in national management information system (MIS).
- A national level observatory on monitoring TII should be established.
- Establish a national policy to prevent tobacco industry interference.

### State Level

- Increase awareness among various stakeholders, including NGOs, government institutions, development partners, and civil society, about conflicts of interest with the tobacco industry.
- Issue a conflict-of-interest declaration across all Ministries, their Departments, and all autonomous institutions and Offices under their jurisdiction.
- Issue instructions/guidelines to all departments to ensure that while signing any tenders/contracts, they must abide by a declaration for no direct or indirect association with the tobacco industry.
- At the state level (State Tobacco Control Cell), provide for an industry watchdog to monitor and counter tobacco industry influence while ensuring whistleblower protection. Simultaneously, develop a sustainable reporting mechanism to report tobacco industry interference (TII) within the state in coordination with the centre.
- Denormalize CSR initiatives by the tobacco industry to prevent their use for publicity gains. Maintain a separate head of account for spending it only for tobacco control in this stage (Yadav et al., 2022).

## Acknowledgment

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