



1975

The Tobacco Board Act was introduced in India, at a time when the harmful health effects of tobacco use were largely unknown. The Act set up the "Tobacco Board" to work for the "development" of the tobacco industry and towards **promoting and improving tobacco marketing of Virginia Tobacco** in the interest of the growers, manufacturers, dealers."¹



TOBACCO BOARD ACT: An Obstacle to Tobacco Control

FACT SHEET

2003

The WHO Framework Convention On Tobacco Control (FCTC) was introduced, recognizing "that *the spread of the tobacco epidemic is a global problem with serious consequences for public health*".² India ratified FCTC on February 9, 2004.

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement, Regulation of Trade and Commerce, Product, Supply and Distribution) Act, 2003³ was enacted, with a view to achieving improvement of public health as enjoined by article 47 of the Constitution".⁴ COTPA prohibits the advertisement of, and provides for the regulation of trade and commerce in, and production, and supply and distribution of, cigarettes and other tobacco products.⁵ The Act also prohibits any "advertisement which *directly or indirectly suggests or promotes to use or consumption of cigarettes or any other tobacco products*."⁶

2008

WHO estimated **100 million deaths attributable to tobacco use in the twentieth century** and predicted **one billion such deaths in the twenty first century**.⁷ India is predicted to have the fastest rate of rise in deaths attributable to tobacco use.⁸

2014

In 2011, the total economic cost attributable to tobacco use was estimated to be Rs. 1,04,500 crores, found to be 1.16% of GDP.⁹ The total central excise revenue from tobacco amounted to only 17% of the estimated economic costs of tobacco.

The Tobacco Board Act contradicts core principles of FCTC, particularly Article 5.3, that specifically mandates Parties to protect their public health policies with respect to tobacco control, from commercial and other vested interests of the tobacco industry.¹⁰ The guidelines to the Article specifically call for “no preferential treatment to be given to tobacco industry.”¹¹



Despite the stated objective of the government under COTPA to reduce tobacco consumption in the interest of public health, the Tobacco Board continues to exist and promote tobacco:

Tobacco Subsidies: Total Estimated Expenditure towards Tobacco Subsidies in 2012-13: **Rs. 196.2 lakhs.**¹²

Development schemes: Board supplies inputs such as fertilizers, pesticides, seed trays etc., at subsidized costs and also organizes loans and financial assistance under various developmental schemes. Expenditure in 2012-13: **Rs. 454 lakhs.**¹³

Loans: Loans to tobacco farmers of Andhra Pradesh and Karnataka in 2012-13: **Rs. 706.86 crores.**¹⁴

Welfare Schemes: 2012-13 Board contribution: **Rs. 17,536 crores** towards the Welfare Fund for financial assistance in the event of death of grower members, for treatment for major illnesses, education loans, advance for the marriages of girl child and barn repairs.¹⁵ From July to December 2015, the Board granted **Rs. 240.50 lakhs** in grants and **Rs. 25 lakhs** as loan.¹⁶

Compensation for crop losses: The Board resolved to grant Rs. 6000 per hectare in compensation for fully affected crop,¹⁷ **Rs. 6,43,21,440** in compensation for partially affected crop alone,¹⁸ **Rs. 22,46,06,138** for tobacco growers under loss.¹⁹

Crop Insurance Scheme for Virginia Tobacco: Under this Scheme, the government granted 50% subsidy on annual premium to crop insurance.²⁰

The Tobacco Board promotes tobacco growing and the tobacco industry, despite the fatal public health impact of tobacco. The very mandate and functioning of the Board are in violation of the FCTC and the COTPA, and thus the Tobacco Board Act, 1975 needs to be repealed.

¹ Section Sec. 8(2)(e), Tobacco Board Act, 1975.

² See Preamble, WHO Framework Convention on Tobacco Control, 2003.

³ Cigarettes and Other Tobacco Products (Prohibition of Advertisement, Regulation of Trade and Commerce, Product, Supply and Distribution) Act, 2003.

⁴ Preamble, COTPA.

⁵ See Statement of Objects, COTPA.

⁶ See Section 5, COTPA.

⁷ World Health Organisation 2008 'Report on the Global Tobacco Epidemic, 2008: The MPOWER package' Geneva: World Health Organization, 3.

⁸ Id.

⁹ See Ministry of Health and Family Welfare, Government of India 2011 'Economic Burden of Tobacco Related Diseases in India', Executive Summary.

¹⁰ Article 5(3) WHO Framework Convention On Tobacco Control, 2003.

¹¹ Article 5.3 Guidelines, Recommendation 17(7).

¹² Tobacco Board India, 'Annual Report 2012-2013' pg 28.

¹³ Tobacco Board India, 'Annual Report 2012-2013' pg 27.

¹⁴ Tobacco Board India, 'Annual Report 2012-2013' pg 25, 34.

¹⁵ Tobacco Board India, 'Annual Report 2012-2013' pg 40.

¹⁶ Tobacco Board, Newsletter, December 2015, pg 13.

¹⁷ Tobacco Board India, 'Annual Report 2012-2013' pg 21.

¹⁸ Tobacco Board India, 'Annual Report 2012-2013' pg 21.

¹⁹ Tobacco Board, Newsletter, December 2015, pg 17.

²⁰ Tobacco Board India, 'Annual Report 2012-2013' pg 26.