

Bill No. 162 of 2015

THE GUTKA AND PAN MASALA (PROHIBITION) BILL, 2015

By

SHRI GOPAL CHINAYYA SHETTY, M.P.

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BILL

to prohibit the manufacture, promotion and sale of gutka and pan masala.

Whereas, the 43rd World Health Assembly in its Fourteenth Plenary meeting held on the 17th May, 1990, reiterated the concerns expressed in the Resolution passed in the 39th World Health Assembly (WHO) and urged Member States to consider in their tobacco control strategies plans for legislation and other effective measures for protecting their citizens with special attention to risk groups such as pregnant women and children from involuntary exposure to tobacco smoke, discourage the use of tobacco and impose progressive restrictions and take concerted action to eventually eliminate all direct and indirect advertising, promotion and sponsorship concerning tobacco;

AND WHEREAS, it is considered expedient to enact a law to prohibit the manufacture, promotion and sale of tobacco products in the public interest and to protect the public health;

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 (34 of 2003) contains a declaration as to expediency of control by the Union of the Tobacco industry.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Gutka and Pan Masala (Prohibition) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 5

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "*gutka*" means combination of tobacco containing arecanut, synthetic *katha*, lead, arsenic, magnesium carbonate and any other substance causing injury to health on consumption; and

(b) "*pan masala*" means and includes,— 10

(i) *Khaini*, *Jarda* or any preparation containing betel nuts, lime, *katha* (catechu) and tobacco whether or not containing other ingredients such as cardamom, copra or menthol; and

(ii) any flavouring material containing tobacco, chemical ingredients or carcinogenic elements which are hazardous to human consumption. 15

Prohibition on
manufacture,
promotion or
sale of *pan
masala* and
gutka.

3. Notwithstanding anything contained in other law for the time being in force, manufacturing, promotion or selling of *pan masala* and *gutka* is hereby prohibited.

Punishment.

4. Any person who contravenes the provisions of section 3 shall be punished with imprisonment for a term which may extend to ten years or with a fine which may extend to rupees five lakhs or with both. 20

Court
empowered to
try offences.

5. No court inferior to that of a Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall try any offence punishable under this Act.

Offences to be
cognizable.

6. An Offence punishable under this Act shall be cognizable.

Power to make
rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 25

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 30

STATEMENT OF OBJECTS AND REASONS

A large number of children, youngsters and adults are getting habituated towards the use of *pan masala* and *gutka* which is proving to be very hazardous to their health. The number of *pan masala* and *gutka* users is increasing day-by-day. This naturally causes damage to their health and threatens their very existence.

Pan masala and *gutka* can cause cancer too. The warning on the packing of these products to the effect that "chewing of *gutka* and *pan masala* is injurious to health" is an ample proof in this regard. In fact, recent studies by the Tata Institute for Fundamental Research, Mumbai and Rajiv Gandhi Cancer Institute, Delhi and Gujarat Cancer Research Society, Ahmedabad have proved the deadly effects of using *pan masala* and *gutka*. That this habit is spreading at a very fast rate is proved by the rapid increase in the turnover of these products. The Government has admitted that the *pan masala* and *gutka* industry has grown from an estimated rupees 200 crore in 1992 to rupees 1000 crore in 1997.

The State Governments of Goa, Maharashtra and Andhra Pradesh have expressed serious concern over the increasing use of *gutka* and *pan masala*. An expert Technical Committee on use of tobacco in *pan masala* and *gutka*, which was constituted on 17.8.1994 under the Chairmanship of the Director-General of Health Service had recommended that the use of chewing tobacco in *pan masala/gutka* should be prohibited as its consumption was injurious to health. The recommendations were also endorsed by the Central Committee for Food Standards, a statutory advisory Committee under the Prevention of Food Adulteration Act, 1954, charged with the responsibility to advise Central/State Governments on matters concerning food safety and quality control.

However, the use of *pan masala* and *gutka* continues unabated causing serious damage to the health of children, youngsters, the aged persons and even women.

The Bill seeks to prohibit the manufacture, promotion and sale of *pan masala* and *gutka*.

NEW DELHI;
May 7, 2015.

GOPALCHINAYYA SHETTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

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(Shri Gopal Chinayya Shetty, M.P.)