



## ABSTRACT

National Tobacco Control Programme - Empowered Committee for implementing Article 5.3 Guidelines of World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC) – Constituted - Orders – Issued.

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### Health and Family Welfare (EAP II-2) Department

G.O.(Ms) No.395

Dated : 10.11.2017  
Heyvilambi, Ippasi-24  
Thiruvalluvar Aandu 2048

Read:

From the Director of Public Health and Preventive Medicine, letter Ref. No.023774/STCC/2015, dated: 25.05.2017.

### ORDER:

The World Health Organisation Framework Convention on Tobacco Control (WHO 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 176 parties to the treaty. The Framework Convention on Tobacco Control provides an internationally co-ordinated response to combating the tobacco epidemic, and sets out specific steps for Governments addressing tobacco use, including to:-

- adopt tax and price measures to reduce tobacco consumption;
- ban tobacco advertising, promotion and sponsorship;
- create smoke free-work and public spaces;
- put prominent health warnings on tobacco packages and combat illicit trade in tobacco products.

2. The Article 5.3 Guidelines of World Health Organisation Framework Convention on Tobacco Control (WHO FCTC) 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". 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 that "it is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry. In addition, Section 5 of the Cigarettes and Other Tobacco Products Act (COTPA), 2003, prevents any tobacco advertising, promotion and sponsorship, Government engagements, partnerships and collaborations with any tobacco industry violate the provision of Cigarettes and Other Tobacco Products Act (COTPA) and also transgress the India's global commitment under Framework Convention on Tobacco Control (FCTC).

3. The Director of Public Health and Preventive Medicine has therefore requested the Government to constitute an Empowered Committee to implement Article 5.3 Guidelines of World Health Organisations Framework Convention on Tobacco Control (WHO FCTC) and to deal any kind of interference by Tobacco

Industry (registered / local manufacturer / seller / any person or organization intended to act as a representative of the same) in the implementation of provisions of the Cigarettes and Other Tobacco Products Act (COTPA), 2003 and sent the protocols of the Empowered Committee.

4. After careful examination, Government have decided to accept the proposal of Director of Public Health and Preventive Medicine and constituted an Empowered Committee under the Chairmanship of Principal Secretary to Government, Health and Family Welfare with the following members to implement Article 5.3 Guidelines of World Health Organisations Framework Convention on Tobacco Control (WHO FCTC) in order to deal with any kind of interference by Tobacco Industry (registered / local manufacturer / seller / any person or organization intended to act as a representative of the same) in the implementation of provisions of the Cigarettes and Other Tobacco Products Act (COTPA), 2003:-

Principal Secretary, Health and Family Welfare Department	Chairman
Director of Public Health and Preventive Medicine	Member Secretary
Principal Secretary (Home) or representative	Member
Principal Secretary (Commercial Tax and Registration) or representative	Member
Principal Secretary (Finance) or representative	Member
Principal Secretary / Secretary (Law) or representative	Member
The Commissioner, Food Safety and Drugs Administration Department	Member
Director of Information and Public Relations	Member
The Commissioner, Municipal Administration	Member

The protocol of the committee is annexed to this order.

(BY ORDER OF THE GOVERNOR)

J.RADHAKRISHNAN  
PRINCIPAL SECRETARY TO GOVERNMENT

To

All Department in Secretariat, Chennai - 600 009.

All Head of Departments concerned under the control of Health and Family Welfare Department, Chennai - 600 009.

**Copy to:**

All Sections in Health and Family Welfare Department, Chennai - 600 009,

The Health and Family Welfare (Data Cell) Department, Chennai - 600 009.

SC/SF

//Forwarded by Order//

N. Lathe  
SECTION OFFICER

### Annexure

( G.O.(Ms).No.395, Health and Family Welfare (EAP II-2) Department,  
Dated:10.11.2017)

### Protocol for empowered committee to implement Article 5.3 of WHO's 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 efforts to undermining 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 our 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.
- 3) The committee in all its meeting shall look out for the welfare of the public by prioritizing the importance of public health.

#### **Procedure for setting the meeting.**

- 1) If representative(s) of tobacco industry desired to meet any public servant, the matter should be brought to the notice of the empowered committee in writing, before any further communication with them.
- 2) Representative(s) of tobacco industry should clearly identify (in writing) the agenda point for the meeting.
- 3) After reviewing the agenda, the designated officer of the empowered committee shall decide whether to meet the representative(s) or not and if agrees to meet, 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 must be present and closely advice the committee's members 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 mischaracterize the nature of the meeting.
- 7) The meeting should be conducted at any of the premises of Government department and ensure that any photograph taken of this meeting is strictly for documentation proposes 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) Record detailed minutes of the meeting's proceeding and preferably undertake a voice recording of the meeting which assist in preparing the transcript and stored or 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

1. All public servants which have a role in setting and implementing public health policies with respect to tobacco control, shall declare to the committee about:-
  - i. any current or previous occupational activity, whether gainful or not, with the Tobacco Industry.
  - ii. any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a two period of time after leaving service.
2. No public servant shall not demand or receive any contribution from the tobacco industry for herself / himself, their families, relatives, friends, or any other persons or organizations of their close linkage. Contributions shall include, but are not limited to, 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 experience any kind of tobacco industry interference or have met / approached by the representative tobacco industry without prior knowledge, he / she shall immediately refer the matter to the empowered committee in writing, seeking necessary instruction.

**J. RADHAKRISHNAN**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

//True Copy//

*N. Lathe*  
**SECTION OFFICER**  
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