

INDIA

2021

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

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Introduction

Tobacco use remains one of the biggest health burdens globally, resulting not only in the premature deaths of millions but also incurring heavy social and economic costs¹. India, the second-largest consumer and producer of tobacco has over 267 million² adult tobacco users, and the deaths due to tobacco-related diseases accounts for nearly 1.3 million every year. The Government of India has adopted and implemented various tobacco control measures, along with the obligations under the World Health Organization Framework Convention on Tobacco Control (FCTC), a treaty signed and ratified by India in 2004. These tobacco control measures have proven to be effective in reducing the tobacco use prevalence from 34.6 % in 2009-2010 to 28.6% in 2016-2017³.

Article 5.3 of the WHO FCTC states, “In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”, which is reflective of the conflict between the interests of the tobacco industries and public health policies. Globally and in India, the tobacco industry has been documented to interfere in tobacco control policy development either directly or via lobbyists.

The COVID-19 pandemic and the shortage of health resources turned into opportunities for the tobacco industries which capitalized them to further their interests. A recent finding showed that Indian tobacco companies provided over \$37 million in Corporate Social

¹https://www.who.int/docs/default-source/searo/india/tobacco/economic-burden-of-tobacco-related-diseases-in-india-executive-summary.pdf?sfvrsn=ac0db06_2

²<https://www.who.int/india/health-topics/tobacco>

³https://www.who.int/tobacco/surveillance/survey/gats/GATS_India_2016-17_FactSheet.pdf

Responsibility (CSR) to government funds as part of relief activities during the first months of the pandemic.⁴ Though tobacco companies' CSR are barred under the WHO FCTC and India's Cigarettes and Other Tobacco Products Act (COTPA), 2003, it is permissible under Schedule VII of the Companies Act, 2013. Such contributions projects tobacco companies as responsible and these platforms are also used towards promoting the corporate brand, its products and interests that can influence tobacco control legislations. India lacks a nationwide policy preventing tobacco industry interference with policies, but there are partial policies such as the recent Code of Conduct adopted by the Ministry of Health & Family Welfare, the Government of India as well as various state governments aimed at reducing and preventing a conflict of interests among public officials and industry interference.

The overall score for the India 2021 Tobacco Industry Interference Index is 57 out of 100 which is an improvement from last year's (2020) score of 61 out of 100. The improvement in the score is a result of the preventative policies adopted at a partial level controlling the industry interference. The SEATCA (South East Asia Tobacco Control Alliance) Tobacco Industry Interference Index questionnaire was used as a tool to assess the implementation of the FCTC Article 5.3 which utilised a systematic inquiry and materials in the public domain. This tool uses 20 questions under the seven broad themes that capture the spirit and recommendations under the FCTC Article 5.3.

Summary Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry always finds ways to interfere with the different tobacco control measures and legislation. Though, there is no evidence of the government proactively accepting or supporting offers of assistance by or in collaboration with the tobacco industry in setting or implementing public health policies relating to tobacco control, the industries indirectly via various front groups did seek to influence the government to consider a policy change. For example, with the amendment of the COTPA Act 2020, various front groups Federation of All India Farmers Associations (FAIFA), Federation of Retailer Association of India (FRAI), etc., demanded the withdrawal of the bill. The inclusion of the tobacco industry in government committees and advisory groups was identified though are not directly related to the setting of public health policies but can influence. For example, the Chairman and MD of Indian Tobacco Company have been appointed as a member of advisory and expert groups of Odisha and Punjab State Governments. There was no evidence of the government accepting, supporting or endorsing policies or legislation drafted by or in collaboration with the tobacco industry.

2. INDUSTRY CSR ACTIVITIES

An increase in the CSR programs by the tobacco industry was observed during the pandemic period with prominent tobacco industries making significant contributions towards the

⁴<https://theunion.org/news/new-paper-finds-indian-tobacco-companies-provided-nearly-us37-million-in-corporate-social-responsibility-during-first-months-of-covid-19>

government's relief funds, extending support to flagship programs of the government and also providing essential services and protective equipment under its subsidiaries. These increased activities are contrary to the FCTC Article 5.3 guidelines. There were also examples of tobacco industries entering into partnerships with state governments under their CSR banners.

3. BENEFITS TO THE INDUSTRY

The tobacco industry continues to receive benefits from the government for its growth. For example, the tobacco board (Ministry of Commerce and Industry) and the Central Tobacco Research Institute (CTRI) (Ministry of Agriculture) initiated various research to enhance the tobacco productivity in the country and in 2020, three high-yielding varieties of tobacco were identified for release. There were also instances of shareholdings by public sector insurance companies in the tobacco industries. India, which is home to the bidi industry which constitutes the unorganized sector is exempted from taxations making it difficult to curb cigarette/tobacco consumption in the country.

4. UNNECESSARY INTERACTION

There were occasions of unnecessary interaction in 2020 between the tobacco industry and senior government officials which were mostly online due to the pandemic. Example: Minister of Health and Family Welfare, Government of India was the Chief Guest of the 7th Edition of Movement Against Smuggled & Counterfeit Trade (MASCRADE 2021) Conference held on Jan 2021, by the Committee Against Smuggling and Counterfeiting Activities Destroying the Economy of the Federation of Indian Chambers of Commerce and Industry (FICCI CASCADE) a lobbying institute which is led by Head of Corporate Affairs of ITC. The pandemic which also saw an increase in smuggled and counterfeit goods saw an increase in instances of the government accepting assistance/ offers of assistance from the tobacco industry indirectly via FICCI CASCADE.

5. TRANSPARENCY

Article 5.3 Guidelines require the disclosure of agendas, contents, and proceedings of any meeting with tobacco industry representatives and the registration of the tobacco industry entities, organizations and individuals acting on their behalf, including lobbyists. India has signed and fully ratified the FCTC have adopted policy measures to limit the interaction of the tobacco industry, for example, the Ministry of Health and Family Welfare, Government of India in July 2020 adopted a Code of Conduct that aimed at preventing industry interference and conflict of interest among public officials and all departments within the Ministries jurisdiction, along with 13 other Indian states which adopted had adopted policies for disclosure of interactions with the industry. Despite the presence of policies, there was no publicly available disclosure of records. Similarly, there is also the absence of registration of industry representatives and lobbyists.

6. CONFLICT OF INTEREST

There is the absence of national policy prohibiting contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns or to require full disclosure of such contributions. But there have been positive steps taken with certain improvements, such as the Ministry of Health adopting a code of conduct requiring no interaction with the industry and disclosure of records of interactions. There were also instances of retired government officials holding prominent positions in the tobacco industry.

7. PREVENTIVE MEASURES

India is yet to implement all the FCTC Article 5.3 Guidelines that provide various preventative measures to protect policies and tobacco control legislation from industry interference. Though there is no policy at a national level that mandates the disclosure of records of interactions with the tobacco industry, in July 2020 the Ministry of Health and Family Welfare, Government of India (GoI) adopted a Code of Conduct that aimed at preventing industry interference and conflict of interest among public officials and all departments within the Ministries jurisdiction. There is also the presence of policies adopted by 13 Indian states which state the limitation of interaction with the industry and also require mandatory disclosure of records of interaction with them.

Recommendations

1. **Increased disclosure by the government on their engagements with the tobacco-producing companies and their allies, on matters related to the industry**, to ensure transparency of interactions, thereby limiting risks to public health policies. The companies also should be mandated to publicly disclose their interactions with the government and its agencies, especially those that have a direct bearing on the business and its operations, including agriculture, environment, health, labour, Women and Child, to name a few. These disclosures should include information about the agenda, content and proceeding of any meeting between the government and representatives of tobacco-producing companies.
2. **Enforcement of article 5.3**, through separate legislation or by the inclusion of clauses within existing laws to ensure conflict of interest between the government and its commitment to FCTC does not arise and all activities aimed at subverting and challenging the implementation of health policies and programmes are restricted.
3. **Regulation of CSR activities by the tobacco-producing companies**, in line with the FCTC, to ensure that such engagements are not used by the companies to create an ethical and responsible image. These regulations should also ensure such companies are prohibited from investing in government projects, which creates opportunities for interactions between the government and the companies.

4. **Health in All Policies (HiAP) approach to tobacco control** to integrate and articulate health considerations into policymaking across sectors for protecting people from the harmful impact of tobacco products and the operations of such industries and companies. Public policies across Ministries and sectors should systematically take into account the health implications of all its decisions, and seek to prioritise health, well-being and health equity over other considerations.
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2021 Tobacco Industry Interference Index Results and Findings

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INDICATOR I: Level of Industry Participation in Policy-Development						
<p>I. The government⁵ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry⁶ in setting or implementing public health policies in relation to tobacco control⁷ (Rec 3.1)</p>		1				
<p>There is no evidence of the government proactively accepting or supporting offers of assistance by or in collaboration with the tobacco industry in setting or implementing public health policies relating to tobacco control, yet the industries through directly or indirectly via various front groups seek to influence the government to consider a policy change.</p> <p>The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Draft Amendment Bill 2020⁸ recommended various changes to strengthen the tobacco control policies such as banning smoking zones in hotels, restaurants, airports and calls for raising the minimum legal age for using any tobacco products from 18 to 21 was put out to the public for pre-legislative consultations. The draft changes have also tightened existing provisions to ban advertising at kiosks and prohibit the sale of loose cigarette sticks, which form the bulk of the sales. The draft received much criticism from the tobacco industries, and lobby groups which urged the government to withdraw the bill as it hurt the national tobacco sector and the variables that are dependent on it for their livelihood. 4 such incidents were identified:</p> <ul style="list-style-type: none"> • The Federation of All India Farmers Associations (FAIFA) demanded the withdrawal of the amendments as it would raise the sale of illegal tobacco in the market. ⁹ • Beedi workers across the country¹⁰¹¹¹² staged rallies against the amendment as it suggested the ban of the sale of loose cigarettes and required no brand name to be printed. • Federation of Retailer Association of India (FRAI), a representative body of micro, small and medium retailers, has urged Prime Minister Narendra Modi to order the recall of proposed amendments in the law on cigarettes and other tobacco products. They asked for the exemption of licensing requirements and also suggested that such harsh tobacco control policies affect the livelihood of many small vendors. ¹³¹⁴ 						

⁵ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁶ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁷ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁸<https://bit.ly/2RdVVAY>

⁹ <https://www.thehindu.com/news/national/karnataka/withdraw-cotpa-amendment-bill/article33590250.ece>

¹⁰ <https://bit.ly/3vzm5ZE>

¹¹ <https://bit.ly/3els2wq>

¹² <https://bit.ly/3gOln5d>

¹³ <https://bit.ly/3333Q2m>

¹⁴ <https://bit.ly/3nzcQFX6>

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<ul style="list-style-type: none"> The National Restaurant Association of India (NRAI) urged the Union Health Minister to reconsider the changes made in the amendment as it affects the food and beverage sector directly and also stated that stricter licensing will lead to further red tape.¹⁵ 						
<p>2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)</p>	0					
<p>There was no such evidence that showed the government's acceptance, support or endorsement of legislation drafted by the tobacco industry.</p>						
<p>3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)</p>						5
<p>The inclusion of the tobacco industry in government committees and advisory groups was identified though are not directly related to the setting of public health policies but can influence.</p> <ul style="list-style-type: none"> Identified in the earlier tobacco industry interference index the Tobacco Board (Ministry of Commerce and Industry includes) had a representative of the Deccan Tobacco Company as a member. The Chairman and MD of ITC have been appointed as a member of advisory and expert groups of Odisha and Punjab State Governments. He is also a member of the technology discussion group of the NITI Aayog and was recently appointed by the Minister of Commerce and Industry, Government of India as a member of the BRICS Business Council.¹⁶ 						
<p>4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e., COP 4 & 5, INB 4 5, WG)¹⁷ (Rec 4.9 & 8.3)</p>		1				
<p>No COP in the year 2020. The COP9 has been postponed to November 2021. As in the previous index, the Government of India did not involve representatives of the tobacco industry or industry-linked bodies, including representatives from state-owned bodies (like the tobacco board of India, CTRI) in the delegations to the COP. The government has not taken sponsorships from the tobacco industry for this purpose.</p>						
<p>INDICATOR 2: Industry CSR activities</p>						

¹⁵ <https://bit.ly/3e5TTYI>

¹⁶ <https://www.itcportal.com/about-itc/leadership/board-of-directors/sanjiv-puri.aspx>

¹⁷Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

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5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)						5
B. The government (its agencies and officials) receives contributions ¹⁸ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						

The Covid-19 Pandemic saw an increase in the CSR Contributions by Tobacco Industries. ITC¹⁹ and Dharampal Satyapal made contributions worth \$1.5 Billion and \$100²⁰ Million respectively to the PM Cares Fund, a public charitable trust under the Government of India. ITC also contributed \$20 million towards the Chief Ministers Relief Fund of Karnataka²¹, Andhra Pradesh²² and Tamil Nadu²³. Other prominent tobacco companies in the country, VST and Godfrey Philips,²⁴ provided masks and protective equipments to the police department of the State of Jammu & Kashmir.

Flagship Program of Central Government

Initiating discussions with the government and NGO partners, ITC with the easing of the pandemic restrictions on the agricultural sector, engaged in creating a livelihood generation initiative for farmers and daily wage workers from rural areas under the government's flagship employment program, the MGNREGA.²⁵

State Governments:

The Indian Tobacco Company (ITC) through its subsidiary, Paperboards & Specialty Papers Business (PSPD), lent support to the State Government of Telangana in spreading awareness of the Covid-19 Virus and providing safety kits, ensuring the provision of daily needs, etc.²⁶ This support has been extended to all the 25 states where ITC has already implemented its Social Investment Program.²⁷

The Hindu Business Line reported that the company has partnered with the Government of Karnataka for the watershed development programme as part of the ITCs Social Investment Program, effective for three years starting from March 2021.²⁸ Strengthening its biodiversity management initiatives ITC has also partnered with the Forest Departments of Maharashtra, Telangana and Rajasthan to improve forest cover.²⁹

The Government of Andhra Pradesh³⁰ signed an MoU with ITC for the economic empowerment of women under two new schemes to be launched soon by the state

¹⁸political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

¹⁹<https://bit.ly/2RatbEP> Pg. 2

²⁰ <https://thewire.in/health/covid-spread-as-pil-seeks-pan-masala-ban-company-says-we-donated-10-cr-to-pm-cares>

²¹ <https://twitter.com/CMofKarnataka/status/1252640691462651904>

²²<https://bit.ly/2RatbEP> Pg. 2

²³<https://bit.ly/2RatbEP> Pg. 2

²⁴ <https://www.dailyexcelsior.com/godfrey-phillips-india-donates-ppe-kits-to-igp-kashmir/>

²⁵ <https://ruralmarketing.in/stories/itc-mobilises-rural-workforce-to-get-job-under-mgnrega/>

²⁶<https://bit.ly/3e7hDLA>

²⁷<https://www.itcportal.com/about>

²⁸<https://bit.ly/3gQdoWx>

²⁹ <https://www.itcportal.com/ReturnViewImage.aspx?fileid=1476>

³⁰ <https://www.theweek.in/wire-updates/business/2020/08/03/mes12-ap-mou.html>

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government. In the online meeting, the Chairman of ITC said cooperation can be extended in the fields of watershed development, social forestry, health and sanitation and post-harvesting.						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g., 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	0					
There was no evidence found in the public domain.						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
<p>The tobacco industry in India continues to receive certain privileges. As in the Tobacco Interference Index 2020, there is the continuing exemption on cess on bidis and smaller tobacco manufacturers. Similarly, while the GST rate for all types of tobacco products is 28%, tobacco leaves attract only 5% GST under reverse charge. Though there was an expected increase in taxation on tobacco to be proposed in the 2021 -22 Budget, it remained untouched leading to a rise in the shares of ITC³¹ and VST Industries, which brought huge relief to the tobacco industry.</p> <p>ITC contributed \$1.5 Billion³² as part of the PM Cares Fund, which is exempted from 100% tax payment under Section 80(G) of the Income Tax Act, 1961.³³</p> <p>The tobacco board (Ministry of Commerce and Industry) and the Central Tobacco Research Institute (CTRI) (Ministry of Agriculture) have initiated various research to enhance tobacco productivity in the country. As per the CTRI Annual Report 2020, three high-yielding varieties of tobacco were identified for release.³⁴</p>						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top-level government officials (such as President/ Prime Minister or Minister ³⁵) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)				3		

³¹ <https://bit.ly/3t6Flf9>

³² <https://bit.ly/3eGcA3T>

³³ <https://www.pmcare.gov.in/en/web/page/faq>

³⁴ <https://ctri.icar.gov.in/files/ar2020.pdf>

³⁵Includes immediate members of the families of the high-level officials

To discuss the prospects of production linked incentive (PIL)³⁶, an online webinar was conducted with the Prime Minister along with 42 heads of industries across India, which included the presence of ITC. These schemes were announced to minimize the effects of the COVID-19 pandemic and draw investments from large companies and boost manufacturing.

The Minister of Health and Family Welfare³⁷, Government of India was the Chief Guest of the 7th Edition of the Movement Against Smuggled & Counterfeit Trade (MASCRADE 2021) Conference held on Jan 2021, by the Committee Against Smuggling and Counterfeiting Activities Destroying the Economy of the Federation of Indian Chambers of Commerce and Industry (FICCI CASCADE) a lobbying institute which is led by Head of Corporate Affairs of ITC. FICCI CASCADE works against the illicit trade, smuggling and counterfeiting of products including tobacco and has often approached the government to ensure checks on such matters and to influence tobacco control policies.

The Associated Chambers of Commerce and Industry of India (**Assocham**) whose CSR Council is Chaired by ITCs Head of Corporate Affairs, in association with the brand SAVLON³⁸ of ITC launched an ‘Illness to Wellness’ awareness campaign online for which the key speaker was the director, Morarji Desai National Institute of Yoga, Ministry of Ayush, Government of India.

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (Including monetary contribution for these activities) (Rec 4.3)						4
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There is much evidence of the government accepting assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or illicit trade of it. The Committee Against Smuggling and Counterfeiting Activities Destroying the Economy of the Federation of Indian Chambers of Commerce and Industry (FICCI CASCADE) led by the Head of Corporate Affairs at ITC Ltd, has been active in advocating against the illicit trade in tobacco with governments. FICCI has been at the forefront of bringing to the government the increase in illicit trade in tobacco products due to the high taxations on them.

With the onset of the pandemic, FICCI emphasized the increase in the illicit trade of goods including tobacco products. As per the January 2021 Newsletter published by CASCADE, it was said that by November 2020 there has been an increase in the seizure of illicit cigarettes by 800% during the pandemic time.³⁹ In the past year, FICCI conducted webinars on “Combating Counterfeiting and Smuggling During the Covid-19 Pandemic and Beyond” in the States of Madhya Pradesh⁴⁰, Chhattisgarh, North East, West Bengal and Jammu Kashmir. These webinars were addressed to State Government Officials, Former Secretary

³⁶<https://bit.ly/3gObFAX4>

³⁷ <https://www.ficcicascade.in/wp-content/uploads/2021/03/CASCADE-Newsletter-Jan-2021.pdf>

³⁸ <https://bit.ly/3eKpgXo>

³⁹ <https://www.ficcicascade.in/wp-content/uploads/2021/03/CASCADE-Newsletter-Jan-2021.pdf>

⁴⁰ http://www.ficcicascade.in/wp-content/uploads/2020/11/CASCADE_Newsletter_October_2020.pdf

of the Ministry of Law and Justice⁴¹, Minister of Commerce and Industry, Director General of Police etc. FICCI CASCADE also conducted a Training Programme Programmer on Prevention of Counterfeiting and Smuggling for Police Officers, of the State of Jammu & Kashmir.⁴²

The online publications often show FICCI congratulating the efforts of Customs Officers of the States and the Directorate of Revenue Intelligence (DRI) in helping with the seizure of illegal tobacco products during the pandemic from the States of Andhra Pradesh and West Bengal.

<p>10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</p>						4
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Central Government: As in Tobacco Interference Index 2020⁴³ there is the continuing partnership of ITC with the NITI Aayog to train 15 lakh farmers in 27 aspirational districts, along with the agricultural departments since 2018. Due to the current pandemic situation, the training was done virtually in collaboration with the district administrations.⁴⁴

The ITC Annual Report 2020 showed that India’s public sector insurance companies were among the top 10 major shareholders of the tobacco company: LIC (2nd), General Insurance Cooperation of India (5th), New India Insurance (6th) and the Oriental Insurance Company (9th)⁴⁵. Similarly, the Annual Report of VST Industries 2020 also showed shareholdings by nationalised banks at 0.10%.⁴⁶



INDICATOR 5: Transparency

⁴¹ http://www.ficcicascade.in/wp-content/uploads/2020/11/CASCADE_Newsletter_October_2020.pdf
⁴² http://www.ficcicascade.in/wp-content/uploads/2020/11/CASCADE_Newsletter_October_2020.pdf
⁴³ <https://bit.ly/2Rh4ery>
⁴⁴ <https://www.itcportal.com/stories-pop/niti-aayog.aspx>
⁴⁵ <https://bit.ly/3eGjypD> Pg. No 122, 123
⁴⁶ <https://www.vsthyd.com/documents/annual-report-201920.pdf> Pg. No 40

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11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						5
There is no publicly available disclosure of meetings/interactions and also there is a lack of a nationwide policy.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
The Ministry of Corporate Affairs regulates the registration of all companies and this includes tobacco industries as well which require no special mechanisms or disclosure. There is no legislation concerning the disclosure of lobbying organizations or individuals on behalf of the tobacco industry. Though major cigarette manufacturing companies are registered, India still remains home to many smokeless tobacco sectors and bidi factories that run on a small scale and remain unregistered.						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)					4	
There is no evidence on the prohibition of contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns or to require full disclosure of such contributions at a national level.						
The Ministry of Health and Family Welfare adopted a code of conduct (6 July 2020) restricting the collaboration of the Ministries officials and staff with the tobacco industries. 6.1 of the code of conduct states that the officials and employees of the ministry and its departments and all institutions under its jurisdiction <i>shall not directly or indirectly accept, support or endorse any partnership.</i>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)						5
We found instances of retired senior government officials serving on the board of ITC Ltd as Independent Directors. They included two Indian Foreign Services (IFS) officers Nirupama Rao ⁴⁷ who served as ambassador to the United States of America, Sri Lanka, China and Meera Shankar ⁴⁸ who served as ambassador to the United States and Germany, and Deputy Secretary to the Ministry of External Affairs, and one Indian Administrative						

⁴⁷ <https://www.itcportal.com/about-itc/leadership/board-of-directors/nirupama-rao.aspx>

⁴⁸ <https://www.itcportal.com/about-itc/leadership/board-of-directors/meera-shankar.aspx>

	0	1	2	3	4	5
Services (IAS) officer Shilabhadra Banerjee ⁴⁹ who held several eminent positions in various Ministries of the Government of India, such as the Joint Secretary of Ministry of Petroleum and Natural & Ministry of Urban Development and Director General, Ministry of Defense and Secretary, Ministry of Tourism.						
Final score=3 (base score) + 2 (prominent positions within companies) =5						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
There was no evidence found of current government officials and relatives holding positions in the tobacco business.						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)			2			
<p>Central Government: Effective from 6 July 2020, the Ministry of Health and Family Welfare, Government of India, adopted a code of conduct restricting the collaboration of the Ministries officials and staff with the tobacco industries. It emphasises the guidelines to be observed while interacting with the tobacco industry which includes disclosing records of interaction, such as minutes, agendas, list of participants etc.⁵⁰</p> <p>State Government: At present, there are 13 states in India – Bihar, Jammu & Kashmir, Karnataka, Kerala, Himachal Pradesh, Punjab, Uttar Pradesh, Jharkhand, Meghalaya, Tamil Nadu, West Bengal, Maharashtra, Mizoram; that have adopted policies in compliance with Article 5.3 of the FCTC which requires the disclosure of records of the interactions with the industry.</p>						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)			2			
<p>Central Government: Effective from 6 July 2020, the Ministry of Health and Family Welfare, Government of India, adopted a code of conduct restricting the collaboration of the Ministries officials and staff with the tobacco industries. It also emphasises the guidelines to be observed while interacting with the tobacco industry which includes disclosing records of interaction, such as minutes, agendas, list of participants etc.</p> <p>State Government:</p>						

⁴⁹ <https://www.itcportal.com/about-itc/leadership/board-of-directors/sbanerjee.aspx>

⁵⁰<https://bit.ly/3t8v5mj>

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At present, there are 13 states in India – Bihar, Jammu & Kashmir, Karnataka, Kerala, Himachal Pradesh, Punjab, Uttar Pradesh, Jharkhand, Meghalaya, Tamil Nadu, West Bengal, Maharashtra, Mizoram; that have adopted policies in compliance with Article 5.3 of the FCTC, which has prescribed standards in dealing with the tobacco industry. ⁵¹						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)			2			
The Ministry of Corporate Affairs, Government of India mandates the accurate disclosure of financial information from corporations. The tobacco industry falling under this purview is required to periodically submit information on tobacco production, manufacture, expenditure and revenue, however, this does not include the reporting of lobbying activities, political contributions and those activities that highlight the industries interference with the government in promoting their interests and influencing policies.						
19. The government has a program/system/ plan to consistently ⁵² raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec I.1, I.2)			2			
<p>Central Government</p> <p>No sufficient information is available on specific measures. The National Tobacco Control Program (NTCP) was launched in 2007 through its key areas of work - Training of health and social workers, NGOs, school teachers, and enforcement officers; engages in awareness-building activities about Cigarette & Other Tobacco Products Act (COTPA), the FCTC and other tobacco control policies and regulations in India.⁵³ The Training for Trainers program for the capacity building on the proper implementation and monitoring of the NTCP in States and Union Territories is being implemented by the National Institute of Health & Family Welfare on behalf of the Ministry of Health & Family Welfare, Government of India. Before the onset of the pandemic, 6 phases of the training program were completed by October 2019 and the rest of the training sessions were conducted online during November and December 2020.⁵⁴</p>						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)			2			
Effective from 6 July 2020, the Ministry of Health and Family Welfare, Government of India, adopted a code of conduct restricting the collaboration of the Ministries officials and staff with tobacco industries. It emphasises the guidelines to be observed while interacting with						

⁵¹ <http://smokelesstobaccocontrolindia.com/orders-notifications/#/>

⁵² For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

⁵³ <https://ntcp.nhp.gov.in/assets/document/Concept-Note-TOT.pdf>

⁵⁴ http://www.nihfw.org/Doc/Brochure%20ToT-%20NTCP_29.9.2020.pdf

	0	1	2	3	4	5
the tobacco industry which includes disclosing records of interaction, such as minutes, agendas, list of participants etc. ⁵⁵						
State Government						
At present, there are 13 states in India – Bihar, Jammu & Kashmir, Karnataka, Kerala, Himachal Pradesh, Punjab, Uttar Pradesh, Jharkhand, Meghalaya, Tamil Nadu, West Bengal, Maharashtra, Mizoram; that have adopted policies in compliance with Article 5.3 of the FCTC which requires the disclosure of records of the interactions with the industry.						
TOTAL						57

⁵⁵<https://bit.ly/3t8v5mj>

ANNEX A: SOURCES OF INFORMATION

TOBACCO INDUSTRY ACTIVITY

TOBACCO COMPANIES

Top 5 Tobacco Companies/distributors	Market Share and Brands	Source
ITC	77% - Insignia, India Kings, Classic, Gold Flake, American Club, Wills Navy Cut, Players, Scissors, Capstan, Berkeley, Bristol, Flake, Silk Cut, Duke & Royal.	https://www.itcportal.com/businesses/fmcg/cigarettes.aspx#:~:text=ITC's%20wide%20range%20of%20brands.Silk%20Cut%2C%20Duke%20%26%20Royal.
Godfrey Phillips	Cavanders, Four Square, Marlboro (owned by Philip Morris), Red & White, Stellar, North Pole, Tipper	www.godfreyphillips.com
Vazir Sultan Tobacco	Charminar Specials, Shah-I- Deccan, Charms Virginia Filter Kings, Vazir, Qila and Ambassador.	https://www.bloomberg.com/profile/company/VST:IN
Golden Tobacco	Panama, Taj Chhap Deluxe, Style Mini Kings, Chancellor, Platinum, Flair Kings and June Slim. It also sells cigars under the brand name Just Black and Lips.	http://www.goldentobacco.in/products.asp#cigarettes
DS Group	Baba and Tulsī Chewing tobacco	https://www.dsgroup.com/our-businesses/tobacco

TOBACCO INDUSTRY FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	URL
CII	Industry Association	https://www.cii.in/
FICCI	Industry Association	https://ficci.in/
FAIFA	Farmers Group	https://www.protectourlivelihood.in/history-of-the-federation/
Assocham	Industry Association	https://www.assochem.org/

NEWS SOURCES

Top 5 Newspaper/Dailies	Type (Print/Online)	URL
Hindu	Online and Print	thehindu.com
The Wire	Online	https://thewire.in/