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Summary of Findings

1. Industry participation in policy development

The tobacco industry always finds ways to interfere with the different tobacco control measures and legislation. While 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 industry indirectly, via various front groups, did seek to influence the government to consider a policy change. For example, with the amendment of the Cigarettes and Other Tobacco Products Act (COTPA) 2020, various front groups, including the Federation of All India Farmers Associations (FAIFA), the 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 was not directly related to the setting of public health policies, but still allowed for influence. For example, the Chairman and MD of Indian Tobacco Company has 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 corporate social responsibility (CSR) programs by the tobacco industry was observed during the pandemic period with prominent tobacco companies making significant contributions towards the governments' relief

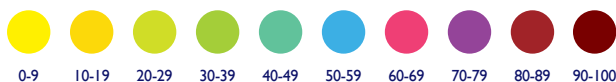
funds, extending support to flagship programs of the government and also providing essential services and protective equipment under its subsidiaries. These increased activities are contrary to the Framework Convention on Tobacco Control (FCTC) Article 5.3 Guidelines. There were also examples of the tobacco industry entering into partnerships with state governments under its 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. For example, the 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 in January 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 the Head of Corporate Affairs of the Indian Tobacco Company (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 and has 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. There is also no policy requiring 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 the 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, adopted a code of conduct that aimed at preventing industry interference and conflict of interest among public officials and all departments within the Ministry's 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 it.



In July 2020, the Ministry of Health and Family Welfare adopted a code of conduct aimed at preventing industry interference and conflict of interest among public officials and all departments within the Ministry's jurisdiction.



Recommendations

1. Increased disclosure by the government on its 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 direct bearing on the business and its operations, including agriculture, environment, health, labor, women and children, 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 a separate legislation or by inclusion of clauses within existing laws to ensure conflict of interest between the government and its commitment to the FCTC does not arise and all activities aimed at subverting and challenging implementation of health policies and programs 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. The 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 prioritize health, well-being and health equity over other considerations.