

16.15 hrs.

Title: Discussion on the Cigarettes and other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003. (Discussion concluded and Bill passed)

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : सभापति महोदय, मैं प्रस्ताव करती हूँ -

"कि सिगरेटों और अन्य तम्बाकू उत्पादों के विज्ञापन के प्रतिबन्ध करने और उनमें व्यापार तथा वाणिज्य तथा उनके उत्पादन, प्रदाय और वितरण के नियमन के लिए और उनसे संबंधित या उनके आनुांगिक विषयों का उपबंध करने वाले विधेयक, राज्य सभा द्वारा यथापारित, पर विचार किया जाए।"

सभापति महोदय, देश की सर्वोच्च विधायिका होने के नाते भारत की संसद हर सत्र में कई विधेयक पारित करती है, लेकिन उनमें से कुछ विधेयक ऐसे होते हैं जो इतिहास में दर्ज हो जाते हैं और जिन्हें मील का पत्थर विधेयक यानी माइलस्टोन लेजिस्लेशन की संज्ञा दी जाती है। आज जो विधेयक मैंने अभी सदन में चर्चा के लिए और पारित करने के लिए रखा है, जन स्वास्थ्य के क्षेत्र में यह एक ऐसा ही विधेयक जाना जायेगा। जब-जब पब्लिक हेल्थ रिफॉर्म्स की चर्चा होगी, उसके अनुरूप लाये गये विधेयकों की चर्चा होगी तो इस विधेयक की चर्चा बहुत अग्रणी रूप में होगी। जब कभी हम अपने देश में बीमारी के बोझ यानी डिप्थीरिया बर्डन की समीक्षा करते हैं तो पाते हैं कि बहुत ज्यादा बीमारियां तम्बाकू के विभिन्न उत्पादों के सेवन से उपजती हैं, पैदा होती हैं। जैसे सिगरेट पीने से टी.बी. होती है। मौखिक रूप से तम्बाकू किसी भी रूप में चबाने से कैंसर होता है। यह कैंसर गले का, गाल का, मुंह का और जबान को हो सकता है। ये भयंकर बीमारियां हैं, जिनका नाम लेते हुए भी डर लगता है। जब इन उत्पादों का स्वयं सेवन करना बुरी बात है, लेकिन विज्ञापन देकर इन्हें महिमामंडित करना, उसे बाकी लोगों को सेवन करने के लिए प्रेरित और प्रोत्साहित करना, उससे भी ज्यादा बुरी बात है और सिगरेट एक ऐसा उत्पाद है, बाकी सारे उत्पाद तो खाने वाले या सेवन करने वाले को ही रोगी बनाते हैं, वही व्यक्ति कट उठाता है, वही काया-माया से तंग होता है, लेकिन सिगरेट ऐसी जहमत है जिसे पीने वाला तो रोगी होता ही है, लेकिन अगल-बगल, आसपास

जितने लोग बैठे होते हैं, उन्हें भी रोग देता है और बिना किसी अपराध, दोष या गुनाह के वे लोग भी रोगी हो जाते हैं। आप सिगरेट नहीं पीते, आपके सामने बैठा हुआ कोई व्यक्ति सिगरेट पी रहा है तो आप भी धुआं निगलने के लिए मजबूर हैं। उस धुएँ के साथ आपके फेफड़े भी काले होते हैं, खराब होते हैं और उसे सहने के लिए आप मजबूर हैं।

इसलिए संसद की जो सबऑर्डिनेट कमेटी ऑन लेजिस्लेशन है, उसने 1995 में संसद को सिफारिश की थी कि एक विधेयक लाकर हमें तम्बाकू उत्पादों के विज्ञापनों पर प्रतिबंध लगाना चाहिए। उस पर सरकार ने चर्चा की और संसद के सामने एक विधेयक राज्य सभा में 7 मार्च, 2001 को लाया गया। आपके मालूम ही है कि हमारे यहां स्थायी समिति, स्टैंडिंग कमेटी की व्यवस्था बनी है और उनमें किसी बिल को आमूलचूल देखने का मौका मिलता है। इस तरह 7 मार्च, 2001 को प्रस्तुत किये गये इस विधेयक को 12 मार्च को स्टैंडिंग कमेटी को भेज दिया गया। दिसम्बर, 2001 में स्टैंडिंग कमेटी ने अपनी अनुशंसा सरकार को वापस कर दी। सरकार ने उन तमाम अनुशंसाओं पर विचार करके बिल को संशोधित किया। जो संशोधन कमेटी ने सुझाये थे, लगभग सभी संशोधनों को उसमें स्वीकार कर लिया गया। एक संशोधन में थोड़ा सा परिवर्तन करके स्वीकार किया और दोबारा इसी साल 9 अप्रैल को राज्य सभा में संशोधित विधेयक मैंने प्रस्तुत किया। जिस पर अल्प, बहुत अच्छी तथा सार्थक चर्चा के बाद राज्य सभा ने इसे सर्वसम्मति से पारित किया।

इसके तीन प्रमुख प्रावधान हैं, जिन्हें मैं संसद में रख देना चाहती हूँ। पहला प्रावधान है कि सिगरेट और तम्बाकू उत्पादों के विज्ञापनों पर पूर्ण रूप से प्रतिबंध लगाना चाहिए। न इलेक्ट्रॉनिक मीडिया में और न प्रिंट मीडिया में, इनका किसी भी प्रकार का विज्ञापन नहीं आना चाहिए। कई सिगरेट कंपनियों द्वारा स्पोर्ट्स के इवेंट्स को स्पॉन्सर किया जाता है। वे कंपनियां ऐसा भी न करें। इस प्रकार से तम्बाकू अथवा तम्बाकू से बनी चीजों के विज्ञापन पर पूर्ण प्रतिबंध लगाना चाहिए। दूसरा संशोधन यह है कि अभी तक सिगरेट की डिब्बी पर हिन्दी अथवा अंग्रेजी में यह लिखा रहता था कि "सिगरेट पीना स्वास्थ्य के लिए हानिकारक है", "Cigarette smoking is injurious to health", लेकिन अपने देश में ऐसे बहुत से लोग हैं जिन्हें हिन्दी अथवा अंग्रेजी नहीं आती, वे केवल प्रादेशिक भाषाएं ही जानते हैं। इस प्रकार से सिगरेट की डिब्बी पर वैधानिक चेतावनी अब प्रादेशिक भाषाओं में भी लिखी जाएगी। तमिलनाडू का व्यक्ति अब इस चेतावनी को तमिल में पढ़ सकेगा, आंध्रप्रदेश का व्यक्ति तेलुगू में और केरल का मलियालम में तथा कर्नाटक का कन्नड़ में। तीसरी बात यह है कि हमारे यहां बहुत से लोग कोई भाषा नहीं जानते। इसलिए इन डिब्बियों के ऊपर चित्र द्वारा भी इस बात को दिखाया जाए कि यह हानिकारक है। यदि कोई सिगरेट की डिब्बे देखे या तम्बाकू का उत्पाद हाथ में ले, तो उसे पता चल जाए कि यह स्वास्थ्य के लिए हानिकारक है।

महोदय, सिगरेट, बीड़ी या तम्बाकू के अन्य उत्पाद इस विधेयक के पारित होने के बाद स्कूलों के 100 गज के दायरे में प्रतिबन्धित होंगे, ताकि स्कूल के किशोर और किशोरियों को इस बारे में बहकाया न जा सके। प्रायः ऐसा होता है कि कोई कह देता है कि खाकर देखो, कैसा मजा आता है, कैसी मस्ती आती है और चूँकि विद्यालय के निकट ही वह चीज उपलब्ध है, इसलिए खरीद ली और खा ली। फिर कुछ दिनों बाद ऐसी आदत बन जाती है। इसलिए प्रयास यह किया गया है कि विद्यालयों से कम से कम 100 गज की दूरी के अंदर सिगरेट, बीड़ी या तम्बाकू के उत्पाद की कोई दुकान नहीं होगी। समिति ने सुझाव दिया था कि 500 गज की दूरी रखी जाए। यदि समिति की सिफारिश को माना जाता है तो शहरों में भी ऐसा कोई स्थान नहीं बचता, जो विद्यालय से 500 गज की दूरी पर हो। इसलिए जितना व्यावहारिक था, वह सुझाव हमने माना और 500 गज की बजाय 100 गज की व्यवस्था की है।

महोदय, इसके दो-तीन प्रमुख पहलू हैं। राज्य सभा ने इसे 9 अप्रैल, 2003 को पारित किया है। मैं अपने सभी साथियों से प्रार्थना करती हूँ कि इस बिल पर चर्चा करें और इसे पारित करें। इस प्रकार से जनस्वास्थ्य सुधार की दिशा में एक बहुत बड़ा कदम होगा।

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MR. CHAIRMAN: Motion moved:

"That the Bill to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

श्री शिवराज वि.पाटील (लातूर) : सभापति महोदय, यह विधेयक बहुत अच्छा विधेयक है। यह बच्चों के स्वास्थ्य के लिए, बड़ों के स्वास्थ्य के लिए, ग्रामीण और शहरियों के स्वास्थ्य के लिए, पर्यावरण को शुद्ध रखने के लिए और विज्ञापनों के माध्यम से तम्बाकू के सेवन को बढ़ावा न मिले, यह देखने के लिए लाया गया है। ऐसा विधेयक होने के कारण, इसका समर्थन, इस सदन द्वारा किया जाएगा और इसका स्वागत भी किया जाएगा और इसमें मुझे कोई शंका नहीं है कि यह बिल सर्वानुमति से पारित हो जाएगा।

महोदय, कभी-कभी ऐसा लगता है कि संसार की बहुत बड़ी-बड़ी समस्याओं को हल करने के लिए कहीं कुछ कहा जाता है और उसके बाद हम जाग जाते हैं उसके लिए कानून लाते हैं, यदि उससे पहले ही कानून ले आते, तो अच्छा होता। वर्ल्ड हेल्थ असैम्बली में 1990 में यह विचार प्रकट हुआ कि ऐसा होना चाहिए। उस कानून को हम अपने यहां अब बना रहे हैं। यदि इससे पहले ही बना लेते या 1990 के तत्काल बाद बना लेते, तो ज्यादा अच्छा होता।

महोदय, कोई भी कानून जब हम बनाते हैं, तो उस कानून का सारे लोगों पर किस प्रकार से प्रभाव होने जा रहा है, इसको ध्यान में रखना जरूरी है और कानून बनाने के बाद कानून की वजह से कुछ लोगों को अगर तकलीफ हो रही है, तो वह तकलीफ किस प्रकार से दूर करनी चाहिए, इसके ऊपर भी अपने विचार प्रकट करने जरूरी हैं। उनकी तकलीफ को दूर करने के लिए या तो कानून में ही कुछ ऐसे प्रावधान करने चाहिए जिनकी वजह से अच्छा उद्देश्य साधने की दृष्टि से उन्हें कोई तकलीफ न हो और यदि उन्हें तकलीफ होती है या उन्हें नुकसान होता है, तो यह देखना भी जरूरी है कि वह किस प्रकार से दूर किया जाए।।

इसी को हम बैलेंसिंग ऑफ इंटरस्ट कहते हैं। जब भी कोई कानून बनता है और वह समाज में लागू हो जाता है तो अलग-अलग लोगों के इंटरस्ट पर उसका अलग-अलग इनफ्लुएंस और इम्पैक्ट होता है। उसे ध्यान में रखते हुए बैलेंसिंग ऑफ इंटरस्ट कानून के माध्यम से करना जरूरी है और इसी को ज्यूरिस प्रुडेंस की भाषा में सोशल इंजीनियरिंग भी कहा जाता है। मैं उस दृष्टि से कानून की ओर देख रहा हूँ। इसका मतलब मैं इसका विरोध कर रहा हूँ, आप ऐसा मत समझिएगा। इसका मतलब हम कुछ बताने जा रहे हैं या सरकार से कुछ मांग करने जा रहे हैं तो इसका विरोध करने के उद्देश्य से कर रहे हैं, कृपा कर आप ऐसा मत समझिएगा। यह कानून बनने से क्या होने वाला है, मैं समझता हूँ कि यह बनना चाहिए, क्योंकि यह जरूरी हो गया है, मगर इसका असर किन-किन लोगों पर होने वाला है, इसे हमें देखना चाहिए। हमारा देश तम्बाकू की उपज करने वाला है। हमारे यहां तम्बाकू होता है, जिसे हम चाइना, रशिया तथा दूसरे देशों को भी भेजते थे। हमारे यहां की तम्बाकू बहुत अच्छी नहीं, मगर बहुत खराब भी नहीं है। सिगार और बीड़ी के उपयोग में आने वाली हमारे पास तम्बाकू है, चुरुट बनाने वाली तम्बाकू शायद हमारे पास नहीं है, अगर पैदा होती भी होगी तो शायद बहुत थोड़े पैमाने पर होती होगी।

महोदय, इस काम में जो लोग लगे हुए हैं, उन पर भी कुछ असर होने वाला है। अगर देखा जाए कि इस काम में कितने लोग लगे हैं, 35 मिलियन लोग, इसका मतलब है करीब-करीब साढ़े तीन करोड़ लोग इस काम में लगे हुए हैं। अगर इस कानून को बनाने की वजह से उनकी रोजी और रोजगार में कुछ कमी आए, मैं यह नहीं कहूंगा कि उनका रोजगार पूरी तरह खत्म हो रहा है, लेकिन अगर कमी आती है तो उसे हमें ध्यान में रखना होगा। इसमें छः मिलियन, यानी 60 लाख तम्बाकू फार्मर्स शामिल हैं, 20 मिलियन फार्म लेबरर्स हैं, 4.40 मिलियन बीड़ी वर्कर्स हैं और 2.2 मिलियन तेन्दु लीव प्लकर्स हैं। इनके अलावा दो मिलियन रिटेलशाप और पेटी शाप ट्रेडर्स हैं तथा ट्रांसपोर्ट वगैरह में काम करने वाले लोग हैं। अगर उनकी रोजी और रोजगार पर कुछ असर पड़ रहा है तो उनके बारे में सरकार में होने के नाते हमें सोचना पड़ेगा। जब हम इरीगेशन डैम बनाते हैं और यह बनाना जरूरी भी है, अगर भाखड़ा नांगल डैम न बनता तो हम आज अनाज की दृष्टि से आत्मनिर्भर न होते, देश में सेल्फ सफिशिएंसी नहीं आती। हम जब भाखड़ा नांगल डैम बनाने जा रहे हैं तो जिसकी जमीन के ऊपर पानी खड़ा हो रहा है, अगर उसका नुकसान हो रहा है तो उसकी मदद करने की हमारी जिम्मेदारी बनती है। उसी तरीके से अगर हम डिसइनवेस्टमेंट कर रहे हैं तो उसकी वजह से एससी, एसटी के लोगों की नौकरी या रोजगार पर कोई असर पड़ रहा है तो उस पर भी हमें सोचना पड़ेगा। इसी तरह हम जो भी कोई काम करते हैं, सड़क बना रहे हैं, उसके लिए भी हमें जमीन लेनी पड़ती है, उसके बारे में भी हमें सोचना पड़ता है। कम्पनसेट करने के लिए, उनका जो नुकसान हो रहा है, उसके लिए कुछ न कुछ इंतजाम या तो कानून में होना चाहिए और अगर हमें यह लगता है कि हम कानून में नहीं कर सकते तो सरकार की तरफ से हमें बताया जाए कि जो प्रश्न है, उसे हम ध्यान में रखेंगे तथा जहां तक हो सकेगा उसे हल करने का प्रयास करेंगे। इतनी मांग हम जरूर कर सकते हैं और मैं समझता हूँ कि मंत्री जी इस पर हमें निराश नहीं करेंगी, क्योंकि हमारी यह मांग बिलकुल दुरुस्त है, गलत मांग नहीं है। इस ढंग से काम करेंगे तो आपका उद्देश्य अच्छा सफल होगा। इसके लिए हिस्ट्री में नाम लिखा जाएगा। इस कानून को जो भी माननीय सदस्य लाए हैं उनका नाम भी लिखा जाएगा और इस वां तथा इस सदन को भी याद किया जाएगा। इसका उद्देश्य और अच्छे ढंग से पूरा हो सकेगा, ऐसा मुझे लगता है।

महोदय, मैं पुरजोर और बड़ी विनम्रता से तथा बार-बार रिपीट करके कहना चाहूंगा कि हम सरकार की ओर से सुनना चाहेंगे कि ये जो लोग हैं, जिनके ऊपर असर हो रहा है उनकी मदद करने के लिए आप जो कुछ कर सकते हैं, वह करें, आप जो नहीं कर सकते, उसे करने की हम मांग नहीं करेंगे।

जो भी आप कर सकते हैं, आप जरूर करेंगे, अगर इतना आश्वासन हमें मिल जाये तो उससे हमारा समाधान हो जायेगा।

दूसरी बात इसके अन्दर यह आती है कि जो भी कानून बनता है, वह कानून इम्प्लीमेंटेबल होना चाहिए। अगर इम्प्लीमेंट कराने में कोई अड़चन आती है तो उसे दूर करना चाहिए। हम लोग जब कालेज में जाने वाले बच्चे थे, कानून भी पढ़ते थे, उस समय सबसे ज्यादा चर्चा प्रोहिबिशन एक्ट की होती थी। बम्बई में प्रोहिबिशन एक्ट मोरारजी देसाई साहब ने लाया हुआ था, जो वहां पर चालू था। उसकी वजह से बूट लैगिंग बहुत होती थी और प्रोहिबिशन एक्ट इम्प्लीमेंट नहीं हो रहा था, वह चलता रहा और बाद में उस कानून को वापस लेना पड़ा। ऐसा नजर आता है कि आज बहुत थोड़े से प्रान्त हैं, जहां इस प्रकार का कानून लागू है। बाकी जगहों पर ये कानून वापस लिये गये हैं। इसलिए कानून का उद्देश्य अच्छा होने के साथ-साथ उसे इम्प्लीमेंटेबल बनाना भी जरूरी है। यह कानून इम्प्लीमेंटेबल नहीं है, ऐसा मैं नहीं कहूंगा। इम्प्लीमेंटेबल है, लेकिन आपका उद्देश्य एडवरटाइज करके लोगों के मन में चुरुट पीने की, सिगरेट पीने की, बीड़ी पीने की जो इच्छा निर्माण की जाती है, उसके ऊपर कोई बंधन लगाने का, उसे लिमिट करने का जो उद्देश्य है, वह इम्प्लीमेंटेबल नहीं है, ऐसा मैं नहीं कहूंगा, लेकिन कुछ चीजें इसके अन्दर आ रही हैं, जो मुझे लगता है कि इम्प्लीमेंटेबल नहीं हैं। आपको अगर लगे कि जो हम कह रहे हैं, उसके अन्दर कोई तथ्य है तो उसके ऊपर कुछ ध्यान दें। हमारे कुछ साथियों ने सुझाव दिये हैं। अगर हम उन्हें एक्सैप्ट करते हैं तो आप एक्सैप्ट करें, अगर नहीं करें तो भी अच्छा है। चर्चा करके बाद में करें तो भी अच्छा है।

आपने बिल के अन्दर एक स्थान पर 100 गज लिखा है, मीटर लिखते तो अच्छा होता, स्कूल से 100 गज के एरिया तक कोई बीड़ी. सिगरेट की दुकान नहीं लगेगी। कुछ लोगों ने मुझे नक्शे लाकर दिये हैं, खास तौर पर मुम्बई के लोगों ने मुझे नक्शे लाकर दिये हैं कि अगर 100 मीटर के रेडियस का हिसाब लगायें और गोल चक्कर लगाते रहें कि 100 मीटर का चक्कर क्या होता है तो पूरा का पूरा मुम्बई का एरिया कवर हो जाता है। अगर बड़े शहरों में पूरा का पूरा एरिया खत्म हो जाता है तो इसका मतलब यह होता है कि कहीं भी आप बेच नहीं सकते। अगर ऐसा कानून बना तो कोई न कोई चोरी से बेचेगा तो अनइम्प्लीमेंटेबल होगा और प्रोहिबिशन की जो गति हो गई, वही गति इसकी भी होगी। इसलिए यह देखना जरूरी है और मैं उसका पुरजोर समर्थन करता हूँ। मैं उसके बाजू में हूँ कि जहां स्कूल और कालेज हो, वहां बिक्री नहीं होनी चाहिए, मगर 100 मीटर के रेडियस में नहीं होनी चाहिए, यह सवाल है, इसके ऊपर ध्यान देना चाहिए। स्कूल के कम्पाउण्ड में जो कैफेटेरिया चलता है, उसके अन्दर तो होना ही नहीं चाहिए, उसके अन्दर कोई शंका नहीं है, मगर स्कूल का बड़ा कम्पाउण्ड है और उसके बाहर 100 मीटर तक आप दुकान ही नहीं लगाने दे रहे हैं तो कोई चोरी करेगा, कोई स्मगलिंग करेगा और जैसे गुट लैगिंग पहले होती थी, उसी तरह से इसमें भी हो जायेगा। इसलिए इसे ध्यान में रखना जरूरी है कि यह प्रैक्टिकल है, क्या यह इम्प्लीमेंटेबल है? अगर इस प्रकार का कानून हम बनायें तो उसका असर हमारे उद्देश्य की पूर्ति करने वाला होगा या उसे कमजोर करने वाला होगा, इसे देखना चाहिए। मुझे लगता है कि शायद यह 100 मीटर का प्रावधान कुछ मुश्किल पैदा करेगा। इसके बारे में आपको सोचना पड़ेगा।

क्लोजेस्ट विसिनिटी के बारे में हमारे साथियों ने कहा है कि क्लीजेस्ट विसिनिटी कह दिया, क्या क्लोजेस्ट विसिनिटी आप रूल्स में बनाइयेगा, क्योंकि रूल्स को आप जब चाहे बदल सकते हैं। लेकिन कानून में बनाने के बाद आप उसे बदल नहीं सकेंगे। कानून में बदलना है तो फिर यहां आकर आपको बदलना पड़ेगा। उसमें हमारे यहां तरीका है कि आप बिल बनाएं, यहां उसे इण्ट्रोड्यूस करेंगे, फिर वह स्टैंडिंग कमेटी में जायेगा, फिर यहां आयेगा और उसमें टाइम लगेगा। इससे पीछे हटने या आगे बढ़ने के लिए भी आपको टाइम लगेगा। इसके बारे में आपको सोचना पड़ेगा। मेरा सुझाव इसके बारे में यह है कि स्टेट गवर्नमेंट के द्वारा भी इसे इम्प्लीमेंट करना जरूरी है, इसलिए आपके जो रूल्स बने हैं, उन रूल्स के अन्दर कितने फासले पर होना चाहिए, स्कूल कम्पाउण्ड में नहीं होना चाहिए, इसे कानून लिख दीजिए, मगर डिस्टेंस दुकान का कितना होना चाहिए, आप रूल्स में इसे बनाइये। उसमें कम ज्यादा आपको जैसा भी इम्प्लीमेंटेशन के हिसाब से जरूरी है, वह कीजिए, ऐसा मुझे

लगता है।

मेरा एक तीसरा सुझाव भी है जो मेरे साथी मुझे यहां बता रहे हैं। उसके बारे में आपको जो सोचना है, वह सोचिए। इस बिल पर वह खुद भी बोलेंगे लेकिन वह चाहते हैं कि मैं भी उसे टच करूं। वह स्कल एंड टू क्रॉस बॉन्स से संबंधित हैं। यह बहुत डेंजर्स बात है। मैं समझता हूँ कि यह डेंजर्स है तो बच्चों को बताना चाहिए कि अगर आप बीड़ी या और किसी चीज पीयेंगे तो ऐसा ही होगा। मगर यह समझते हैं कि बहुत डेंजर्स है। इसको आप किसी और तरीके से लगा सकते हैं तो लगाना चाहिए, इतना ही मुझे कहना है। इस बिल को लाने के लिए मैं आपको मुबारकवाद देता हूँ।

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Chairman, Sir, I stand here in support of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003.

Sir, 400 years back, it had brought havoc to this country. About 400 years back, the Portuguese had brought tobacco to India, and now we find that like wild fire, it has spread in every nook and corner of the country -- whether it is cigarette, *bidi* or the raw cigar with the burning point inside the mouth. In my Constituency, in Shri K. Yerrannaidu's Constituency and down South also, we would find lots of people who smoke it upside down, creating problem for the mouth. Then, lots of people chew and spit everywhere, causing pollution everywhere.

And, how has it come? It is because of the Portuguese who had brought it to this country.

16.36 hrs. (Dr. Laxminarayan Pandeya *in the Chair*)

Sir, it is a good suggestion here that we must restrict advertisement and sale in some manner. Now, as this Bill itself says, it is not prohibiting smoking as such. In this context, I would like to quote Winston Churchill, the Second World War Prime Minister of U.K., who said:

"How can I tell you that the soothing influence of tobacco upon my nervous system may not have enabled me to comfort myself with calm and courtesy in some awkward personal encounter or negotiations or carried me serenely through some critical hours of anxious waiting?"

That was his opinion.

Well, anybody can smoke in privacy. But I would suggest: 'Do not smoke in the lobby of Lok Sabha itself because the passive smokers are getting bad effects; do not smoke in the Central Hall of Parliament also.' For the hon. Members, I think, it should be one of the cautions that should be given: Do not smoke here. But every now and then, we find our good friends -- there are good friends also -- who go out and smoke, and talk to us. But we being passive smokers, have lots of difficulties.

Sir, when this Bill has been initiated, I think the Standing Committee on Subordinate Legislation is to be thanked for having initiated this Bill. Another man who is also to be thanked is Shri Reddy, who was a Professor of the All India Institute of Medical Sciences. He had started an NGO to educate people in this regard. When we are thinking of the legislation, we must thank that man also. For the last five to six years, he has been taking up the cudgels against the smokers, the smoking people and the advertisers and all those things. That is a good thing.

Another person who has to be complimented is Ms. Betty Bullock, a 64-year old lady who had contracted cancer because of smoking, and her lawyer had brought in a compensation claim, a law of torts against a famous producer, Philip Morris, in Los Angeles. They got 28 billion dollars punitive fine. That is a deterrent which is required in any sort of legislation that you bring about.

But unfortunately, although I support it, this legislation is very short. There has been a fine of 28 billion dollars in Los Angeles for the type of contents the cigarette has. Now, a cigarette has tar and nicotine. What is the content? The content of a cigarette relating to tar and nicotine has to be indicated, and that is being done in this Bill itself. But, I doubt very much that the people would come to know of it. If anybody has smoked a *bidi*, and puffed or inhaled the smoke, and if he takes a *dhoti* and exhales that smoke into that *dhoti*, he will find a black stain in it. We have seen that. I do not smoke, but I have seen that thing. That stain itself creates problem in the entire respiratory system. That was the issue which was taken up by those people in Los Angeles. I think that has hastened this Bill.

As per the Directive Principle of the State Policy, the State has to see that the citizens are healthy. That is the first thing. There might be some difficulties in implementing it at a later stage, but it is a good legislation. This Bill itself has some flaw, in my opinion, some flaw in the sense that clause 4 speaks of smoking in public places. It has been made compoundable in clause 21. So far so good. Smoking in the public places has to be prevented. Clause 6 relates to sale of cigarettes and tobacco products near the schools and other places. For that this punitive provision is there in clause 22. It provides two years or fine, two years of imprisonment or fine for the first instance, and for the second instance five years and fine. So, for the first instance, it could be imprisonment or fine, or both taken together. But, in the second instance, it has to be imprisonment and fine. In my humble opinion, the first instance

also should have imprisonment and fine taken together. It becomes a lenient punishment in my honest opinion.

Then there is clause 24. There is no provision for subsequent offences. I would crave your indulgence to read that clause itself. I will not read the whole clause. It says:

"Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of 18 years. "

It does not say anything about subsequent offences. That means for any offence, a person would be fined only. That should not be so. For those people who are selling to persons below the age of 18 years or those traders who are selling near the schools within 100 metre radius and all that thing, there must be punishment for second or subsequent offence of a larger magnitude. That has not been provided. As a result of which what happens? It would be only catching hold of people, punishing them Rs. 100 or Rs. 200 fine and summary disposal of cases. You catch them, take them to the Magistrate for summary disposal. Ordinarily, in summary proceedings, the Court does not take much time. *Nammukkamma!* He would say, "Yes I have smoked; or he would say Yes I have sold this thing." Within five or ten minutes, the entire case is disposed of. But, that is not a deterrent. That would not act as a deterrent.

So, for making it a deterrent punishment, I am of the opinion, that clause 24 has to be properly amended, maybe at later stage. The rules have to be made in a very good manner to ensure that persons, who are to investigate, should not be smokers. Many of the police officers are smokers. How can a person who is a smoker go and catch other persons? Naturally, if he goes and catches somebody who is selling cigarettes, *gutkas*, or something like that, he can as well say that "You are smoking, you have been taking things from me, how have you come to me?" It would be better that those people who catch, should not chewing a *pan* with all sorts of tobacco or *gutka*, or smoking and all other things in public places. That should not be a status symbol also. There are many persons who go to the parties, and they would like to smoke in their house also. I know about one of the Chairmen. He used to smoke pipes. He used to say: "Before my father I do not smoke, but when I come outside, I always smoke a pipe. That gives me a lots of credibility and comfort." So, there must be some role within the rule-making powers of the Government. There must be some provision to ensure that those people who catch should not be smokers. These are the few things, I thought I should speak.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I rise to support the Bill. The Bill, as it is, is defective in many ways, which I will deal with.

We are making a new legislation regarding smoking. We belong to the World Health Organisation. The World Health organisation has taken a decision to take all necessary steps to prevent smoking, which is injurious to health, which spreads heard disease and cancer. It may cause oral cancer also. All these things are there. So, it is a menace to humanity. There is no doubt about it.

When we pass this legislation, I must advise the Minister to remove all the ashtrays kept in the Lobby because it is an incentive to smoke. The Minister must also remove all the ashtrays kept in the Central Hall because it is an incentive to smoke. Smoking should not be allowed within the premises of this House. Then only we will have the right to pass this legislation. We are now making a law, advising students below 18 years not to smoke. But we, as lawmakers, should observe the law strictly. I am a person who has never smoked; I have not been a smoker throughout my life.

I would advise the hon. Minister to immediately take all the steps to inform people that we are strictly following the WHO's directive. I see many friends smoking in the Lobby because ashtray is kept there; I see many friends smoking in the Central Hall because ashtray is kept there. The Minister may have to see that they are removed. There should not be any kind of smoking within the precincts of Parliament House.

I have a bitter experience. When I go for morning walk, I always come across people who smoke cigarette or beedi, etc. I will have to stop for a moment, make that man go and then, I have to proceed. I find it very difficult. Even though the Supreme Court had given a directive not to smoke in public places, it is not being implemented till date. The Government should take immediate steps to see that it is implemented.

To some extent, I must say that smoking in the presence of wife is injurious to her and it is an offence. One should not smoke in the presence of family members. They may not object to it, but they are really ruined. As family members, nobody should smoke in the presence of others – whether it is son or daughter or wife or anybody else. In the normal course, they may not object, but we must have the courage or tendency to avoid smoking in the presence of other family members.

If a man is inclined to smoking, let him do it; we cannot prevent him because there are people who are prepared to commit suicide. This is another form of suicide, indirectly. If anybody is very much inclined to smoke, let him do it, without causing obstruction or without causing nuisance to others who are present there. I would request the hon. Minister to take steps in this regard; the hon. Minister is also very much interested in seeing that steps are taken.

I will have to point out here that we belong to the World Health Organisation. It is unfair on our part to include clause 32 in the Bill. That is not proper. That is not fair on our part. It says:

"Nothing contained in this Act shall apply to any cigarette or other tobacco products or package of cigarettes or other tobacco products which is exported."

By this, you are giving a licence for people to export them.

We are a member of WHO. How can India, being a member of WHO, give a tacit consent for export of cigarette and tobacco, giving attractive advertisements showing that skull is not required. In the place of skull, you can give a photo of an attractive lady smoking cigarette and thus can export cigarette and tobacco and let others face the consequence. Is it good on our part? We belong to WHO. Can India ever allow to export cigarettes without these restrictions? Restrictions should be made applicable to the export of cigarette. Why do you give exemption? There is a provision also, which is much more interesting. It says:

"Provided that nothing in this section shall be deemed to authorise the export of any package of cigarettes or other tobacco products, not containing the specified warning and indication of nicotine and tar contents to any country if the law in force in that country requires that the same or similar warning and nicotine and tar contents shall be specified on each package of cigarettes or other tobacco products."

So, if there is a law in the country where it is being exported, then this will not be taken as a tacit consent. It is immaterial whether there is a law in the foreign country prohibiting advertisements and other such things, we champion the cause of humanity. We champion the cause that humanity should be free from cancer, cardiovascular diseases and even oral cancer. India champions a human cause. So, how can it say that it can export it to other countries? It means that you are allowing people to export these diseases to other countries. Are they not human being? I request the hon. Minister, who is an ardent supporter of this Bill, to delete that section. It looks awkward, unfair, unethical and immoral to have such a provision in the law, allowing people to export tobacco and cigarette with these restrictions. It is not good. By saying that if it is an offence in other countries, the allowance given will not be taken as a tacit consent, is not correct. It is not our look out to see whether there is any law prohibiting it. We champion the cause of WHO. So, I would request that it is only just and fair and in the fitness of things that clause 32 is deleted.

Regarding the scheme of this Act, there are difficulties. There are two provisions. One is, in the matter of confiscation the dispute will go to the Civil Court and in the matter of violation of law it will go to the criminal court. If you launch a prosecution, when are you to insert a clause that confiscation will also be a part of prosecution? Why should you go to the Civil Court? When the matter is taken to the civil court, there is appeal, show cause notice, hearing and so many other procedures will have to be followed. So, taking the matter in the civil court is definitely defeating the intentions of the provisions of the statute. In the matter of criminal court also there will be difficulties because there will be a confusion that these two actions are possible. So, to make the position clear, I would request the hon. Minister to frame rules in such a way without giving room for any confusion or conflict of action.

That is another matter to which I would like to draw the attention of the Minister concerned.

The scheme is also not proper. It will have to be revised in such a manner that there must be specific instructions what are the offences to be taken to civil court; what are the violations which are not to be taken to civil court; and what are the violations of the law to be tried by the criminal court. There must be distinct and separate guidelines for these actions in the rules of procedure.

In the case of prosecution, any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub-Inspect or Police, authorised by the Central Government or by the State Government is authorised to make searches. I think these things will lead to our bitter experience which we had in the implementation of Prohibition Act. When Prohibition Act was implemented, so many difficulties arose and the Act itself was found to be a failure. With the result, in so many States, the Prohibition Act itself was withdrawn. Without prejudice and with the good intention of this legislation, I would request to make specific provision in the matter of taking prosecution proceedings against the offenders.

Finally, with regard to company, the person who is to be prosecuted, he should be either the Secretary or the

Director of a particular company. But it may lead to difficulties as innocent persons may be involved. Prosecution will be launched against innocent persons. So, we should be abundantly clear and cautious to see that innocent people are not brought to book. In these matters when the rules are framed, there must be specific provisions to make the Act more meaningful and more effective.

In regard to distance, as pointed out by Shri Shivraj Patil, there is a difficulty. In most of the urban areas and metropolitan cities, a distance of 100 yards will be a difficulty. You will have to take this into consideration. It should not be a licence to sell cigarettes within the precincts of a college or school. I think a provision can be made in the rules also. No sale should be effected near the college or educational institutions. That must be there. But regarding the distance, there may arise some difficulty. You will have to take care of that in the statute itself or in the rules. We will have to make a distinction. That must be done.

With these words, I once again support the Bill with my full strength.

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Chairman, Sir, I have gone through the Bill and I indeed appreciate the initiative of the Government in this regard. I have gone through all the clauses. I want to have clarifications from the hon. Minister on three points.

As regards employment, India is the second highest grower of tobacco in the world and employs millions of poor people. The proposed Bill has the potential of disturbing the livelihood of 35 million farmers, small traders, and workers who are depending on the tobacco industry including more than two million tribals involved in the tendu leaf cultivation and five million poor shopkeepers depending on the sales of tobacco and tobacco products for their livelihood.

16.59 hrs (Shrimati Margaret Alva *in the Chair*)

Clause 5 provides for prohibition of sale of cigarettes or any other tobacco products to persons below 18 years of age. There is also a provision of a distance of 100 yards. It will not benefit poor people as they have established thousands and lakhs of shops.

17.00 hrs.

These people have established these shops since the time of Independence. The provisions of this Act would affect every one of these people who are engaged in this trade. I would like to know as to what the Government proposes to do to provide alternate employment to these people who are likely to become unemployed on account of the provisions of this Bill. Shri Shivraj Patil ji also mentioned about this point.

Madam, the next point is about clause 7(i) and it is about printing and pictorial warnings and declarations about nicotine contents. This would not only be impractical but also discriminatory. Even for explosive substances, say, for example petroleum products also we use such pictorial warnings and all. In order to prohibit smoking we have to educate people and have to provide more funds for publicity to bring about an awareness that cigarette smoking is injurious to health and that it affects our body and even could lead to diseases like cancer. The Governments of Haryana and Andhra Pradesh have passed the Prohibition Act in their respective States. But the ground reality is that the provisions of the Act are not practical enough to be implemented. It is very easy to pass a legislation but there are a lot of problems when it comes to implementation of the provisions of the Act. So, the provisions of these two clauses of not having shops within the vicinity of 100 yards of school premises and printing of pictorial warnings would be impractical and discriminatory.

Madam, my third point is that every State has a legislation of its own in this regard. So, before passing of this legislation, the Government should have invited the concerned Ministers of the States and could have attempted to evolve a common legislation to achieve this common objective. Now, after passing of this Central legislation, the country as a whole would be left with two legislation for the same purpose and the concerned officers would take advantage of this situation that could lead to harassment of people. So, I would like to urge upon the Government to explore the possibility of convening a meeting of the representatives of the State Governments and formulate a common legislation for prohibiting smoking and all these things.

Madam, these are my suggestions and I would like to know from the Government as to how they propose to provide alternate employment to those who are likely to become unemployed because of passing of this Bill and also how the Government proposes to take care of the interests of the tobacco growing farmers.

श्रीमती रेनु कुमारी (खगड़िया) : सभापति महोदय, मैं इस बिल के समर्थन में खड़ी हुई हूँ। यह विधेयक आज मानव जीवन के स्वास्थ्य के लिए बहुत आवश्यक है। आज बूढ़े-बुजुर्ग ही नहीं बल्कि युवा वर्ग की महिलाएं और पुरुष इसके शिकार हो रहे हैं। जैसा मंत्री महोदय ने बताया कि सिगरेट, शराब और अन्य टोबैको उत्पाद कैंसर, टीबी और न जाने कितनी दूसरी बीमारियों को निमंत्रण देते हैं। मैं चाहती हूँ कि सिगरेट और शराब उसी तरह खत्म कर दी जाए जिस तरह हैजा, प्लेग और पोलियो बीमारियों को खत्म करने के लिए सरकार रात-दिन लगी है। यदि इसे उसी तरह खत्म कर दिया जाता तो न कैंसर होता और न टीबी होती। इसे जड़ से खत्म करना आवश्यक है। जैसी अन्य सदस्यों ने चिन्ता व्यक्त की है। मेरी भी वही चिन्ता है। इसमें कहा गया है कि किसी शैक्षणिक संस्थान में सौ गज के अन्दर सिगरेट की बिक्री न हो लेकिन इसमें सरकारी और प्राइवेट कार्यालय भी जोड़ने चाहिए। माननीय सदस्य शिवराज पाटिल जी ने कहा कि यह साढ़े छः एकड़ की परिधि हो जाती है। बिहार जैसे प्रदेश में सरकारी स्कूल खत्म हो गए हैं। वहां कदम-कदम पर प्राइवेट स्कूल हैं। यदि आप सौ गज की दूरी को मान्यता देते हैं तो मुझे लगता है कि वहां इसे करना सम्भव नहीं होगा क्योंकि वहां प्रत्येक घर में प्राइवेट स्कूल खुल गए हैं। मैं चाहूंगी कि इसमें संशोधन करने का विचार किया जाए।

जहां तक हड़डी और खोपड़ी क्रॉस की तस्वीर देने की बात है, मुझे ऐसा लगता है कि वह व्यावहारिक नहीं है क्योंकि अमेरिका, जापान और इंग्लैंड जैसे विकसित देशों में इस चीज को नहीं किया गया है। यदि कोई दुल्हन पर्दे में रहती है तो उसे देखने के लिए लोग परेशान रहते हैं।

जब परदा पलट जाता है तो देखने की जिज्ञासा नहीं रहती है। आज के युवा वर्ग की मानसिकता है कि वह खोपड़ी और क्रॉस को देखना चाहेगा। उनके मन में यह जिज्ञासा रहती है कि देखें इसमें आगे क्या परिणाम होगा। उसकी उत्सुकता बढ़ जायेगी। इसलिये हम चाहते हैं कि विज्ञापन में बोल्ड अक्षरों में लिखा जाये। दहेज प्रथा के माध्यम से न जाने कितने कानून बने दहेज प्रथा नहीं रूकी, बाल-विवाह नहीं रुके। इसलिये क्रॉस की जगह कोई दूसरी चीज प्रयोग में लाई जाये। हमारे देश में 90 प्रतिशत लोग यह नहीं जानते कि निकोटिन और टार क्या है और इससे क्या हानि हो सकती है। हमें लगता है कि इस वस्तु की जरूरत नहीं है और अगर जरूरत भी है तो गांव के लोग सिगरेट, तम्बाकू के स्थान पर खैनी, जिसे सुरती भी कहते हैं, हुक्का में तम्बाकू डालकर पीते हैं, लोग गांजा पीते हैं। चुरुट बड़े लोग पीते हैं। उन लोगों को यह पता ही नहीं कि निकोटिन और टार क्या है। इसकी जानकारी उन लोगों को उपलब्ध करायी जाये या इस क्लोज को हटा दिया जाये।

सभापति जी, अधिनियम के पृष्ठ 8 पर लिखा हुआ है कि सिगरेट, तम्बाकू, बीड़ी, चुरुट के अलावा पान मसाला या चुड़ंगम सामग्री आई है। इसके साथ एक और चीज 'क्लिक' आई है, उसे इसमें जोड़ा जाये ताकि बिल का उद्देश्य पूरा किया जाये।

सभापति महोदय, अंत में यह कहना चाहती हूँ कि इस उद्योग से बहुत सारे लोगों का रोजगार जुड़ा हुआ है। जैसा अन्य माननीय सदस्यों ने अपनी चिन्ता जताई है। जहां कल-कारखाने खत्म हो गये हैं, वहां बहुत लोग बेरोजगार हो गये हैं। उन लोगों के परिवार भुखमरी के कगार पर हैं। यह कानून स्वास्थ्य के लिये अच्छा है और सभी लोगों ने इसका समर्थन भी किया है लेकिन इस कानून का दूसरा पहलू यह है कि इस कानून से देश के 35 मिलियन लोग बेरोजगार हो जायेंगे। उन लोगों के लिये कोई न कोई रोजगार की व्यवस्था होनी चाहिये। अगर मंत्री महोदय ने इस ओर ध्यान नहीं दिया तो मुझे लगता है कि पेट की आग को बुझाने के लिये आदमी कोई भी अपराध कर सकता है। इसलिये मैं चाहूंगी उनके लिये रोजगार की व्यवस्था होनी चाहिये वरना वही होगा जो शराब के लिये हुआ। शराब बन्दी के लिये न जाने कितने आन्दोलन हुये, फौजियां बंद की गईं। फिर भी शराब की फौजियां बढ़ गईं और खुद को शराब में डुबाने वाले देवदास भी बढ़ते गए। इसलिये मेरा मंत्री महोदय से अनुरोध होगा कि उन लोगों के लिये रोजगार के अवसर दें तभी इस बिल का उद्देश्य पूरा हो सकेगा। मैं इस बिल का समर्थन करती हूँ।

श्री बालकृष्ण चौहान (घोसी) : सभापति महोदय, आपने मुझे सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिबंध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) विधेयक, 2003 पर बोलने का अवसर दिया, उसके लिये मैं आपका धन्यवाद करता हूँ। माननीय मंत्री जी ने मनुय के स्वास्थ्य और उसकी उन्नति के लिए एक अच्छा विधेयक प्रस्तुत किया है जिसका समर्थन करने के लिये मैं खड़ा हुआ हूँ।

सभापति महोदय, मैं माननीय मंत्री जी का ध्यान कुछ बिन्दुओं की ओर खींचना चाहता हूँ। तम्बाकू उत्पाद या सिगरेट विज्ञापन का व्यापक विनियमन करने की बात कही गयी है और महानगरों व विद्यालयों से दुकानों की दूरी 100 मीटर रखी गई है। देश के महानगरों की आबादी या उनके अंतर्गत आने वाले विद्यालयों, कालेजों की संख्या तुलनात्मक रूप से देश के ग्रामीण क्षेत्रों में आने वाले विद्यालयों और कालेजों की संख्या से बहुत कम है। इसलिये दो नार्म्स रखने की जरूरत होगी कि अगर महानगरों में यह दूरी 100 मीटर रखी जाती है तो ग्रामीण क्षेत्रों में विद्यालयों और कालेजों के पास वह दूरी 500 मीटर तक रखी जा सकती है।

आज सिगरेट पीने का फैशन है, उसे प्रतिष्ठा का प्रतीक बना लिया गया है। इसे रोकने के लिए, इस पर अंकुश लगाने के लिए, इसे हतोत्साहित करने के लिए माननीय मंत्री जी का प्रयास सराहनीय है। सार्वजनिक स्थलों पर इसे विनियमित करने के लिए जो नियम बनाये जा रहे हैं, उस पर मेरी राय है कि सामाजिक समारोह, जो शादी, ब्याह आदि समारोह होते हैं, ऐसे स्थलों को भी इसमें शामिल किया जाए। इन समारोहों में अनावश्यक रूप से तश्तरी में बीड़ी, सिगरेट और तम्बाकू के तमाम उत्पाद रखकर घुमाये जाते हैं, जिससे बच्चे भी उसकी ओर आकर्षित होकर उसका इस्तेमाल कर बैठते हैं। तम्बाकू बिल्कुल व्यक्तिगत उपभोग की चीज है, जिस पर किसी को जबरदस्ती नहीं रोका जा सकता है। लेकिन मनुय के स्वास्थ्य के लिए उसकी तरफ से निरुत्साहित करने का प्रयास करना सरकार की जिम्मेदारी है।

सभापति महोदय, गांवों में अधिक मात्रा में बीड़ी और तम्बाकू का उपभोग होता है। बीड़ी बनाने वाले जो तमाम कारीगर और मजदूर हैं, वे बहुत गरीब लोग हैं। उसमें ज्यादातर महिलाएं और बच्चे संलग्न रहते हैं। जहां तक तम्बाकू के पीने की बात है, इसे जो लोग पीते हैं, उनका स्वास्थ्य खराब होता है तथा आसपास के लोगों का भी स्वास्थ्य खराब होता है। बीड़ी बनाने वाले 99.9 प्रतिशत बच्चे और महिलाएं तपेदिक से पीड़ित पाये गये हैं। उनके लिए भी आप नियम बनायें कि इन चीजों के जो कारखाने हैं जहां बीड़ी, सिगरेट और अन्य तम्बाकू उत्पादों का निर्माण होता है, वहां ऐसी व्यवस्था की जाए कि उनमें काम करने वाले बीमार न हो सकें और उनकी सुरक्षा हो सके। इसके साथ-साथ जो इस तरह के उत्पाद हैं, यदि उन्हें रोकने का प्रयास हो रहा है तो उसके साथ-साथ जो उनमें लगी हुई मानव शक्ति है, उनके पुनर्वास की जिम्मेदारी भी सरकार के ऊपर आ जायेगी।

सभापति महोदय, मैं एक चीज की ओर सदन का ध्यान आकर्षित करना चाहूंगा कि पान मसाला, गुटखा तथा पान के भीतर के तम्बाकू की बात की गई है। लेकिन पान को छोड़ दिया गया है। पान के भीतर जो कल्था और चूना इस्तेमाल होता है, उसके कारण मुंह का कैंसर बढ़ता जा रहा है। इन सारी प्रक्रियाओं से मुंह, गले, जीभ और गाल का कैंसर हो रहा है। इसमें सबसे बड़ी बुराई यह है कि हम किसी रास्ते पर किसी वाहन के पास से जा रहे हैं तो कोई उम्र से पान खाकर पीक थूक देता है। इससे सामाजिक असभ्यता बढ़ती जा रही है। आज चारों तरफ इस तरह का माहौल है, जिसमें किसी विनियमन के अभाव में लोग इस तरह का व्यवहार कर रहे हैं। ऐसी चीजों के उम्र भी अंकुश लगाया जाए। यदि आप पान खाने वाले व्यक्ति से बात करेंगे तो वह गूंगे की तरह बात करता है। मैंने बहुत से लोगों को बताया है कि आपकी आने वाली पीढ़ियां आपके जीन्स के कारण गूंगी पैदा हो सकती हैं। पान खाने वाला व्यक्ति जब बात करता है तो कहीं मुंह से पीक न निकल जाए तो जिस तरह से चूजा पानी पीकर अपनी चोंच उम्र उठा लेता है, उसी तरह से वह व्यक्ति मुंह उम्र उठाकर बात करता है। इसलिए उस पर भी अंकुश लगाना चाहिए। इसके अलावा जहां भी सरकारी कार्यालय हैं, आप कहीं भी देखिये, आपको कोई भी कोना बिना पीक का नजर नहीं आयेगा। आपने कितना ही अच्छा पेंच कराया हो,

कितनी भी अच्छी सफेदी कराई हो, लेकिन पान खाने वाले उसे लाल रंग से रंगीन बना देते हैं।

समापति महोदया : आप भाण समाप्त कीजिए।

श्री बालकृष्ण चौहान : समापति महोदया, मैं इस पर अंकुश लगाने की बात कह रहा हूँ। इसलिए इस चीज को भी विनियमित करने के लिए इस नियम का इसमें इस्तेमाल करना चाहिए।

महोदया, इस प्रकार से लोग रास्ते में पान की पीक थूकते न फिरें, यह असभ्यता का प्रतीक है, इसे भी प्रतिबन्धित करें। पशु जुगाली करते देखे जाते हैं, लेकिन आदमी पान खाकर जुगाली करता फिरता है। यह असभ्यता नहीं तो और क्या है। जिस प्रकार से सिगरेट पीने वालों के लिए स्थान बनाए गए हैं कि वे वहां जाकर सिगरेट पिएं और सिगरेट पीकर आ जाएं, उसी प्रकार से पान खाने वालों के लिए भी स्थान निश्चित करना चाहिए, जहां वे जाएं और पान खाकर, मुंह साफ कर के आ जाएं। पान चबाने वाले, पान खाते समय जब बात करते हैं, तो उनका कुछ नहीं बिगड़ता, लेकिन सामने वाले के कपड़े रंग जाते हैं और उसे पता

भी नहीं चलता है। इस पर भी मानवीय दृष्टिकोण से विचार करना चाहिए। यह एक मानवीय समस्या है। इन्हीं शब्दों के साथ, मैं इस बिल का पुरजोर समर्थन करते हुए अपना स्थान लेता हूँ।

SHRI H.D. DEVE GOWDA (KANAKPURA): Madam Chairperson, the hon. Minister of Health and Parliamentary Affairs has moved this Bill which has already been passed in the Rajya Sabha. But I do not know whether this Bill is going to be implemented by anybody. I would like to ask about the sincerity and honesty of the implementing authority. The question that I would like to pose to the hon. Minister is: Could it be possible and could it be practical? If you go through various sections, you will find that ultimately it is going to destroy the very industry itself. If you think that smoking is going to cause health hazard, it is all right. Everything is going to be a hazard. I can give you 101 instances. Since the person who is sitting in the Chair is a lady and the Minister is also a lady, I can not give a number of other instances.

If you want to improve the value in the society, there are several areas where it can be done. I can debate about it, but now I do not want to go beyond this. My primary concern is about the tobacco growers. In Karnataka, there are more than 25 lakhs of people who produce one of the best varieties of tobacco in the country. It is going to be imported by countries like Russia. What is going to be the future of these people?

MADAM CHAIRMAN : There is no ban on exports.

SHRI H.D. DEVE GOWDA : Madam, I am not such an expert. So far as the implication of this Bill is concerned, you can guide us.

Who is going to determine whether somebody is of 18 years of age or not? Will that be determined by the police officer? Who is that officer who is going to determine the age of the boy? If the husband is dead and if the lady opens a small and petty shop which will be looked after by her son, that family can earn something. If that is also not there, what is the fate of the family? If the mother is paralysed and if the son, who is eight or ten years old, is going to sit in the shop selling soap, cigarettes, etc, they can earn something. If that is also not there, are you going to make alternative arrangements? Do you know how many problems are you going to face for yourself? You are under the impression that you are going to have an ideal society. That is your dream. I am not going to say much harsh words. I would only say that it is your dream. We are already seeing that in every walk of life, including public life, values have gone down. You want to now take up this issue.

My friend, Shri Yerrannaidu, was referring to section 5 of the Bill. It says:

"No person, for any direct or indirect pecuniary benefit, shall –

- a. display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco product; or
- b. sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or

- c. distribute, cause to distribute, or permit or authorise to distribute "

Madam Health Minister, if you go through all these things, it will be clear. You try to impose these types of conditions through this legislation. Could it be practical while implementing the law? This will give rise to harassment. I will tell you that today you are going to give another weapon to those officers who are going to harass the people. There was a period when Shrimati Indira Gandhi was the Prime Minister. One day, she introduced the Untouchability Act. Today, political rivalries are there very much. Every village has got some factions. Unnecessarily people are harassed.

You have not heard the experience of the State Government administration; how the State Governments are functioning and how the administration is run. We are talking of Bihar etc. In every State, we are witnessing it. I do not want to elaborate on this issue particularly when I am going to speak on this Bill. But my primary concern is that ultimately it is going to destroy the very people who are depending on this crop. About 25 lakh people depend on this profession. In addition to that, there are the *beedi* workers. As I said earlier, if you go through the clauses, you will come to realise it. I am convinced hundred per cent that it is going to destroy not only the entire tobacco growers but also those people who depend on this particular industry, the *beedi* workers or even the small petty-shop owners.

Then, there is a provision about conducting the business away from a distance of 100 yards of educational institutions. I am not going to quarrel with you on this aspect. But I want to remind you one thing. I hope you have also got the experience of some people entering the temple after drinking liquor. I do not want to take this thing as a ploy to oppose this measure. We can quote a number of such instances.

The disease of cancer has been mentioned here. But those people who have never touched beedi, cigarette, and those people who never chew tobacco or *gutka* are suffering from cancer. Even a ten year old child is suffering from cancer nowadays. There are so many reasons for all these things. That being so, do you want to destroy the tobacco industry? What is the alternative that you are thinking of?

Shri Chandrababu Naidu may have been very fond of the IT Industry. But people are dying there. I am sorry to say this. He might have formulated some legislation in Andhra Pradesh. But, ultimately, what is going to happen to the tobacco growers and the *beedi* workers? In this respect, Karnataka and Andhra Pradesh are the worst hit States. I will tell you that in Mangalore today, lakhs and lakhs of *beedi* workers are there who earn their livelihood through this industry. Can you create any alternative profession? Where is the opportunity for these people? You want to bring about an ideal society in the country. Today, people are suffering from hunger. They have no food and shelter. That being so, what is the ideal society that you are creating? We can debate this issue for hours together. The Bill may be good. The idea may be good. But unless you create an alternative job, what will happen? What is the fate of the farmers, *beedi* workers, the poor people who are selling *beedis*, cigarettes and other things? It is not a question of conducting the business beyond the distance of hundred yards. There may be a shop at a distance of 200 or 500 yards. Due to some extraordinary circumstances, if a boy's father dies, the mother opens a shop there where a ten year old child sits and does business. As per the law, we have banned child labour. But actually, what is going on in the field? Our Labour Minister was quoting certain examples in Delhi itself while replying to the Demands for Grants of the Ministry of Labour. I do not want to argue much about this now. But I am very much perturbed about the future of the tobacco growers and the small petty merchants. Where do you find an alternative job for them? You can remove a shop which is there within hundred yards. But there may be a shop at a distance of 500 yards. The owner of that shop will sell these things. Who is going to determine the age of 18 years of a boy? Is it by looking at the size or going by the horoscope or by what? What is it that you want to do? I am telling you that it is going to bring you bad name and you people are going to suffer very much. I will tell you today that you must be ready to sit this side because people will teach you a very good lesson. I am sorry to say that the Government has introduced this Bill. I may be a little bit harsh but I would tell the truth that it is going to create so much of a problem and panic. The implementing authority is going to harass the people sufficiently and the people will ultimately going to blame you. That is all I would like to say at this moment. You may think that as the Health Minister, you are doing a very good job by stopping cancer etc. We can debate this issue for hours together.

I only request you to give protection to those people who are dependent on this crop, the workers who are dependent on this crop. That is much more important. I also mean those people who do not own big shops but own small general grocery shops and are selling these things. Somebody may book the case saying that the

person is only 16 years old. Who knows whether he is 16, 18 or 19? Why do you introduce these things here? They ultimately bring a bad name. I am sorry to say this.

Thank you very much for your kind consideration for giving me some opportunity.

श्री उत्तमराव टिकले (नासिक) : सभापति महोदया, आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपका आभारी हूँ।

मैं यहां बैठे-बैठे बड़े गौर से सुन रहा था, जब मंत्री महोदया बिल के बारे में बता रही थीं। हमारे ज्येठ सांसद श्री शिवराज पाटिल साहब भी जो बता रहे थे, वह भी मैं सुन रहा था। किन्तु तम्बाकू उद्योग के बारे में वास्तविक स्थिति क्या है, अगर वह देखी जाये तो गम्भीरता से इस बिल पर थोड़ा ज्यादा ध्यान देने की आवश्यकता है। आदरणीय शिवराज पाटिल साहब ने बताया कि वास्तविक स्थिति यह है कि विश्व में भारत तम्बाकू उत्पादन के क्षेत्र में चीन के बाद दूसरा देश है। यदि भारत विश्व बाजार में तम्बाकू के निर्यात में केवल पांच प्रतिशत बाजार ही पकड़ ले तो विदेशी मुद्रा में सालाना पांच हजार करोड़ रुपये कमा सकता है। हमारा कुल तम्बाकू निर्यात 903 करोड़ रुपये का होता है, जो भारत के समस्त कृषि निर्यात का सिर्फ चार प्रतिशत है। भारत के कुल तम्बाकू निर्यात का 85 प्रतिशत हिस्सा सिगार के तम्बाकू का है। एक तरफ देखा जाये तो हमारा चीन के बाद तम्बाकू उपज में दूसरा नम्बर है।

हम इस उद्योग को बढ़ावा नहीं दे सकते, किन्तु अगर बढ़ावा नहीं देना है तो भी निर्यात के क्षेत्र में कुछ समझ-बूझकर तम्बाकू का निर्यात ज्यादा कर सकते हैं। अगर ऐसा करने की कोशिश हमने की तो वह हमारे देश के लिए अच्छा रहेगा।

मेरे पास एडवोकेसी फोरम फोर टोबैको कंट्रोल का विज्ञापन है, वह मैंने पढ़ा है और जो किसान मजदूरों ने विज्ञापन दिया है, वह भी मैंने पढ़ा है। एक किसान नेता परसों मेरे पास आये थे। उन्होंने कहा कि जब बिल पारित होगा तो आप इसका विरोध करें। मैंने कहा कि मेरी आत्मा यह कहती है कि मैं विरोध नहीं कर सकता, इसलिए यह बिल तो पारित होने वाला ही है, किन्तु पारित होते समय कितने लोग, कितने परिवार इस उद्योग से जुड़े हुए हैं, अगर देखा जाये तो 3.5 करोड़ लोगों में जो छोटे किसान हैं, जो दुकानदार हैं, जो व्यापारी हैं, कई जगह मजदूर हैं, वे इससे प्रभावित हो जाएंगे।

हाउस का ज्यादा समय मैं नहीं लेना चाहता। मेरा सुझाव यही रहेगा कि तम्बाकू उद्योग की वास्तविक स्थिति को देखकर यह बिल पारित करते समय 3.5 करोड़ लोग, जो इस उद्यम से जुड़े हैं, उनको राहत दी जाये और तम्बाकू के निर्यात में बढ़ोतरी के लिए कुछ उपाय किये जायें।

यही मेरी प्रार्थना है। मैं यह भी कहना चाहता हूँ कि यह जो 100 मीटर का अंतर है, उसे आप कम करें तो अच्छा होगा। मैं इस बिल का समर्थन करता हूँ।

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Madam Chairperson, this piece of legislation which aims to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products deserves approval and support by everyone. We are all aware of the dreadful consequences which the use of cigarettes and other tobacco products can have on people's health. To that extent, as I said, this Bill needs to be welcomed and supported. But I find one thing quite apparent in this Bill and that is the tendency of our drafters of our law today ; they tend to make simple things complex. That is what I find in this Bill.

Without trying to take much time of this hon. House, I would only like to refer to some of those provisions which I feel would strengthen the spirit of the Bill and whether they should be there or should not be there and certain other provisions which could be simplified to ensure achievement of the results in much lesser time than what could otherwise be the case.

Firstly, I outrightly welcome the proposed ban on advertisements. But it is in this connection only that I would invite the hon. Minister's attention to clause 5 of the Bill which deals with prohibition of advertisements. Clause 5 (2) says:

"No person, for any direct or indirect pecuniary benefit, shall—"

Why do we have these words, "direct or indirect pecuniary benefit"? If we have an objective in mind, that is, if an advertisement is issued, if an advertisement is displayed it could entice people, it could, in a way, promote uses of these products, then why do we use these words? This will provide an escape route to someone who could otherwise be hauled up for being guilty under these provisions. Clause 5 (2) (b) says:

"No person, for any direct or indirect pecuniary benefit, shall sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product;—"

Then, the proviso to this clause says:

"Provided that this sub-section shall not apply in relation to—"

(a) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;—"

Why should we not ban the advertisement in a package? I understand that if there is a packet containing cigarettes or other tobacco products, you have got to obviously mention the contents of the packet. Why are you also promoting advertisements in the packages? What would this mean? For example, people could put calendars in those packages or some small brochures. We can say that a calendar cannot be hung on a wall, but this could be thrown around outside the shop. A person could simply say that he has taken out the packet of cigarettes, but he just did not bother to see what was there inside it and this small poster or pamphlet could be actually going around and could play some mischief.

So, if we really wish to see that the use of these products should be eliminated, not minimised, then we have to be strict and imaginative in our approach and it is in this connection that I wish to refer to what our Deputy Leader Shri Shivraj Patil referred to. We agree with the Bill, we agree with the desire to discourage smoking and, at the same time, with the passage of time, to eliminate it. If we are doing that, I would first like to ask a question. Why do we not strike at the root? Why do we say that persons do smoke? But we have to express our concern. The growth of tobacco can go on. I would like to ask: why should it go on? Why should we not ban the growth of tobacco itself? Before that, we should take care of the people who are engaged in the growth of tobacco, whether it is farmers or

anyone else. We must first provide an alternative work for them, some avocation which they can carry on.

We are saying that we have to go for diversification of crops. Well, I do not really remember. I know of the thing. There was a time when opium was sold openly in the market. One day we decided to ban the sale of opium, so the production of poppy was also curtailed. Those people were given alternative jobs. Here, we must have a road map for ensuring alternative work for all the poor people across the country who are small farmers or small workers in the farms, who are engaged in this trade. We must see that they get some work. Then, simultaneously, try to see that slowly and slowly the fields are used for some other cultivation. That is what I want to say. It is absolutely essential, when I say so, that we have to discourage production. I always hasten to add that that has to be commensurate, simultaneous with the provision of some alternative work for those people, some source of income for them so that those people do not starve.

Having said that, I have another doubt. I appreciate and I must say again that the intention, the spirit for enacting this law is good. We are banning advertisements. But we have seen that in the case of liquor that surrogate advertisements flood the markets. All those companies who make liquor are now going in for mineral water and huge hoardings you find all across staring at you, using the same name, using the same terminology, using even those catchy slogans which they would use to lure people for the consumption of liquor. But ultimately, it is liquor promotion, though instead of liquor, it is water. So the brand goes on that way.

I do not find anything or any provision where such surrogate advertisements would be banned. Those people who are having *Gutkha*, *Pan Masala*, etc. could tomorrow talk of chewing gum produced by chewing tobacco companies, and the slogans that you will have will be suggestive in form. They will not refer to any cigarette or tobacco product. They will be suggestive in form, telling the people that "here is something for you. This is the product which you can have".

At the same time, I would like to say that you have put a condition that this specified warning has to be on the packet. You put the contents, that is nicotine and tar, on the packets, but content has to be given on each cigarette also. I understand and I think, that is required. If you do not have a warning on each cigarette -- I know of many cases where people will buy one cigarette -- people will not know of that. Why should that statutory warning not be provided on each piece also? When we are taking some steps, when we are concerned about something, then we have to go all out for it. There should be no half-way measures. Then you have to, with determination and commitment, take a decision which ultimately gives you some results. I do not think, this Bill will give you those results and it is in this connection that I began by saying that we have a tendency to make simple things complex. I find multiplicity of proceedings provided for under this Bill.

For a moment, kindly refer to clause 13 of this Bill. It talks of power of seizure given to any police officer not below the rank of Sub-Inspector. If he has reason to believe that somebody has advertised this or that tobacco product or for some contravention of the provisions, he can go and seize the packets or the advertisement. Now, please see clause 14 which relates to confiscation power. They say, if somebody contravenes this, his product is liable to be confiscated. I would like to be brief on these matters and I do not want to further read on that. If some product is confiscated, an option is given to the person to pay the amount equivalent to that cast and get back the goods. That is all right.

Thereafter, you say, 'if a person does not get notice for 90 days, the guilty person can get back his product'. Why should this provision be there? This will again provide an escape route to somebody. I would say, any officer guilty of letting this matter remain in limbo for 90 days should be hauled up and there should have been a provision in this Bill that any person who directly or indirectly, connives with somebody who could be guilty of an offence under this Act, is liable to be punished, and that has to be provided under clause 18.

I will not buy the argument. Well, a person could be held guilty of abetment and, therefore, punishable under the relevant law. No, there has to be a specific provision under clause 18.

With this, I further go to this seizure clause 13. After the seizure, you have forfeiture. You are talking of trivial offences, in your way. I do not call it trivial. From the wording which you use, it sounds as if you are considering these offences to be trivial. You say, an offence can be compounded on payment of a fee of not more than Rs.200. But, till the time it is compounded, what can be done? You have an authorised person. The person whom you authorise can detain the person and has to take him to the Magistrate. One day could pass. Ultimately, the result would be that he pays Rs.200 and the offence is compounded. Are your measures, are your responses commensurate with what you find has gone wrong? Either you say the Sub-Inspector or any person authorised by you -- I will come to that argument a little later as to why you should authorise somebody to take cognisance of an offence. There could be the police and the normal course could follow. But even if you give him the right to detain the person, the person has to be taken to the Magistrate and the next day the compounding of the offence will take place. When you say that the offence is bailable, I have no objection to that. I say that is fine. But if an offence is bailable, we all know that on the first occasion immediately after arrest, the arresting officer has to release him on

bail. Then how do these things get together? How do these things gel? How do these provisions sync with each other? That I have failed to make out. In this connection I would refer to the provisions contained in clauses 23, 24 and 25. I am conscious of the time. Therefore I am not wanting to dwell at length on those. But, this is the point that I want to make. At the same time, I feel that firstly, there should be no provision like authorising a person beyond your other officers in the chain who are in the police or otherwise, who are responsible or who are charged with the responsibility of taking cognisance of an offence being committed anywhere.

Then, there is provision in clause 25, sub-clause (2) and sub-clause (3) regarding the place of trial. I was reading this hurriedly. But I could not understand what this means. This is clause 25 (3) which says, 'any person committing an offence under clause 4 or clause 6 shall be triable' - but before that he has to be taken to a Magistrate. Just for the sake of adding emphasis, I repeat. If he were to compound, the offence, if he were to pay Rs.200 immediately everything is off. But then any person detained under sub-clause (1) shall forthwith be taken before a Magistrate to be dealt with according to law. Any person committing an offence under clause 4, namely, smoking in public place, and clause 6, namely, selling in the vicinity of a school or to a child or to a person below 18 years of age, that is clause 6, if guilty of these two offences, "shall be triable for such offence in any place in which he may be or which the State Government may, by notification in this behalf, as well as any other place in which he is liable to be tried under any law for the time being in force." What does all this mean? The law should have been simple, simple for anyone to understand; simple even for a semi-literate person who was to run a small kiosk or small place where he sells *pan*, *bidi*, cigarette, *masala*, that he should understand what your law means. It should have been so simple. That is how you could achieve results. Here you are bringing in lawyers. You are bringing lawyers again here. Lawyers will benefit from each of these provisions. The fine or the compounding fees will be only Rs.200, but the moment a person is detained, his family members will run to a lawyer and say : साहब हमारा आदमी पकड़ा गया, हमारा घरवाला पकड़ा गया, उसको बचाइए।

MADAM CHAIRMAN : They have to provide employment to the lawyers also.

SHRI PAWAN KUMAR BANSAL : There are many provisions in this Bill which only lead to multiplicity of proceedings. This could have been avoided and a simple, straight law that you ban this, should have been there. In this connection, finally, I would only like to say, when I was referring to this, imports, I must demand, must also be banned. Import of any brand of cigarette or any tobacco product must be banned because that is where some of your provisions may seem to be falling on the ground.

You have made an elaborate provision and I welcome that. It is not only in English or Hindi that the warning has to be prescribed, the warning has to be given in any regional language also . How have you put it here? What you have said here is this. It is not that every warning should be in English, in Hindi and in one regional language. That could have been a simple provision for Clause 9. What you have done is, "Where the language used on the package containing cigarettes and any other tobacco product or on its label is in English, the specified warning shall be in English; where it is in Hindi, it shall be in Hindi; where it is in English and Hindi, it shall be in both the languages; and where there is another regional language, that language has to be there." Say, a huge packet of cigarettes contains only a writing in English and then those cigarettes were to be taken out of it. As I said, they are sold in retail. Where is the question of what language is there on it? Who would see what language was there on the packet? So, that is what I say. You had to provide that the warning shall be in English, Hindi and in any one regional language. I think, something like that could have been provided. Anyway, Madam, having said that, I certainly still welcome this Bill.

This was a long needed measure. Maybe the hon. Minister would take if there is any substance in the suggestions that I have made. There is a scope for amendment, for improvement on the Bill at any time. For this reason, this Bill has not to be delayed. This is a good provision but I only fear that this should not again give leverage to the so-called protectors of law who can take law in their hands and interpret law, use law, misuse law as they wish. There are certain defined people charged with the responsibility of protecting law, of administering law in this country. I fear, it would give another handle to those people to only harass and create problems for otherwise peace-loving people.

Finally, about the advertisements, there is an elaborate definition herein but there could be ways to - I find that word 'advertisement' also. They have tried to define the word 'advertisement', trying to cover all possible situations saying; which acts could be termed as an advertisement. If there were to be a feature film and the hero is flaunting his cigarette imported from abroad, now I would like to know from the hon. Minister whether that would also come under the definition of 'advertisement' or not. And if that were to come under definition. I think, it should come because I find the word 'smoke' also in the definition of 'advertisement'. It says: "any announcement made orally or by means of producing or transmitting light, sound, smoke or gas". I think, it should come under that but then that has to be very clear. Even smoking on the silver screen will be deemed to be advertising cigarettes and that also must be banned, but that must be made very clear. It should not be left to the interpretation of the person whom you authorise. And then those persons should also be non-smokers. As the hon. Members have said here, persons

whom you charge with this responsibility should be people who are non-smokers. Having said that, Madam, I must again say, I welcome this Bill.

MADAM CHAIRMAN : Those who pass this Bill should also become non-smokers.

Now, Shri Kharabela Swain.

SHRI KHARABELA SWAIN (BALASORE): Madam Chairman, I rise to support the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003.

In the Human Development Index published by the WHO, we are placed at 116th. There are altogether around 191 countries in the world. India being such a huge country, such an ancient country, such a cultured country, we are placed at 116th. I think, health is one of the indicators for this Human Development Index. Why are we placed at 116th? Tobacco is one of the reasons.

This is a health hazard. I was listening with all the attention to the speech of the hon. ex-Prime Minister, Shri Deve Gowda when he was speaking. He raised mostly three major points. He asked whether this Bill is going to be implemented. He said there are 25 lakh farmers in Karnataka who produce the best quality of tobacco which is exported to countries like Russia. He also raised a point that there is police harassment. The first point that he raised was, would it be implementable. I have my objection to that point. In the past, there were so many rules prohibiting smoking. They have not been implemented. The point he raised was that 25 lakh farmers would lose their jobs. Here, I am having one point to make. I do not smoke. My point is, because somebody will live, will he kill me? Somebody will produce certain things, which I will inhale unintentionally, and thereby I will contract so many diseases. There are crores and crores of people in this country and in the world like me. What harm have I caused to them? Should they not understand the point that for their living, they are causing so much of injury to so many other people?

The hon. Member, Shri Pawan Kumar Bansal raised the point of opium. I am also raising the same point. Once upon a time and even now, opium was and is a very lucrative farming. In Pakistan, Afghanistan and in many countries, many people are producing this. It is a very lucrative profession. A country like Colombia is surviving because of the drugs only. The drug Mafia is running that country. What has been the result? The Government of the United States of America invaded Panama and arrested the President, tied him down just like a culprit, and flew him to the United States of America because Panama had become a transit point for all the drugs. It is causing harm to the youthful people of the United States of America. So, if something is really bad, why should it not be banned? The hon. Minister, who has brought the Bill, is not talking about banning it. She is only talking about preventive measures. Why should we not support it?

Here, I want to raise one or two points about tobacco. It lowers the performance level of the shining career of a sportsmen. It can actually end in cancer. The longer a smoker smokes, the greater is the risk of irreversible damage to his health. Madam, 500 odd smokers die prematurely from tobacco related illness out of every 100 teenagers who pick up this habit. When such is the serious concern, how can the Government not address it? It has got to do it. If all those people, who were resorting to opium farming, have gradually diversified to other farming, just like that, the tobacco farmers can gradually shift their cultivating pattern. About exporting the high quality tobacco to other countries, it can continue. But can you say that if we produce it, we can only export it to other countries and we will not utilise it in our country? Will it be possible? It will not be possible.

It is very good that some preventive measures have been brought in because unrestrained promotion of this hazardous substance in any form is unreasonable and unsafe to public health. Some people say that it is an adult's choice. What is the meaning of this adult's choice? How can an adult consumer make an informed choice as long as advertisements mislead blatantly and hide the potential harms of this product? The hon. Minister said in the beginning that the promotions and advertisements glorify smoking and influence others to smoke. When this is being done, how can we say that it is an adult's choice? Many others also argue that it would reduce the revenue earning. It has never reduced revenue earning anywhere because people have shifted to alternative products, which has also raised revenues in various countries. The WHO has come out with a report that after the ban of the advertisements in several countries like Norway, Finland, New Zealand and Canada, the consumption of tobacco has been brought down by four to nine per cent within a period of fifteen years from 1977 to 1992. So, I fully support this Bill.

This Bill provides for bigger and cleaner health warnings. It also restricts the sale of tobacco products in most public places and attempts to end the legal discrimination between cigarettes and other tobacco products. In Western countries and in many other countries, tobacco use is synonymous with cigarette smoking but in India, about eighty per cent of the tobacco consumption is in the form of *beedis*, chewing tobacco, *gutkha* and things like that. Advertising of cigarettes constitutes Rs.350 crore out of the total annual advertising business of Rs.4,000 crore in

the print media. This amounts to roughly nine per cent of the total business. But *beedis*, chewing tobacco and *gutkha* form about eighty per cent and if you put a lot of restrictions on cigarettes, it would mean that people would gradually shift to smoking *beedis* or chewing tobacco. So, if we really want to prevent hazardous diseases, some more restrictions should also be put on *beedis* and on the unorganised sector. The people involved in these businesses would shift to other businesses once they know it is very hazardous.

I appeal to the hon. Minister to have a reconsideration of the 100-yard restriction. In the cities, it would be all right to have that restriction but in rural areas – here, I would support Shri Bal Krishna Chauhan – it should rather be increased to 500 yards. I fully agree with his contention. Do we really believe that the fine of Rs.200 is a deterrent? Probably, we develop some sort of a guilt conscience that we are going to deprive millions of people of their jobs and so we say that a fine of Rs.200 would be enough.

18.00 hrs.

I do not think that this fine of Rs. 200 is any deterrent. Many people will say that दो सौ रुपया क्या है, जाने दो। It might happen.

Madam, last but not the least, I will come to one point. Many of the hon. Members raised the point about the intervention of the Police. Somebody in this country will have to intervene. If the law is not implemented, somebody will have to intervene. Who is that somebody? If you say that the Police is bad and that everything is bad, if you develop a doubt on everybody, then who will prevent it? We will make no prevention under this Bill. So, prevention is better than the cure and something is better than nothing.

With these words, I conclude.

MADAM CHAIRMAN : Thank you very much. Before I go further, I want to know the sense of the House. There are another ten speakers and then there is the hon. Minister's reply and then passing of the Bill. Should we sit longer or should we continue tomorrow? It is up to the House to decide.

SHRI K. YERRANNAIDU : Madam, if we continue it tomorrow, it would be better.

श्रीमती सुमा स्वराज : आज ही खत्म कर दें। सब मैम्बर्स थोड़ा-थोड़ा बोल दें।

MADAM CHAIRMAN : Tomorrow is a holiday. But there are ten more speakers. What is the sense of the House?

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I feel that we should sit for a bit longer time and complete this.

MADAM CHAIRMAN : I would request the speakers to be a little brief though you have time. But the question is, we have to otherwise sit till 9 p.m. Can we extend it by another hour now?

श्रीमती सुमा स्वराज : जब तक बिल खत्म न हो जाये, तब तक कर दें।

MADAM CHAIRMAN : So, you authorise me that we sit till this is passed. That is the sense of the House. Thank you. Dr. V. Saroja to speak now.

DR. V. SAROJA (RASIPURAM): Hon. Chairperson, thank you very much for giving me this opportunity to speak and to make a few suggestions on this very important Bill – Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003.

The World Health Organisation, in its meeting on 14th October, 2003 in Geneva, warned all the member-countries to increase the tax on the tobacco products because the cheaper tobacco products will only fuel the tobacco epidemic, further leading to more consumption, more disease and more deaths in future. According to the WHO estimation, there are 1.1 billion smokers in the world today and the number is expected to rise to 1.6 billion by 2025. About four million people die every year from tobacco use and if the current trend continues, it will escalate to the tune of ten million by early 2030 and 70 per cent of the deaths will be from the developing nations.

18.03 hrs. (Shri K. Yerrannaidu *in the Chair*)

Sir, India is the third largest producer of tobacco in the world, next to China and the U.S. There are very important issues before us. One is the amount spent for the treatment of those patients who are suffering from consumption of tobacco and its products which is to the tune of Rs. 13,500 crore annually. The next is the deaths due to this disease which are eight lakh per year.

How are we going to contain this disease as well as what is the preventive aspect that we have? Many of our hon. Members have spoken much about the Bill before me. I would confine myself only to a few suggestions in regard to this Bill. India produces about 550 million kilograms of tobacco every year, out of which 200 million kilograms are used for cigarettes alone and the rest is for cigarettes and tobacco-related substances.

Madam, you can appreciate the ill effects of tobacco and the tobacco-related products. The quantity of tar and also nicotine present in the cigarette is much less than that of other tobacco-related products. Hon. Madam, in the morning, we discussed the related diseases and also about the cardiac diseases. In most of the cases, the main causative factor is smoking only. Hon. Dr. Thakur, former Health Minister, is also here. He will appreciate the concern and our duties and responsibilities in this regard and as a policy matter, how we are going to go about containing this disease.

Madam, I am very happy to go on record that under the leadership of our dynamic leader, the hon. Chief Minister of Tamil Nadu, we have passed a law imposing fine on smoking and spitting in public places. A similar legislation can be enacted by all the States and the State Governments can contribute in achieving our goal. In addition to smoking, spitting is the most dangerous habit. We have to have a law on spitting also. We have to contain spitting also. It is more dangerous than smoking is. By public places, we mean cinema, theatres, commercial offices, restaurants, bus-stand, railway station, airport and other such places.

Madam, I would like to concentrate a few seconds on the tobacco-producing agriculturists. We would like to know that after passing this piece of legislation, how we are going to go about the rehabilitation of those farmers. It is equally important to have a focussed attention on this aspect. Can I suggest one thing? In the Empowerment of Women Year 2001, we had concentrated on empowerment and allocated nearly Rs. 25,000 crore for empowerment of women. Hon. senior colleagues are here. Can I suggest that through empowerment of women and forming of self-help groups, most of the tobacco-producing agriculturists are now without any alternative crop? I fail to understand to what extent the Ministry of Agriculture has come forward to rescue these agricultural labourers. Have they suggested any alternative crop? To what extent, the tobacco-producing agricultural labourers have been rehabilitated. If we have already taken steps, I would like to know to what extent and what percentage of them has been rehabilitated.

I feel that self-help groups created as a result of empowerment of women can help in this regard. All these agriculturists' women can be grouped and we can help them through the banks, through the money we have already allocated. We can help them in having alternative crops in their own lands and for that, the local administration, the district administration, Agriculture Department of the State, the Centre and agricultural universities have to play a role of concentrating on rehabilitating these agricultural labourers through the self-help groups. We can utilise the ladies in the same self-help groups. As a federation, as a movement, they will be able to take the message of ill effects of smoking and they will be able to find a solution. A woman will be able to sensitise the smoker, be it her husband, father, brother or son. I think, women can sensitise people more than any law or any other method that we have enumerated.

I feel that this is the strongest weapon that we have before us, and without any extra expenditure to the Government we will be able to achieve the desired result. I would request the hon. Minister to kindly concentrate and kindly give her thought in this direction. I think we can have a high-powered Committee with the consent of the empowerment of women, the Agriculture Department, and also the Department of Tribal Development as to how we are to go about it. I am saying this because in our area -- it is my practical experience -- in one village where people used to drink and indulge in all other bad habits were stopped by the women movement.

Now, all of us know about AIDS, and we are educating, empowering these Self-Help Group ladies, and we are also sensitising them. We are giving them more inputs, and through these people we are able to achieve the desired results. We are encouraging community participation, and we are able to achieve better results. Kindly concentrate on this thing also.

I would like to draw the attention of this august House to a survey, which was conducted by the Dental Association a few years ago. I would like to present the Report. Smoking of '*hukka*' has shown an alarming rise among substantial sections. It indicates that there are addicted school children and also the college students. A staggering 1/3rd of the world cancer patients are in India, out of which 90 per cent consume tobacco and tobacco-related products. This is a serious concern. Kindly look into this. During 1990, the estimated expenditure for the tobacco-related diseases was about Rs. 13,500 crore. You can imagine that after 10-12 years, it would have increased, at least, two-fold.

Last but not least, the Tobacco Industry is contributing Rs. 70 million as revenue to the exchequer, and Rs. 10,880 million as export earnings. It is providing employment to over four million people. This is also before us. We need to

have a consensus. We need to have a humanitarian approach. We have to take into account the present scenario and the present economic situation. We have to curtail and ban cigarettes and also tobacco products on the one side, and rehabilitate the agricultural labours on the other side. We have to have not the law, but the right mindset. How can we achieve this? I will conclude in one minute, Sir. I would suggest that prevention is better than cure. I have no doubt in my mind that diseases like AIDS, SARS, and smoking are the reasons for the economic situation of this great nation coming down to this level.

I would suggest that health education should start from the schools. It should be included in the syllabus, at least, from the third standard. Children should be spoken to about the common diseases, and they should know it even before they become adolescent. You have to teach the children before they know what to face. They should know about tuberculosis; they should know about cigarettes, and what will be the effects of every disease so that before they could venture into experiencing them, they should be made aware of the consequences. It will be a preventive step.

My hon. senior leaders are here. We are not discussing about the problems of adolescence. It is a very great concern that we are not forming any policy; we are not focussing our attention on the adolescents of this great country. We are totally forgetting about this group. We have to have a separate discussion, a full-fledged discussion so that the problems of the adolescents are redressed. We have to take measures, and we can find the solution for this.

Next, I would like to talk about the waste-land development. The Government of India has already formulated Self-Help Groups with waste-land development, and I think that we will be able to achieve the desired targets.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Mr. Chairman, at the outset, I congratulate the hon. Minister for bringing this progressive-looking Bill to be enacted today. I hope, this House passes this Bill unanimously without any reservation. The Bill has been rightly captioned as, "Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill. It explains why this Bill is being placed today for the consideration of this House.

Before I deliberate on the provisions of the Bill, I would also like to mention that it becomes a bit difficult when I have to speak much later because most of the points, which I had made up my mind to speak on, would have been already dealt with by a number of Members of this House, that is, either by Shri Bansal, Shri Sahu or Shri Swain.

Initially, I would like to speak on two or three aspects. It is only a civil society which, becoming conscious about itself, does not approve the use of tobacco or does not approve of smoking. Being representatives of a civil society, it becomes our duty to have this enactment here. I would deal with advertisement and other deterrent provisions, which have been mentioned here, later on.

At the outset, I should also mention about the Supreme Court decision, which was published in *The Times of India* on 3rd November, 2001. We should remember that Shri Murlidhar Deora, a Member of the Upper House of this Parliament, had engaged a very eminent Counsel, Mrs. Indira Jaisingh, in a Public Interest Litigation, which was before the Court. The Bench consisted of Justice M.B. Shah and Justice R.P. Sethi. They gave a landmark decision. Our Attorney General, Shri Soli Sorabjee, also supported the point, which was raised there. I think, through that decision, consciousness was created throughout the country. By that time, three States had already enacted laws prohibiting smoking in public places. One was Goa, another was Delhi and the third was Rajasthan. They had banned smoking in public places, when the Central Government was in the process of enacting a law.

I would like to draw the attention of this House to a Report of the Indian Society on Tobacco and Health placed in Kolkata, which had categorically stated that 5,500 Indians joined the tobacco consumers' family every day.

Twenty-five per cent of the country's population consumes tobacco. From this, one can infer the number of tobacco-users in the country. About 2200 people die of tobacco-related diseases everyday, 90 every hour, three every two minutes. We should believe in statistics because all our planning hinges on statistics. The statistics say that by 2020 - a very sought after date discussed by the planners and the lawmakers - tobacco would become the cause of 13.3 per cent deaths in India.

The Indian Council of Medical Research has stated that India has the highest incidence of oral cancer. That has been stated here also. The ICMR report further says that 20 per cent of the estimated 184 million - that is 18,40,00,000 - tobacco consumers in the country smoke cigarettes - that was mentioned by Shri Swain also a few minutes ago - forty per cent smoke beedies, and forty per cent consume chewable forms of tobacco.

I come from a State where *beedies* are produced. Tendu leaf, as it is called in Orissa, provides employment to a large number of people. This was mentioned by the former Prime Minister Shri Deve Gowda. It provides employment to the tribals there. This Bill does not restrict the production but only regulates the trade and commerce

of tobacco products, that too not to a great extent but to a certain extent.

I would come to my next point. As pointed out earlier, are we going to actually achieve what we intend to, by restricting trade and commerce through this Bill? Earlier I mentioned about three States; I would now come to Delhi. Ban on smoking in public places in Delhi has been in place for the last five or six years now. What has been achieved so far? As Shri Varkala Radhakrishnan mentioned some time ago, we see smokers all around when we go round the city. It has been mentioned that there are eight squads that patrol the city to catch the people smoking in public places. Officials say that the number is absurdly puny. So, the ban remains un-enforced. The ban has not been backed by a sustained public awareness campaign.

Bans, such as these, can become successful only when smoking becomes socially unacceptable. I come to this point of social unacceptability. Why has it been pointed out here that the symbol of 'a skull and two bones' should be printed on the cigarette cases? I have seen since my college days that people try to flaunt their affluence by displaying these cigarette cases. If they possess and display foreign brands, they think that people would think them to be big shots. Once the symbol of 'a skull and two bones' is printed on the cigarette cases, people would at least think twice before displaying them in public.

Shri Bansal was referring to the Statutory Warning. The Statutory Warning should be printed not only on the cigarette case but also on each cigarette.

I would also like to mention here that the Delhi State Government gave powers to officials to challan the violators. But how many have been put to task?

Here, a mention has been made by the Chief Medical Officer, Planning, Dr. A.C.Tripathi that 'other than our eight squads, 120 officials have been given challaning powers, but they do not do much or they are not able to do much.' This is the position in Delhi! So, the question that would arise in our minds is that even if this Bill is enacted, how are you going to enforce it? How many officials are going to be deployed to enforce this Act?

I would like the hon. Minister to make a little concession in the provision which has been made, prohibiting smoking in public places. There is the provision made in foreign countries or in developed countries. At their airports a special cabin is there, where smokers can go in, enjoy their smoke and then come out without affecting others passengers. That provision is also made in this Bill. But a similar provision is there in the developed countries for railway stations also, which is not provided here in this Bill. Nobody is there to find out as to how many smokers are loitering around at the railways stations. I think, if such a provision is made and a severe penalty is also imposed, it would be of great benefit. In public places, such as the airports, railway station and even at bus terminals, a special cabin can be erected where whosoever wants to smoke can have his smoke, enjoy his smoke and come out without interfering in others' life.

Sir, a mention has also been made -- which I had also contemplated to mention -- relating to advertisement. I would come to that part, Mr. Chairman, a bit later. But I would like to draw the attention of this House relating to a dichotomy that is being mentioned here. It is relating to the area within a radius of 100 yards of any educational institution. It was mentioned here. Distance is necessary from the educational institutions. Sir, whether it is in the metropolis or in the corporation area or in small urban towns or in villages, distance from educational institutions is a must. Hundred yards is not a very big area. Why I say so is this. Everybody is aware about the menace of tobacco. Now, with the WTO regime, it is the developed countries' major produce. I would call back upon a little bit of history. Tobacco was the major produce of the United States, which attracted the Europeans to go there and have it. Today also, the main export of the United States is tobacco. Well, they are restricting the consumption of tobacco in their own country, but they have found their way to export it in the developing nations including India, in Asia and in African countries. They want to capture the market everywhere. In different ways, they want to come here.

At the same time, bringing forward this Bill, is a very progressive step that we should restrict the consumption. Who are the targets? The targets are youngsters. That is why, it should be far away from the educational institutions. A provision is there under clause 5(2) proviso (b) which says about advertisement of cigarette or any other tobacco product which is displayed. Where is it to be displayed? Advertisement can only be displayed in the warehouse -- inside or outside the warehouse -- or a shop where cigarettes or any other tobacco produce are offered for distribution or sale.

If you want it nearer to the educational institution, that shop is entitled by this provision to put up a board saying that here this type of cigarette is being sold.

To restrict that, I think, 100 yard radius is necessary. There should not be any provision. If somebody wants to make a living by having a small shop, by having a kiosk, he can do that. There are other provisions which can be sold near an educational institution, not necessarily cigarette or tobacco-related products.

MR. CHAIRMAN: Shri Bhartruhari, you have taken much time. Your Party has been allotted only three minutes. I have given more time to you. Please conclude.

SHRI BHARTRUHARI MAHTAB : Sir, I will conclude with one major point which has already been mentioned by Shri Bansal, regarding surrogate advertising. I think that is very much necessary. I will just mention about one advertisement which is coming nowadays. I need not mention surrogate liquor advertisement. Wills is a product that is being advertised. Everybody knows that brand. That is a cigarette brand. They may produce any product other than tobacco-related products, but that brand itself always attracts the youngsters. It always makes an imprint in the mind: "Yes here is the product which is available at such and such place, and can be made available for the youngsters." It is the young mind that is to be protected. It is the youngsters who are always attracted. In the United States, it is always said: " To catch them young." That is the slogan. To protect the young, I would like to thank the Government, specially the Minister that she has brought this progressive Bill. I also request all Members present in this House to approve, to pass this Bill unanimously.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Mr. Chairman, Sir, I rise to wholeheartedly support this Bill. We are all aware that tobacco is a part of our culture. Whenever some guests come to our house, we give them *tambulam*, that is, *pan*. Even in villages, there is a system of giving tobacco to the people when they come to the houses. I remember, in my State, Kerala, when this *Onam* festival was being celebrated, we even go to the elders and give tobacco to them as a mark of respect. Even in Assam, if we visit a house, first they give us *tambulam*, that is, beetle leaves, areca nut, and tobacco. Why I am telling this because traditionally our people are in a habit to take tobacco. Even in the villages, we can see now that tobacco is being used on a large scale.

Sir, I was told that this *benaras pan* is one of the very, very sweet *pan* which is even exported to London and other places. Indians who are living abroad require this *benaras pan*. This is very famous. In Uttar Pradesh, Bihar and other parts of our country, especially in Northern areas, *pan*-eating is a way of life. Nobody thinks that this is a bad habit. So, traditionally, we have an inclination towards tobacco and tobacco allied products. How can we remove it? As the Minister has rightly pointed out, this is universally regarded as one of the major public health hazards. It is responsible directly or indirectly for eight lakh deaths in the country every year. So, the Government of India has to take up this matter very seriously.

How to prevent it? Mere passing a legislation in this House will not help. We have a lot of experience in our lives. In Kerala, three years back, we banned arrack. Due to this, illicit arrack is flowing like anything and the loss to the Government is to the tune of Rs.800 crore; and illicit arrack is available everywhere. In Andhra Pradesh also, I think, same is the situation. We adopt populist measures, but at the same time, if people do not change their habits, mere passing of legislation will not help. So, my request to the Government would be that there should be a vigorous awareness campaign. Without a vigorous awareness campaign, the usage of tobacco and tobacco-allied products cannot be checked or stopped. Anti-tobacco campaign should be vigorously taken up by the Government of India, the State Governments, NGOs and all other interested organisations. An atmosphere must be created so that people voluntarily give up consumption of tobacco.

Mere passing a legislation is not going to help; this is what our experience is. I welcome this Bill; this is going to be the first step in creating an awareness among the people. This will give more emphasis for people to withdraw from the habit of consuming tobacco. These measures are to be implemented seriously.

There are certain other very important points which I would like to mention. First is regarding prohibition of cigarettes. When we prohibit cigarettes in public places, there is a danger of import of foreign cigarettes. WTO suggests that 150 per cent import duty can be levied; but so far, we have imposed only 35 per cent. Why? Why can we not increase this duty? On the one hand we are trying to curtail the usage of tobacco and allied products like cigarettes, on the other hand, the danger is that the import duty is less and so, cigarettes will be imported from other countries.

Secondly, smuggling of cheap cigarettes will also be there. As Shrimati Margaret Alva was telling, a new product has come now like 'click', from Singapore or from some other countries where it is written like 'enjoy tobacco'. It is available in almost all the metropolitan cities. So, these kinds of products would be coming in, as also smuggling of cheap cigarettes into our country.

We are banning our products, but at the same time, smuggled and imported goods are available in plenty. They will be available in the market. Slowly this market will be captured by those people. Dumping will also be there in our markets. This aspect has to be taken into account very seriously.

Punishment is given, under clause 15 of this Bill, to both producer and seller. There should be some discrimination in the punishment between the producer and the seller. The seller may be a poor *pan-shopwalla*. He has not

produced it; he may just be an illiterate person. He may not have any kind of information on advertisements and other things. He cannot be equated to a person who is producing cigarettes. Cigarette producers are big companies, corporates or multinational companies. We cannot equate both of them or bring both of them on par. There should be some discrimination.

Smoking is prohibited in public places. But what about usage of other tobacco products in public places? It is not clear at all. So, there should be some clarification from the Government on this aspect.

At present, there is no system to monitor each and every channel to record violation of domestic laws and to instruct the cable operator to stop transmitting that particular channel which has violated the laws.

Though we are passing a law, yet there are other foreign channels which are widely covering it. How do you check this? Has the Government of India got any mechanism to check it? I have a suggestion to make in this regard. Both the Central Government and the State Governments should constitute a monitoring committee to monitor and prevent the cable operators to violate the domestic laws. Until and unless you do this, mere passing of this legislation is not going to help. Some mechanism should be there to prevent this kind of activity, otherwise, this law cannot be implemented properly.

As rightly pointed out by Shri Bansal, this Bill is not properly drafted. It is a very complicated Bill. All kinds of complications, which are not at all necessary, have been included. An ordinary person cannot follow it. We should stop this system of bringing unnecessary complications while drafting a Bill so that the people can easily understand and follow.

Another important point is, there should be one authority for seizure, confiscation and trial. At present there is a dual authority. It will be more difficult and complicated for the people to understand. It is going to create confusion.

I welcome the provision regarding ban on the consumption of tobacco and cigarette in the premises within the hundred-meter radius of schools, colleges and other educational institutions. These institutions are the major cigarette and tobacco consuming centres. As rightly pointed out by Dr. Saroja, we should catch hold of the people at younger age. If this provision is implemented, at least we could save our younger generations from it.

Under section 12, all the power is given to a Sub-Inspector. Under this Act, a Sub-Inspector can go to any extent and harass the people. There is every chance of misusing it. So, it should be taken care of.

As rightly pointed out by your goodself, Sir, the farmers, the tobacco cultivators of Karnataka and Andhra Pradesh will suffer a lot due to this. The *bidi* workers in Kerala, especially in northern parts, will also suffer. Therefore, unless the Government does something for these traditional people who are engaged in this business, this Bill will not be implemented properly. Farmers should be rehabilitated. They may be given some incentive or some encouragement to shift from tobacco cultivation to some other occupation. The labourers also should be rehabilitated so that they could earn good remuneration to look after their families.

With these words, I wholeheartedly support this Bill.

श्री नवल किशोर राय (सीतामढ़ी) : सभापति महोदय, माननीय मंत्री जी द्वारा प्रस्तुत सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिषेध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) विधेयक का मैं अपनी ओर से और अपनी पार्टी की ओर से जोरदार स्वागत करता हूँ। निश्चित रूप से समय की मांग है और इस बिल के पास होने से एक कदम आगे बढ़ेगा।

गम्भीर बीमारियों की जड़ में तम्बाकू एवं तम्बाकू से जुड़े उत्पाद आते हैं। इस पर रोक लगाने की काफी समय से मांग हो रही थी। यह विनियमन करने वाला विधेयक है और हम इसका स्वागत करते हैं लेकिन कुछ मुद्दे मंत्री महोदय के समक्ष रखना चाहते हैं। कई माननीय सदस्यों ने अपनी बात रखने के क्रम में कृकों के बारे में शंकाएं प्रकट कीं। सभापति महोदय, जब आप बोल रहे थे तो कहा कि इसमें 35 मिलियन मजदूर लगे हैं। हमारा देश तम्बाकू का उत्पादन करने वाला दुनिया का दूसरा देश है। आपने इस बिल को लेकर कुछ चिंताएं प्रकट कीं। पूर्व प्रधान मंत्री जी ने इसके कार्यान्वयन पर शंका व्यक्त की। मैं इन शंकाओं से अपने आप को जोड़ते हुए और इस विधेयक का समर्थन करते हुए कुछ सुझाव रखना चाहता हूँ। आज तम्बाकू खाने वाले, बीड़ी पीने वाले और गाजे का प्रयोग करने वाले बहुत से लोग हैं। उन्हें इसका नशा हो गया है। हम विज्ञापन और वितरण को रेगुलेट करके, इसके प्रयोग को कम करने की चेता करेंगे लेकिन जब तक यह समूल रूप से बंद नहीं होगा तब तक इसे रोका नहीं जा सकता। हम बहुत बड़ा काम इस विधेयक के माध्यम से करना चाहते हैं। यह करना तभी सम्भव होगा जब इसके उम्र पूर्ण रूप से पाबंदी लगेगी। सबसे पहले यह विधेयक पारित होना चाहिए। इसके कार्यान्वयन के संबंध में जो शंकाएं उठायी गई हैं उसमें कहा गया कि सब-इंसपेक्टर इसका दुरुपयोग करेंगे। इसमें सदन को गम्भीर होना पड़ेगा और इस पर सदन को विचार करना होगा। देश में कितने कानून बने हैं, चाहे तस्करी रोकने का कानून हो जो नेपाल के रास्ते दूरदर्शन की चीजें भी तस्करी के माध्यम से आती है उन का दुरुपयोग होता है। इसका दुरुपयोग इसलिए होता है कि दिन-प्रतिदिन नैतिक मूल्यों का ह्रास हुआ है। इसमें प्रशासनिक सुधार की आवश्यकता है। नैतिक मूल्यों में हो रहे ह्रास को रोका जाए। यदि इसके लिए कोई सुदृढ़ यंत्र बनेगा तभी इस पर रोक लगेगी। जिस व्यवस्था के पास इसे लागू करने या अन्य कानूनों को लागू करने की जिम्मेदारी है, वे उसे नैतिक मूल्यों के आधार पर करें। प्रशासनिक सुधार के लिए ऐसी व्यवस्था हो कि जिन्हें जिम्मेदारी दी जाए, वे कम से कम गड़बड़ी न करें और कम से कम लोगों को परेशान न करें। यह बात दूसरे कानूनों पर भी लागू होती है। हम केवल इस बिल के उम्र ही चिंता प्रकट न करें। इस पर सम्यक रूप से चर्चा होनी चाहिए। 35 मिलियन लोग इस पर आधारित हैं, जो कृक हैं। निश्चित रूप से दिन-प्रतिदिन इसका विनियमन होगा तो इसके सभी अवयवों पर असर पड़ेगा। इससे जुड़े सभी लोग चाहे वे उद्योग चलाते हैं, व्यापार करते हैं, खेती करते हैं, उन पर असर पड़ेगा। इसके दो पहलू हैं - एक तो सरकार उनके पुनर्वास के लिए अलग से कोई व्यवस्था करे। कृी मंत्रालय, वाणिज्य मंत्रालय, उद्योग मंत्रालय, स्वास्थ्य मंत्रालय और सामाजिक न्याय और अधिकारिता मंत्रालय, सभी को जोड़ करके कोई ऐसा प्रयास किया जाए जैसे केश क्रॉप में माना जाता है, इसी प्रकार इसे केश क्रॉप मान कर कृकों की खेती को ट्रॉंसफर किया जा सके। जो उद्योग चलाते हैं, उनके संघ-परिसंघ घूमते रहते हैं जिससे इस पर किसी प्रकार की रोक न लगे, ऐसे प्रयास न हों।

उनके रोजगार पर उद्योग मंत्रालय, वाणिज्य मंत्रालय ध्यान देकर और उनसे बात करके कोई वैकल्पिक व्यवस्था करे ताकि देश की आबादी जो इससे प्रभावित होगी, परेशानी में पड़ेगी, उसकी परेशानी भी दूर हो सके। यदि उसकी वैकल्पिक कैंस क्रॉप की धीरे-धीरे योजना बना कर व्यवस्था कर दी जाएगी तो अच्छा होगा। इसी प्रकार इससे जुड़े उद्योग की भी एक योजना बना कर वैकल्पिक व्यवस्था कर दी जाएगी तो राजस्व की जो हानि होने वाली है, उसकी भरपाई होगी। हर मंत्रालय को जोड़ कर समूल रूप से तम्बाकू जो जहर है या उससे जुड़ी वस्तुएं जो जहर हैं उसे समूल रूप से नट करने के लिए एक दीर्घकालीन योजना सभी मंत्रालयों को बनानी चाहिए जिससे मजदूरों को परेशानी न हो, कृषकों को क्षति न हो, व्यापारियों और उद्योग वालों को भी क्षति न हो, ऐसा प्रयास एक लॉग टर्म स्कीम बना कर होना चाहिए।

यह स्वागत योग्य विधेयक है, इस लिये मैं इस विधेयक का स्वागत करता हूँ।

दूसरी बात यह है कि विज्ञापन के माध्यम से हम जितना कम करना चाहें, विनियमन, वितरण की व्यवस्था कम कर सकते हैं। आज गांवों में बीड़ी, तम्बाकू, खैनी, सुरती और गांजा पीने वाले लोगों में निकोटिन का उपयोग करने का ब्यसन हो गया है। उन लोगों की आदत सी हो गई है। यदि किसी सामाजिक परिवेश में छुड़वा भी दिया जाता है तो 2-4 दिन के बाद वही आदत फिर पकड़ लेते हैं। इसलिये आज एक आन्दोलन की जरूरत है। इस आन्दोलन की हम सदन में चर्चा करते हैं। वह आन्दोलन देश के लोगों के अंदर किया जा सकता है। ऐसा कार्यक्रम स्वास्थ्य मंत्रालय और सामाजिक न्याय आधिकारिता मंत्रालय द्वारा पूर्व में किया भी जाता रहा है। इसके अलावा राज्यों के एन.जी.ओ. के माध्यम से चलता रहा है लेकिन वे समूल रूप से कार्य नहीं कर पाते हैं। इसलिये मैं मंत्री महोदय से अनुरोध करूंगा कि इस सदन में चर्चा हो ताकि इसे आन्दोलन का स्वरूप दिया जा सके। जो लोग तम्बाकू का सेवन करते हैं, उनकी संख्या काफी है। जब एक बार यह ब्यसन पकड़ लेता है तो निकलने का नाम नहीं लेता। इसके लिये एक लॉग टर्म इलाज की आवश्यकता है, एक सेमिनार की आवश्यकता है, एक जागरूकता की आवश्यकता है। कहीं न कहीं यह शुरु भी होती है लेकिन तुरंत समाप्त हो जाती है। इसलिये इसे एक आन्दोलन का रूप दिये जाने की आवश्यकता है। स्वास्थ्य मंत्रालय की तरफ से एक अभियान चले जिसे लम्बे समय तक अमलीजामा पहनाया जा सके।

सभापति महोदय, मैं इन्हीं सुझावों के साथ इस विधेयक का स्वागत करता हूँ।

SARDAR SIMRANJIT SINGH MANN (SANGRUR): Mr. Chairman, Sir, thank you very much for letting me speak on this Cigarette and other Tobacco Products Prohibition and Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Bill, 2003.

Mr. Chairman, Sir, when Guru Gobind Singh founded the Order of the Khalsa he enjoined upon his followers to eschew the use of tobacco and its products. It is because he had the vision and also he knew that while founding a martial race tobacco and its products would have a hazardous effect on the health of his followers and that they could not be made into a martial race. So, I would like to congratulate the NDA Government for bringing forward this Bill and I also appreciate the gesture of all sections of the House for supporting this Bill. I want to give some suggestions and I hope the Government will allow these suggestions to come within the fold of this statute that has been introduced.

There is a provision in the Bill that no tobacco shops or sale of tobacco will be allowed within a radius of 100 yards of educational institutes. I would be grateful if the Government extends this provision of the law to all *Gurudwaras* in the country.

Sir, secondly, we, the Sikh people have always supported the Hindus in their fight against ban on cow slaughter and I would appeal to this Government that we have been fighting a losing battle so far to convince the Government to turn Amritsar, the holy city, into a non-smoking zone, where tobacco products would not be used or sold.

That is our humble plea. Just as cow slaughter is banned in Hardwar, Kurukshetra and other holy cities, we would ask this Government to ban the sale and use of tobacco in Amritsar city.

The other point that I want to make is that a lot of our colleague Members of Parliament use the lobbies and the Central Hall of Parliament for smoking. We are a liberal people and in this modern society we will ask the Government to create a smoking room within the precincts of Parliament where Members of Parliament who want to smoke can use it.

I would seek the blessings of the Government to create de-addiction centres and rehabilitation centres for chain smokers and people who chew tobacco so that they can be de-addicted from this foul habit of smoking and the use of tobacco. I would urge upon the Government to give funds to the NGOs who want to create these de-addiction centres.

I would also pray to the Government on one more aspect. A great Sikh leader, Master Tara Singh had fought hand in hand and shoulder to shoulder with great freedom fighters like Maulana Abul Kalam Azad, M.K. Gandhi, Jawaharlal Nehru, and Vallabhbhai Patel. The statues of all these illustrious leaders are placed in the hallowed precincts of this Parliament. But that of poor Master Tara Singh, who was against smoking, who was against the use of tobacco, to whose religion use of tobacco was anathema and taboo, has been placed on a foot-path outside Parliament, near Gurudwara Rakab Ganj, where beetle-chewing and tobacco-chewing pedestrians use his statue as a spittoon. If our leaders cannot find an honourable place to keep the statue of Master Tara Singh, then I would pray to the Government to let his statue rest with those of Queen Victoria, the British Governor-Generals and Viceroys, wherever those statues are placed, so that he can find a resting place away from the place where his statue is not used as a spittoon by tobacco-chewing pedestrians.

SHRI K.H. MUNIYAPPA (KOLAR): Mr. Chairman Sir, thank you for giving me this opportunity. We welcome the Bill brought forward by the Government. Our Deputy Leader, Shri Shivraj Patil has explained categorically what are the merits and demerits of this Bill and what will be the fate of the people who are depending upon this work, from farmer to trader, whose number all put together comes to 35 million.

19.00 hrs.

Of course, the Centre may accept that its total revenue loss is approximately Rs. 1000 crore and the loss to the States is more than Rs. 8000 crore, both direct and indirect losses put together. But that is not the subject before us. The only point is about the rehabilitation of people who are surviving doing this job. We have to find a way to rehabilitate them. We totally agree with the Bill and we are not against the Bill. But prior to that, we have to find a way out to rehabilitate and discipline all those who are depending on this work.

Coming to liberalisation policy, can the Government not stop import? If they do not stop import, then there is no meaning of bringing about a legislation on this particular issue. There is import. By this way, firstly, we are destroying our indigenous industry; secondly, the people who are depending on this industry are suffering; and thirdly, the total revenue loss is coming to thousands of crores of rupees. Apart from this, if you properly think from the health point of view, we are totally in support of this Bill. Lakhs of people are suffering due to this thing. This Bill brought about by the Government will not help us without stopping import. We may not be able to implement the programme through this enactment unless and until we stop the import.

There is an apprehension that multinational companies are creating this problem. It is not only with this industry but also with all other industries which are situated in India. In one way or the other, our industry and our people will suffer due to liberalisation policy. Ultimately, the multinationals will gain and rule this country. This will be the situation which would arise after five or ten years. Let the Government think of the East India Company. I am speaking about the situation in the coming days; I am not speaking particularly of this Bill. We are clearly in agreement with this Bill. But there is only one technicality. Shri Shivraj Patil has mentioned about two things, namely, about the near vicinity and the skull and two cross-bones on the cigarette packets. We are stressing only on those two points and not more than that. This is what we are appealing to the Minister.

In my district, about 50,000 people are affected. Majority of the affected people belonging to the Scheduled Castes and other minority classes are *beedi* workers. You have to rehabilitate them by way of some programmes. You have to completely ban it, maybe after one or two years. We have to take care of it from the health point of view and this is the primary duty of the citizens, the Members of Parliament and the Government. But without taking all these points into consideration, passing this Bill will serve no purpose. The most important point is about import. If we impose a ban and at the same time, encourage imports also, what is the meaning?

I would urge upon the Minister who is very much concerned with the issue – we are also concerned with this issue – to look into how to solve this lacuna. I hope she will consider what Shri Patil has said, with whom we totally agree.

श्री रामदास आठवले (पंढरपुर) : सभापति जी, मैं सुामा स्वराज जी का अभिनन्दन करने के लिए खड़ा हुआ हूँ। कहते हैं कि हैलथ इज़ वैलथ। अगर स्वास्थ्य ठीक है तो सब ठीक है और अगर स्वास्थ्य बिगड़ जाता है तो सब कुछ बिगड़ जाता है।

महोदय, केवल इनकी सरकार की ही हैलथ ठीक नहीं होनी चाहिए, बल्कि पूरे देश का स्वास्थ्य ठीक होना चाहिए। हमारे लिए यह खुशी की बात है कि प्रजेंट हैलथ मिनिस्टर तो यहां उपस्थित हैं ही, बल्कि पूर्व स्वास्थ्य मंत्री श्री सी.पी. ठाकुर जिन्होंने हैलथ मिनिस्ट्री को बहुत अच्छी तरह से चलाया, वे भी सदन में उपस्थित हैं। आमतौर पर यह होता है कि जिस मंत्रालय का विधेयक विचार के लिए प्रस्तुत होता है, वे मंत्री ही बहस के समय सदन में उपस्थित रहते हैं, लेकिन यहां तो ऐसा प्रतीत होता है कि सुामा जी को सपोर्ट करने के लिए श्री सी.पी. ठाकुर भी मौजूद हैं।

महोदय, बिल की भावना अच्छी है, लेकिन इतना मैं जरूर कहना चाहता हूँ कि सिगरेट, बीड़ी और तम्बाकू के अन्य उत्पादों पर यदि पाबन्दी लगाई जाएगी, तो बेरोजगारी बढ़ेगी और देश में तम्बाकू की स्मगलिंग प्रारम्भ हो जाएगी। यहां तम्बाकू का उत्पादन बन्द करेंगे, तो तम्बाकू बाहर से आनी प्रारम्भ हो सकती है और इस प्रकार से उसकी स्मगलिंग चालू हो सकती है। अतः मंत्री महोदय को इस विधेयक को सदन में प्रस्तुत करते समय इस बात पर भी गम्भीरता से विचार करना चाहिए था।

महोदय, इसमें विद्यालयों से 100 मीटर की परिधि में बीड़ी, सिगरेट और तम्बाकू तथा उससे बने अन्य उत्पाद की बिक्री पर प्रतिबन्ध लगाने का प्रावधान किया गया है। इसका अर्थ तो यह हुआ कि किसी भी शहर में बीड़ी-सिगरेट की एक भी दुकान नहीं खुल सकती है क्योंकि कहीं मंदिर है, कहीं कंप्यूटर की शिक्षा के केन्द्र हैं और कहीं विद्यालय हैं, आजकल ये तो कदम-कदम पर स्थित हैं। यदि 100 मीटर की परिधि को मापदंड बनाया जाएगा, तो एक भी दुकान किसी शहर में नहीं खुल सकती है। इसलिए मेरा आग्रह है कि 100 गज की दूरी को 25-30 मीटर करने की जरूरत है। अतः इसमें और अमेंडमेंट करने की आवश्यकता है। इसके पारित होने से अधिक करप्शन न हो, इस प्रकार से इसका आयोजन और नियोजन करने की आवश्यकता है।

महोदय, इस देश में बीड़ी-सिगरेट पीने वालों की बहुत बड़ी संख्या है। अगर वे बीमार हो जाएंगे, तो उनका क्या होगा। जो लोग बीड़ी-सिगरेट पीते हैं, जो लोग तम्बाकू खाते हैं, जो लोग तम्बाकू के बने अन्य उत्पादों का इस्तेमाल करते हैं, यदि वे इन्हें न खाएं या इस्तेमाल न करें और यदि वे बीमार हो जाएं, तो उनका क्या होगा, उनके इलाज की क्या व्यवस्था होगी और इसकी जिम्मेदारी किस की होगी। कुछ लोग तो ऐसे हैं जिन्हें दवा के माध्यम से भी तम्बाकू दी जाती है, उन्हें यदि तम्बाकू नहीं मिलेगी, तो उनका क्या होगा। कुछ लोग ऐसे भी होते हैं जो तम्बाकू इस्तेमाल नहीं करते, वे भी बीमार हो जाते हैं। इसलिए इस विषय पर गम्भीरता से सोचने की जरूरत है।

महोदय, तम्बाकू एवं इसके बने उत्पादों की बिक्री से 8 हजार करोड़ रुपए की सेंट्रल एक्साइज मिलती है। इस पर प्रतिबन्ध लगाने से वह नहीं मिलेगी। साढ़े तीन करोड़ लोग तम्बाकू के धंधे में लगे हैं जिनमें छः मिलियन फॉर्मर्स हैं और 20 मिलियन फॉर्म लेबरर्स हैं, 4.4 मिलियन बीड़ी वर्कर्स हैं, 2.2 मिलियन लोग तेंदू पत्ता इकट्ठा करने वाले लोग हैं। ये सब बेकार हो जाएंगे। इन्हें रोजगार देने का भी कोई प्रबन्ध करना चाहिए। इसलिए खाली कानून बनाने से काम नहीं चलेगा। अतः इसमें अमेंडमेंट करने की आवश्यकता है।

महोदय, स्वास्थ्य मंत्री महोदया, सारे देश की हेल्थ अच्छी करने के बारे में सोच रही हैं, लेकिन एक बात उन्हें ध्यान में रखनी होगी कि देश में बीड़ी-सिगरेट पीने वाले, तम्बाकू खाने वाले 60-70 प्रतिशत लोग हैं। ये लोग आपकी पार्टी को वोट नहीं देंगे। इसलिए इस बात को भी आप ध्यान में रखें।

महोदय, यह बिल बहुत अच्छी भावना से लाया गया है, लेकिन इसके पारित होने के बाद, जब डेढ़ साल बाद चुनाव होंगे, तो आपकी पार्टी इधर होगी और हमारी पार्टी उधर जा सकती है। आप अच्छा बिल लाई हैं, इसलिए मैं इसका अभिनन्दन करता हूँ। अटल जी ने आपको पार्लियामेंट्री अफेयर्स के साथ-साथ हेल्थ डिपार्टमेंट की भी जिम्मेदारी दी है, यह अच्छा किया है, वरना पार्लियामेंट्री अफेयर्स मिनिस्टर की हेल्थ बिगड़ने की संभावना रहती है।

इसलिए आपको हेल्थ डिपार्टमेंट दिया है। हेल्थ और पार्लियामेंट्री अफेयर्स का कोआर्डिनेशन करके आपने बहुत अच्छा किया है। मैं इस बिल का समर्थन करता हूँ, लेकिन इसमें आपको कुछ न कुछ अमेंडमेंट लाने की आवश्यकता है। (व्यवधान)

मैं अभिनन्दन के साथ-साथ आपको शुभकामनाएं भी देता हूँ। आप इस बिल का इम्प्लीमेंटेशन करके अच्छा काम कर रहे हैं। हम चाहते हैं कि आपकी सेहत अच्छी रहे, क्योंकि आपकी सेहत अच्छी रहेगी तो हमारी सेहत भी अच्छी रहेगी। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करते हुए आपको धन्यवाद देता हूँ।

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Mr. Chairman, Sir, I thank you very much for giving me the time to speak on the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003.

Coming to the subject matter, I would like to say that after 13 years of debate in the WHO, this Bill has been brought forward before this House. It has gone through the scrutiny of the Standing Committee also. But we would like to say that this enactment is a new type of enactment where clandestine and surreptitious trading is going to be allowed. One can grow tobacco, produce the product, sell it and trade it, export it and import it. Everything can be done. But it has to be done secretly without the knowledge of others. That is the total effect of this particular enactment. Is it good for our nation? More or less, it is an enforcement of a character or conduct of a human being, of the people who are living in India. It can be a law at the Municipality level or the State level for prohibiting certain things. But when we bring forward an enactment at the national level, we are allowing the trade as it is, allowing the agriculture as it is but not giving any compensation to the agriculturists. We are not giving alternative jobs to the traders; we are not giving any opportunity for the alternative source of income for the labourers. How are we going to enforce this particular enactment? This question has to be answered. Simply by having an enactment, it may satisfy the international forum. Or, we can tell ourselves that we have prohibited selling of cigarettes within hundred yards from the educational institutions. Is it a satisfaction for us?

I had once told the Consultative Committee of the Ministry of Information and Broadcasting when Shrimati Sushma Swaraj was the Minister. She was very intuitive to say about the surrogate advertisements. At that time, I just mentioned about our great actor in Tamil Nadu, Shri Rajini Kant. He was appreciated by a two-year-old child as well as by a 70-year-old person because he used to move the cigarette from one side of the lip to the other side of the lip. He will throw the cigarette 20 feet away and catch it by the mouth. He will release the smoke with so many spirals. These are the characteristics of a hero in the cinema. Are we going to prohibit it? Are we going to stop it? We can very easily see the hero and his young lover depicted in the television serials or in a story or even in the journals. They are depicted while making love. At that time, the girl would say that the hero's smoking style is very interesting; the release of the smoke with so many spirals is very interesting. Are we going to stop it? This type of heroism should, first of all, be stopped. Then only the character of a person can be established as it is by way of bringing forward such an enactment. Otherwise, it will be a part of the Statute Book but it can never be acted upon.

I would like to draw your attention to another thing. Very often, we can find out a policeman getting a cigarette from other person. Now, he is going to get a cigarette from the other person with Rs.50. Otherwise, he has to pay Rs.200 as fine. He is going to benefit by one cigarette plus Rs.50 or one cigarette plus Rs.10. This is the thing which is going to happen. Therefore, I would like to suggest that we should have a total thinking over it. This Bill has been moved not by the Human Resource Development Ministry, it has been moved by the Health Ministry. Therefore, we have to create a Fund. Even if you want to implement this enactment, you have to create a Fund and the people, who are addicted to cigarette and tobacco, should be helped by having some counselling. Clinics should be opened for this purpose. There should be proper counselling through which we should make the people forget about cigarette and tobacco habits.

They should come forward with a better habit. In the same way, the agriculturists are living on the saline land in Tamil Nadu in Uttamapalayam in Dindigul District, where only tobacco can be cultivated. These people are in Andhra Pradesh, they are in Kerala, Karnataka and in many places in Tamil Nadu. Millions of people are living on this and raw tobacco is a part of the life of the villagers. That gives them a boost when they are tired. When a rickshaw puller gets very tired, he cannot drink wine or whisky. He can only take a small bit of tobacco. I am not

saying that it should be allowed. But at the same time, how are we going to alter the small man? When the small man is taking tobacco, you are prohibiting it. But at the same time, under clause 4, you are providing for prohibition of smoking in public places. When you are having a thirty-room restaurant, you are allowing them to have a separate room for smoking. Should it be allowed? How ordinary people are not allowed to have their own instinct? They just want to take a small bit of *beedi*. That *beedi* is sufficient for them to forget about their lunch or dinner. They are working hard to improve the life of their children crying for food in the house. How are you going to answer these questions? These questions are staring at us. Therefore, I request you that when we are making this type of an enactment, it should be supported with more funds for the proper implementation and also proper counselling should be given to the people who are addicted to it. This is my first submission.

My second submission is that when the drafting is done, 'sale' is defined under clause 3. This 'sale' cannot be enforced. Even if it is enforced, it will not be good for anybody. 'Sale' as defined in Clause 3(m) says:

" 'Sale' with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale. "

What is this? How can it be? Even the wholesale is prohibited by this clause. We are allowing in other sections that everything can be done secretly; it should not be exposed outside; it should not be sold within hundred feet. It should not be in public. You can smoke privately; you can have tobacco privately; you can sell it privately and surreptitiously but at the same time, wholesale is prohibited. How is this prohibition misused by the enforcing authority? We have to find out that. In the same way, I would like to draw attention to the fact that just when this enactment is going to be enforced, there is the highest punishment for two to five years. How is this going to be done? As a lawyer, I can submit that there is a provision given that summary trial should be made for using cigarette and a fine of Rs.200 should be paid. What about the punishment of two to five years? How are they going to enforce it? Will it be a warrant procedure? How are they going to enforce it? Which is the forum which is going to do it? Is it to be done by the Sessions Court? Which court is going to do it?

MR. CHAIRMAN: It is already there in the Criminal Procedure Code.

SHRI E.M. SUDARSANA NATCHIAPPAN : It can be done by the Criminal Procedure Code. But there are a lot of lacunae in the enactment.

I would like to sum up that there should be a clear vision in enforcing this enactment. This should not be for the purpose of enacting for international obligation alone. It should be for the welfare of the people, and welfare of the people can be done only by united efforts. The Agriculture Department, the Commerce Department, I&B and all other Departments should come together and see that smoking habit through cinema, television, songs, etc. should be curtailed. At the same time, children should be educated and the youngsters should also be educated. The people who are addicted should be protected by counselling with the funds of the Government. I thank you very much.

श्रीमती सुमा स्वराज : महोदय, कुल मिलाकर 19 सांसद साथियों ने इस चर्चा में भाग लिया है। मैं उन सभी के प्रति आभार व्यक्त करती हूँ। लेकिन मैं विशेष धन्यवाद करना चाहूँगी श्री शिवराज पाटिल का, जिन्होंने बहुत ही रचनात्मक भूमिका निभाते हुए इस चर्चा की शुरुआत की। बहुत ही संतुलित दृष्टिकोण उन्होंने इस विधेयक के बारे में सदन में रखा। उन्होंने बात की जहाँ इस व्यवसाय में जुड़े हुए लोगों के प्रति संवेदना प्रकट की, वहीं जनता के स्वास्थ्य के प्रति चिंता भी प्रकट की। उन्होंने इस बिल को लाने की सराहना की और इस बिल का समर्थन भी किया। जिन 18 सांसदों ने इस चर्चा में भाग लिया, अगर मैं विभाजन करना चाहूँ तो उनको चार वर्गों में विभाजित कर सकती हूँ।

एक वर्ग वह है, जिसने बिल का समर्थन किया, लेकिन प्रश्न उठाए, जिनका उत्तर मैं जरूर देना चाहूँगी। स्वयं शिवराज जी ने और आपने, डा. सरोजा, रेणु कुमारी जी, रमेश चेन्निथल्ला जी, नाचप्पन्न जी, मुनिअप्पा जी, ये तमाम सांसद इस वर्ग में आते हैं, जिन्होंने बिल का समर्थन करने के साथ-साथ कुछ आशंकाएँ और प्रश्न भी रखे।

लेकिन एक ऐसा वर्ग भी है, जिसने इसे और कठोर बनाने की वकालत की। बिल का समर्थन किया, लेकिन उसमें कुछ खामियाँ या हल्कापन पाया, जिनका नाम मैं लेना चाहूँगी, वे हैं अनादि साहू जी, पी.के. बंसल जी, राधाकृष्णन जी, सरदार सिमरनजीत सिंह जी मान। जिन्होंने चाहा कि इस बिल को और ज्यादा कठोर बनाने की आवश्यकता है। एक वर्ग ऐसा भी है जिसने पूरा विरोध किया, लेकिन उस खाने में एक नाम आता है, वह हैं आदरणीय पूर्व प्रधान मंत्री देवेगौड़ा जी। एक वर्ग वह है जिसने पूर्ण समर्थन किया, उसमें भी एक नाम आता है और वह हैं श्री खारबेला स्वैन जी।

इस तरह से 18 लोगों का विभाजन किया जा सकता है। लेकिन पहला वर्ग, जिसमें लगभग 9 सदस्य आते हैं, उनके मुद्दे लगभग एक हैं। जिनकी शुरुआत शिवराज पाटिल जी ने की और आपने उसे दोहराया। वे मुद्दे मुख्यतः तीन बनते हैं। पहला रोजगार का है, रिहैबिलिटेशन का है। आपने कहा कि 35 मिलियन लोग इस व्यवसाय से जुड़े हुए हैं। उनकी रोजी-रोटी पर सीधा प्रहार होगा। वे रोजगार से बाहर हो जाएंगे, क्या सरकार ने इसकी चिंता की है। मैं इसका उत्तर जरूर देना चाहूँगी, क्योंकि सरकार इतने बड़े वर्ग की चिंता किए बिना इस विधेयक को लाने की सोच भी नहीं सकती थी। मैं आंकड़ों की सत्यता या असत्यता में नहीं जा रही हूँ, शिवराज जी, आपके पास 35 मिलियन का आंकड़ा है, मेरे पास 11 मिलियन का है। लेकिन सवाल यह है कि 35 मिलियन की या 11 मिलियन की रोजी-रोटी जा रही है, इससे इस तर्क का वजन कम नहीं हो सकता। अगर एक लाख लोगों की रोजी-रोटी भी जा रही है, तो भी इस सरकार को चिंता है। पहली बात तो यह है हम इस बिल के माध्यम से उत्पादों का उत्पादन बंद नहीं कर रहे हैं। तम्बाकू से जुड़े हुए उत्पाद चाहे वह सिग्रेट हो या अन्य हैं, उनके उत्पादन पर प्रतिबंध नहीं लगाया जा रहा है, प्रतिबंध लगाया जा रहा है विज्ञापनों पर या बिक्री को थोड़ा प्रतिबंधित किया जा रहा है, उसकी सेल पर रिविज्शन लग रही है। इसलिए यह मानना कि इधर बिल पारित हो गया और उधर वे बेरोजगार हो जाएंगे, यह होने वाला नहीं है। हाँ, यह जरूर है कि प्रचार बंद होगा तो व्यापार कम होगा। व्यापार कम होगा तो उत्पादन की

मांग कम हो सकती है। वहां इससे जुड़ा हुआ प्रश्न रोजगार का आ सकता है। उसके बारे में मैं यह बता दूँ कि हमारा मंत्रालय कृषि मंत्रालय के साथ इस बात की चर्चा कर रहा है कि कौन सी वैकल्पिक फसल इन लोगों के लिए खोजी जाए, जो वैसी ही जमीन में हो सके, जिस जमीन पर तम्बाकू होता है। मुझे बताते हुए खुशी है कि हम ऐसी वैकल्पिक फसल की तलाश कर रहे हैं जो तम्बाकू से ज्यादा आमदनी दे सके और वह फसल मेडिसिनल प्लांट्स की है। क्योंकि वह हमारा अपना विभाग है, मेडिसिनल प्लांट्स, आज हर्बल प्लांट्स की मार्केट इंटरनेशनली क्रिएट हुई है। अंतर्राष्ट्रीय बाजार में चाइना बहुत बड़े पैमाने पर औद्योगिक उत्पादों का व्यापार कर रहा है। भारत उसका दूसरा बड़ा व्यापारी हो सकता है। इसलिए हम यह भी तलाश कर रहे हैं कि वह भूमि जिस पर तम्बाकू उगता है, उस पर कौन सा मेडिसिनल प्लांट उगाया जा सकता है, ताकि इससे भी ज्यादा आमदनी उन लोगों की हो सके। जहां तक बीड़ी वर्कर्स का सवाल है, लेबर मिनिस्ट्री के साथ, जहां तक तम्बाकू प्रोअर्स का सवाल है, कृषि मंत्रालय के साथ, हम लगातार चर्चा में हैं।

इसलिए इस सारे का प्रभाव उनकी रोजी-रोटी पर न पड़े, इसका समाधान हम कर रहे हैं और जरूर कोई सकारात्मक समाधान करके आपको बताएंगे।

दूसरी बात पिक्टोरियल वार्निंग की कही गयी। कहा गया कि इसमें स्कल-बोन आदि दिखाने की बात है, यह अनावश्यक है। एक संशोधन भी आया कि उसे समाप्त कर दिया जाए। मुझे बहुत हैरानी हुई जब माननीय रेणु जी ने एक उपमा दी। उन्होंने कहा कि यह तो दुल्हन के घूंघट जैसा है क्योंकि घूंघट में चेहरा देखने की ललक और ज्यादा उठती है। इसलिए स्कल और बोन देखकर और ज्यादा ललक उठेगी। मुझे नहीं लगता है कि यह उपमा तर्कसंगत है। स्कल और बोन का पिक्टोरियल वार्निंग अगर आता है तो बिजली के उन खंभों पर आता है जहां नंगी तारों को छूते ही आदमी मर जाता है। मुझे नहीं लगता है कि कोई भी किशोर या किशोरी स्कल और बोन के देखने के बाद उस तार को छूने का दुस्साहस करता है। स्कल और बोन दुल्हन का घूंघट नहीं है जिसके देखने के बाद चेहरा देखने की ललक उठे। स्कल और बोन मूल विधेयक में नहीं था लेकिन जिस समय बिल स्टैंडिंग कमेटी के सामने गया, स्टैंडिंग कमेटी ने यह कहा कि हम जो लिखते हैं कि सिगरेट पीना स्वास्थ्य के लिए हानिकारक है, यह निरक्षर लोगों के लिए तो बेमानी है क्योंकि वे तो पढ़ना ही नहीं जानते हैं। आपने कोई वार्निंग, कोई चेतावनी दी या नहीं दी, उनके लिए कहां मायने रखती है। इसलिए वह चीज जिससे उन्हें भी पता चले कि यह खतरनाक है, ऐसा कोई चित्र उस पर आना चाहिए। इसलिए कोई भी ऐसी चीज जिसे देखने के बाद पता चले कि इसको पीना खतरनाक है उसमें होना चाहिए। स्टैंडिंग कमेटी की उस अनुशंसा को मानते हुए ही सरकार ने इस बात को वहां रखा है।

तीसरी बात 100 गज के विया में आई। यहां कुछ लोगों ने कहा कि 100 गज अगर होगा तो पान वालों की दुकानें ही उठ जाएंगी क्योंकि स्कूल बहुत थोड़ी जगहों पर हैं। मैं कहना चाहूंगी कि स्टैंडिंग कमेटी ने सिफारिश 500 गज के लिए की थी। स्कूल के 500 गज तक ये दुकानें नहीं होनी चाहिए क्योंकि शराब के लिए 500 गज की पाबंदी है। उनको लगता था कि ये पाबंदी उसके बराबर होनी चाहिए। लेकिन कैबिनेट में जब यह मामला गया तो जिस तरह से आप लोगों ने दुकानदारों की चिंता की उसी तरह की चिंता कैबिनेट में व्यक्त की गयी और कहा गया कि 500 गज शायद बहुत ज्यादा कटकारक हो जाएगा। इसलिए हमने पहले ही घटाकर 100 गज कर दिया। लेकिन अगर 100 गज की दूरी भी आप नहीं रखेंगे तो क्या स्कूल के मुहाने पर दुकानें खुलवा दें। एक बात यहां कही गयी कि इसकी जगह क्लोज विविसिनिटी कर दो। मैं माननीय शिवराज पाटिल जी से कहना चाहूंगी कि एक तरफ हम यह कह रहे हैं कि हम कम से कम डिस्क्रीशन अफसरों को दें। जब हम क्लोज विविसिनिटी रख देंगे तो कोई अफसर तो यह कहेगा कि 50 गज की विविसिनिटी भी ज्यादा है और कोई कहेगा कि 150 गज की विविसिनिटी भी ज्यादा नहीं है, क्योंकि फिर तो उनका विवेक तय करेगा। किसी को 150 गज की विविसिनिटी लगेगी कि यह तो बहुत नजदीक है और किसी को 50 गज की विविसिनिटी लगेगी कि यह बहुत पास हो गया। उसकी बजाए कुछ चीजें हम तय कर दें ताकि जो अफसर इसको इम्प्लीमेंट करने वाला है, जिसके माध्यम से इस विधेयक की अनुपालना होनी है, उसके पास अपना विवेक पालन करने की क्षमता न रह जाए बल्कि संसद ने अपनी बुद्धिमत्ता से क्या तय किया है यह उसके सामने होगा तो विामता उतनी कम हो जाएगी। इसलिए क्लोज विविसिनिटी के बजाए 100 गज रख देना बेहतर होगा। जैसा मैंने पहले कहा कि हमने तय कर दिया और 500 गज की अनुशंसा को हमने कम करके 100 गज की बात की। ये जो तीन प्रश्न उठे थे ये उस वर्ग की तरफ से उठे थे जिन्होंने हमारा समर्थन किया।

अब मैं उस वर्ग की चिंताओं को लेना चाहूंगी जो इसे और कठोर बनाना चाहता है। माननीय अनादि साहू जी ने कहा कि लिनिअंट पनिशमेंट है, जिसके बारे में माननीय पवन जी ने भी बात की कि आप 200 रुपये में आप छोड़ रहे हैं। मैं माननीय पवन जी कहना चाहूंगी कि अभी जो कुछ है उस पर ही इतनी चिंता जतलाई जा रही है। जब आदमी पहला कदम उठाता है तो बहुत अहतियात से उठाता है। पहली बार इस तरह का बिल आ रहा है और अगर आपका इतना समर्थन मिल रहा है तो अगला कदम उठाने में दिक्कत नहीं होगी। लेकिन शुरूआती तौर पर आप एक दम से ऐसा न लगने लगे कि हम कोई दमनकारी बिल लेकर आ रहे हैं, इसलिए शुरूआत ऐसी की है। आपने कहा कि उत्पादन ही बंद कर देना चाहिए। यह शायद आइडल सिचुएशन होगी लेकिन आपने ही स्वयं क्वालिफाइड किया कि जब तक वैकल्पिक फसल नहीं आ जाती तब तक उत्पादन बंद नहीं किया जा सकता है और माननीय शिवराज जी की बात का समर्थन किया है। हो सकता है कि जिन वैकल्पिक फसलों की हम तलाश कर रहे हैं, उससे अपने आप वे लोग उस फसल पर चले जाएं और उत्पादन खुद-ब-खुद बंद होने लगे बजाए इसके कि कानूनी दृष्टि से उसे बंद किया जाए।

इसी तरह से राधाकृष्णन जी ने कहा कि सैन्ट्रल हॉल और लॉबी में एश-ट्रेज उठवा दीजिए। बहुत अच्छा सुझाव है और मैं पहले स्थान पर आपके साथ हूँ, लेकिन यह मेरे अधिकार क्षेत्र में नहीं हैं। कारण यह कि यह पूरा परिसर संसद का अध्यक्ष महोदय के अधिकार क्षेत्र में है, पार्लियामेंट्री अफेयर्स मिनिस्टर के अधिकार क्षेत्र में नहीं है। अगर हम सभी सांसद यह तय करें और स्पीकर साहब से कहें, तो संभव हो सकता है। सदन ने जो भावनायें व्यक्त की हैं, वे भावनायें स्पीकर तक जायेंगी और मैं स्वयं उनको लेकर जाऊंगी। अगर हम यह कहें कि आप ऐसा ज़ोन बना दीजिए या कोई बेंच तय कर दीजिए, ताकि जिन लोगों को धुआं निगलना पड़ता है, उससे उनको बचा लीजिए। शायद यह बिल पारित होने के बाद वे जरूर करना चाहेंगे, ऐसा मुझे लगता है। लेकिन उन्होंने एक कदम और आगे जाकर कहा कि घर में भी कोई न पीए, क्योंकि बच्चों के सामने पीते हैं, तो मना तो नहीं कर सकते हैं, मगर उन्हें जबर्न धुआं निगलना पड़ता है। राधाकृष्णन जी, अगर ऐसी चीज कानून में ले आयें, तो उस कानून की अनुपालना कैसे करवायेंगे। इसका मतलब यह हुआ कि हर घर में इन्स्पेक्टर को भेज दें और वह जाकर देखे कि कोई बच्चों के सामने पी रहा है या नहीं पी रहा है। अभी हमारे घरों में इतनी लिहाज और शर्म है कि न हम अपने बच्चों के सामने पीते हैं और न बच्चों के सामने पीते हैं। यह निश्चित बात है, इससे बुरी आदतें पड़ती हैं। ऐसी बहुत सी चीजें हैं, जिनकी सामाजिक दबाव से अनुपालना होती है, कानून के जरिए नहीं हो सकती है। इस तरह की चीज कानून में नहीं लाई जा सकती है।

महोदय, इसी तरह से धारा 32 की डिलीट करने की बात कही गई, जो एक्सपोर्ट से संबंधित है। मैं अपने देश में तो कानून बनवा सकती हूँ, लेकिन दूसरे देशों में अगर इस तरह का कानून है, तो वहां वार्निंग लिखकर जाएगी। अगर कोई देश नहीं चाहता है कि ऐसी वार्निंग आए, तो एक्सपोर्ट प्रोडक्ट जो बन रहा है, उसमें कैसे लिखा जा सकता है। उन्होंने निश्चित ही चाहा है, इस कानून को ओर कठोर बनाया जाए, लेकिन शायद यह संभव नहीं है।

एक अन्य बात श्री महताब, श्री बंसल व अन्य सदस्यों ने सरोगेट एडवर्टीजमेंट की कही। मैं उन्हें बताना चाहूंगी कि सरोगेट एडवर्टीजमेंट केबल एक्ट में पहले से ही बन्द है।

श्री पवन कुमार बंसल : बाहर से जो इम्पोर्ट हो रहा है, मैंने उसके बारे में कहा था।

श्रीमती सुमा स्वराज : वह एक अलग बिन्दू है। मैं एक्सपोर्ट के बारे में बता रही हूँ। एक बात जो श्री सुदर्शन नाच्चीयपन जी ने कही। मैं उसका जवाब दे रही हूँ। मैं सरोगेट एडवर्टीजमेंट का जवाब देना चाहती हूँ। केबल एक्ट में इसका प्रावधान है। आपने स्वयं धारा 5(1) को पढ़कर सुनाया। उसमें डायरैक्टली और इन्डायरैक्टली लिखा है, सरोगेट एडवर्टीजमेंट के लिए। उन्होंने लिकर के लिए कहा कि किंगफिशर का पानी आ जाता है, एपल-जूस आ जाता है, मैक-डानल्ड के बैग्स आ जाते हैं और विन्स की टी-शर्ट आ जाती है। उसमें लिखा है, न प्रत्यक्ष रूप से हो सकता है और न अप्रत्यक्ष रूप से हो सकता है। इसलिए सरोगेट एडवर्टीजमेंट को रोकने का प्रावधान इस बिल में कर दिया गया है।

अब मैं श्री देवगौडा जी द्वारा उठाए गए प्रश्न का जवाब देना चाहूंगी, जो तीसरे वर्ग का प्रश्न है। मुझे ज्यादा खुशी होती, अगर वे सदन में उपस्थित होते। उन्होंने ऐसा प्रश्न उठाया है, जिसका जवाब मैं उनके सामने देना चाहती थी, अच्छा होता अगर वे स्वयं सुनते। उन्होंने पहली बात यह कही कि इस बिल को इम्प्लीमेंट कौन कर जाएगा? बहुत बड़ा प्रश्नवाचक चिह्न उन्होंने लगा दिया। मैं आपके माध्यम से कहना चाहती हूँ, जिस सरकार की इच्छाशक्ति है इस बिल को लाने की, वही सरकार की इच्छाशक्ति रहेगी इस बिल को इम्प्लीमेंट करवाने की और वही सरकार अमलीजामा भी पहनाएगी। उन्होंने व्यक्तिगत तौर पर पलटवार किया कि आपको स्टेट एडमिनिस्ट्रेशन का अनुभव नहीं है, इसलिए आप इस तरह का बिल ले आई हैं। आपको पता नहीं है कि राज्य का प्रशासन किस प्रकार चलता है। शायद वे मेरी पृष्ठभूमि भूल गए हैं। मैंने अपना राजनैतिक कैरियर स्टेट एसेम्बली से ही शुरू किया था। 1977 में मैं पहली बार हरियाणा विधान सभा में चुनकर गई थी और कैबिनेट स्तर में मंत्री बनीं थी। 13 साल तक मैंने अपना राजनैतिक जीवन राज्य में ही सीमित रखा। इसलिए मुझे मालूम है कि स्टेट मशीनरी कैसे चलती है, राज्य प्रशासन कैसे चलता है। केन्द्र के ज्यादातर कानून स्टेट के माध्यम से ही इम्प्लीमेंट किए जाते हैं। जिन राज्यों में अच्छा प्रशासन है, उन राज्यों में अमलीजामा अच्छा पहनाया जाता है और जिन में प्रशासन अच्छा नहीं है, वहां अमलीजामा नहीं पहनाया जाता है। उन्होंने कहा कि 18 वां की आयु कौन तय करेगा, क्या आप होरोस्कोप मंगवायेंगी और साइज़ देखेंगी? मैं उनको बताना चाहती हूँ कि यह अकेला बिल नहीं है, जहां 18 वां की आयु तय की जा रही है। 18 वां की आयु हमारे देश में बालिगपन और नाबालिगपन तय करती है। मेज़र और माइनर का फर्क तय करती है।

हम जब वोटिंग राइट देते हैं तो 18 साल के बालिग को देते हैं। हमारे यहां एक और कानून है, सिनेमा में फिल्म दिखाते हैं तो कहते हैं कि यह एडल्ट फिल्म है और उसे "ए" सर्टिफिकेट मिलता है। 18 साल के बाद उसे वह सिनेमा देखने का टिकट दिया जाता है। सिनेमा का टिकट देने वाला क्या होरोस्कोप मंगवाता है या उसका साइज़ देखता है? जैसे वह तय करता है वैसे यह तय कर लेगे। इस तरह के प्रश्न उठाना और इतने बड़े बिल के ऊपर सवालिया निशान लगाना, पूर्व प्रधान मंत्री को शोभा नहीं देता। उन्होंने इसके आगे बढ़ कर कह दिया कि अगर यह बिल पारित हो गया तो आप विपक्षी बेंचों पर चले जाएंगे। मुझे नहीं मालूम कि जनता का जनादेश इस बिल के ऊपर आएगा जिससे वह हमें विपक्षी बेंचों पर बैठा देगी। वह जनता जिन के स्वास्थ्य की चिंता करते हुए, हम यह बिल ला रहे हैं, क्या वे हमें वहां बैठा देगी?

श्री पवन कुमार बंसल: आपके दूसरे कार्यों को देखते हुए वह आपको विपक्षी बेंचों पर बैठा देगी।

श्रीमती सुमा स्वराज: वह तो इस बिल के साथ हमें जोड़ रहे हैं। यह भविष्य तय करेगा कि कौन किस को कहां बैठाएगा और किस कारण से बैठाएगा? वह यह कहते बहुत भावुक हो गए। उन्होंने कहा कि कोई विधवा हो जाती है, अगर उसका बच्चा दुकान करना चाहता है तो आप उस पर पाबंदी लगा रहे हैं। पहली बात यह है कि हम किसी बच्चे की दुकान पर पाबंदी नहीं लगा रहे हैं। दूसरी बात मैं यह कहना चाहती हूँ कि अगर किसी विधवा का 18 साल का बच्चा सिगरेट ही बेचना चाहता है तो वह यह न समझे कि वह सिगरेट बेचने तक अपने आप को महफूज रखेगा। यदि वह सिगरेट बेचेगा तो सिगरेट पीने की बुरी आदत में भी पड़ेगा। वह सिगरेट पीने की बुरी आदत में पड़ेगा तो बुरी बीमारियों में भी फंसेगा। वह मां की आमदनी करवाने की बजाय इलाज पर पैसा खर्च करवाएगा तथा तन-मन और धन तीनों से अपनी मां को कट पहुंचाएगा। इसलिए कहीं ज्यादा बेहतर है कि वह सिगरेट बेचने की बजाय और कोई धंधा कर ले। हमारे पूर्व प्रधान मंत्री उसे यह नसीहत न दें कि एक विधवा के बच्चे के लिए यही एक व्यापार बचा है कि वह सिगरेट बेचे और बाद में सिगरेट पीए। जहां तक उन्होंने कहा कि जनता हमें विपक्षी बेंचों पर बैठा देगी मैं उनसे कहना चाहती हूँ कि हमारा भविष्य जनादेश तय करेगा। जनादेश क्या होगा, बता नहीं सकती लेकिन इस बिल को यहां प्रस्तुत करने का और सदन में यह बिल पारित करवाने का आत्मसंतो, यह विधेयक जरूर देगा। मैं समझती हूँ कि वह आत्मसंतो प्राप्त करने के लिए हमें यह विधेयक सर्वसम्मति से पारित करना चाहिए।

SHRI SHIVRAJ V. PATIL : Mr. Chairman, Sir, I have two questions to ask and one suggestion to make.

Tobacco is a medicinal plant also. When tobacco chewed by a person, it protects the teeth, gums and all those things. Anything done in excess is harmful. Even heating food in excess of requirement is harmful. So, it has to be done within the limits. My suggestion is, and not a question, that the production of tobacco as such need not go down. It can be used for some other purposes. But supposing we produce tobacco in large quantities, as to how the producer will get the remunerative price is a question. Now for this, my question is, will the Government spend enough amount of money to carry on research and development in this area and to find out as to how tobacco can be used not only for smoking purpose but also for using it in some medicine as such? What can be done? If the Government is thinking in this manner, will the Government also take some steps to see that those who are not involved in production of tobacco but who are carrying on trade and commerce, who are carrying on transport and others are not affected? Slightly they are going to be affected and it is not that immediately there will be an effect on their employment. Something has to be done for them also. Will the Government bear this in mind while doing it?

I am asking these questions because these questions are really important and not to embarrass the Government. Shrimati Sonia Gandhi had written two letters to the Prime Minister highlighting these issues because they were brought to her notice. I think, the Prime Minister had left to the Minister to reply to these questions because the Minister could have gone into all these details and would be in a better position to do it. So, I am expecting some response to these points from the Minister.

MR. CHAIRMAN : Now, Sardar Simranjit Singh Mann.

SARDAR SIMRANJIT SINGH MANN : Mr. Chairman, Sir, I just want to ask a simple question. Democracy is the cohabitation of all the people. We respect the wishes of the Hindus by supporting the ban on cow slaughter. The Minister has not replied to the two simple questions that we have asked to enlarge the scope of the Bill. We have asked to encompass the radius in all the Gurdwaras in the country as is done in the case of educational institutes, Haridwar, Kurukshetra and other Hindu holy cities where the cow slaughter is banned. Will the Minister agree to ban smoking and sale of tobacco products only in Amritsar city? We ask for cohabitation in the Indian democracy. That is all that we ask for.

SHRI BHARTRUHARI MAHTAB : I have one question about the tendu leaf which is used for *beedi*. Thousands and thousands of tribal people are engaged in collecting tendu leaves and it is treated as a minor forest work. A lot of

people are engaged there. The restriction that is being imposed through this Bill is laudable. It should be done. But it is quite different from cigarettes. Something is printed on the box, on a paper, whereas, the *beedi*, as in Andhra Pradesh, Orissa and other parts of the country, is a poor man's cigarette and it has a very small wrap of paper. It does not give that much of notice to a consumer. How do you deal with it? This is one aspect.

The other aspect is, some arrangement also has to be done with the respective State Governments for the tribal people who are engaged in collecting the tendu leaves. As provision may be made for the tobacco growers, some provision should also be made for collecting tendu leaves. The Government should consider some alternative arrangements.

श्रीमती सुगमा स्वराज : सभापति महोदय, श्री शिवराज पाटील जी ने स्वयं कहा कि वे प्रश्न नहीं पूछ रहे हैं, सुझाव दे रहे हैं। उनका सुझाव स्वागत योग्य है। नीति बनाते समय निश्चित तौर पर हम उन सुझावों को ध्यान में रखेंगे।

सभापति महोदय, जहां तक सरदार सिमरनजीत सिंह मान साहब द्वारा पूछे गये प्रश्न, कि क्या हम रेडियस बढ़ायेंगे, का सवाल है, मैं उन्हें बताना चाहूंगी कि को-हैबिटेसन के बारे में कोई क्वेश्चन मार्क नहीं होना चाहिये। हिन्दुस्तान का प्रजातंत्र इसी को-हैबिटेसन के आधार पर चल रहा है। यही कारण है कि हमारे यहां प्रजातंत्र इतना मजबूत है। रूल्स बनाते समय हम निश्चित तौर पर हरिद्वार, अमृतसर के गुरुद्वारों को एग्जामिन करेंगे।

सभापति जी, श्री मेहताब जी ने तेंदूपत्ता वर्कर्स के बारे में प्रश्न किया कि क्या वे इस में लगे हुये हैं। मैं उन्हें पहले ही बता दूं कि उत्पादन कार्य बंद नहीं हो रहा है जिससे बीड़ी वर्कर्स या तेंदूपत्ता लाने वाले लोगों पर गाज़ गिरे। बीड़ी का उत्पादन बंद नहीं हो रहा है। जहां तक मैनुफैक्चर्स द्वारा लिखने का काम है, उससे वर्कर्स अफैक्टेड नहीं होते हैं। अगर वे सफेद कागज के अंदर बीड़ी बनायेंगे तो उस पर अच्छे रूप में लिख दिया जायेगा, चाहे पिकटोरियल वार्निंग का प्रश्न हो, चाहे किसी भाग में लिखने का प्रश्न हो, उसमें वर्कर्स और बाकी लोग सीधे प्रभावित नहीं हैं। इसमें सीधे-सीधे मैनुफैक्चर्स को इंपलीमेंट करना है। मैनुफैक्चर्स बड़े-बड़े हैं। वे अपने उत्पादन को बनाये रखने के लिये रास्ता निकालेंगे और इसे इम्पलीमेंट करेंगे।

SHRI K.H. MUNIYAPPA : Would the hon. Minister be able to delete this picture about which we have already mentioned? This seems to be very ugly. Could you think over this matter?

SHRI RAMESH CHENNITHALA : We need some alternative to this.

श्रीमती सुगमा स्वराज : इस में लिखा है कि 'वार्निंग' के अलावा और कुछ अच्छी बात सोची जा सकती है।

MR. CHAIRMAN : The question is:

"That the Bill to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration. "

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill. "

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

MR. CHAIRMAN: Shri Mansoor Ali Khan – Not present.

Now, Shri K. H. Muniyappa.

SHRI K.H. MUNIYAPPA : I am not pressing my amendment. Since the Minister has agreed to make some changes, we are not pressing it.

MR. CHAIRMAN: Some other Members have also given notice for moving amendments. I think they are not

interested.

The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 33 were added to the Bill.

*The Schedule, Clause 1, the Enacting Formula, the Preamble
and the long Title were added to the Bill.*

MR. CHAIRMAN: The hon. Minister may now move that the Bill be passed.

श्रीमती सुमा स्वराज : °ÉŁÉÉ{ÉÉÉiÉ àÉcÉänªÉ, àÉé |É°iÉÉ´É BÉE®iÉÉÒ cÚÆ:

"कि विधेयक पारित किया जाए।"

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MR. CHAIRMAN : The House now stands adjourned till 11.00 a.m. day after tomorrow.

19.47 hrs

*The Lok Sabha then adjourned till Eleven of the Clock
on Friday, May 2, 2003/Vaisakha 12, 1925 (Saka).*
