



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಯವರ ಕಾರ್ಯಾಲಯ,
ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ, ವಿಶ್ವೇಶ್ವರಯ್ಯ ಚಿಕ್ಕ ಗೋಪುರ, ಡಾ|| ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, ಬೆಂಗಳೂರು-01
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Government of Karnataka
District Administration, Bangalore rural

NOTIFICATION

No: DHO/BR/NTCP/04/2017-18

Date: 06/06/2017

1. Whereas, In excess of 12 lakhs people die every year due to tobacco use in India. According to the Global Adult Tobacco Survey conducted by Government of India and World Health Organization (WHO), prevalence of tobacco use among adults in Karnataka being 39.8.0% in males and 16.3 % in female.
2. Whereas, there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.
3. Whereas, Section 2 of the Cigarettes and Other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) states "it is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.
4. Whereas, in 2004 India has ratified World Health Organizations' Framework Convention on Tobacco Control (FCTC) and therefore obligated to uphold the provisions of the FCTC. Preamble of the FCTC recognised the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts. With Article 5.3 it states that "in setting and implementing their public health policies with respect to tobacco control Parties shall act to protect these [tobacco control] policies from commercial and other vested interests of the tobacco industry in accordance with national law."
5. And WHEREAS,
 - a. Government of Punjab has constituted a empowered committee to implement Article 5.3 of FCTC in order to deal with any kind of interference by Tobacco Industry in the implementation of provisions of COTPA or ban on flavoured and scented tobacco under Food Safety & Standard Act of India/ Declaration Electronic Cigarette (Electronic Nicotine Delivery Systems) as illegal & for the considering the representation of Tobacco Industry by gazette notification no. 21/51/085HB5/539949/3 dated 13-07-2015.
 - b. Government of Mizoram has constituted special committee to implement Article 5.3 of FCTC in order to deal with any kind of interference by Tobacco Industry, whether registered or local manufacturer / seller or any person(s) intended to act as representative of the same by notification no. J.11011/28/2015-HFW dated 20th May 2016.
 - c. Chandigarh administration has instructed all the head of departments not to participate in any tobacco industry activities and not to accept and direct/ indirect/ in-kind sponsorship/ funding from any corporate or individual engage in tobacco trade or commerce in any form by circular no. MH-III-2007/ 18920 dated 24-07-2007.

6. And WHEREAS, the two Honourable High Courts of Rajasthan and Karnataka have pointed to the nefarious linkage between tobacco industry and government agencies with the intent to subvert the tobacco control initiatives.
7. And WHEREAS, many instances of tobacco industry interference to subvert/ dilute or delay the government's tobacco control initiatives have been noticed in the state, there is urgent need to develop and notify guidelines to implement Article 5.3 of Framework Convention on Tobacco Control in the state and to stop tobacco industry interference in tobacco control programme.

Therefore, in the interest of public health, to avoid any kind of interference by tobacco industry (registered / local manufacturer/ seller/ any person or organisation intended to act as representative of the same) in the implementation of Cigarette and Other Tobacco Product Act 2003 (COTPA) and any initiative taken or in consideration to reduce human consumption of any form of tobacco or any products intended to promote its use, You are requested to abide by the following guidelines:

General guideline

- 1) The officials and employees working under Bangalore rural district administration shall limit interactions with the tobacco industry and/or its representative. Meeting shall be conducted only in the event that it is strictly necessary for the interest of the public and public health and before the same, it must be clarify that such interaction does not imply partnership, dialogue and collaboration and indicate it in writing to the tobacco industry that they will not mischaracterise the nature of the meeting.
- 2) The official and employees shall not participate in any tobacco industry activities, not even activities organised by other agencies/organisation collaborated/supported by tobacco industry.
- 3) The official and employees shall not take any direct/indirect/in-kind sponsorship/donation /funding in form of CSR support or in other forms from any corporate or individual engaged in tobacco trade and commerce in order to any health or development initiative in the district of Bangalore rural.

Procedure for conducting the meeting with TI representative

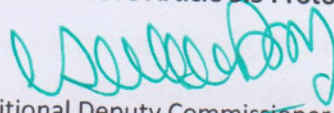
- 4) If representative(s) of tobacco industry desired to meet any public servant, the matter should be brought to the notice of public official in writing to indicate the agenda point(s) for the meeting clearly before any further communication with them.
- 5) After reviewing the agenda, the officer shall decide whether to meet the representative(s) or not and if agrees to meet will finalise the agenda. The officer will inform the Member Secretary of the district committee about the meeting date and agenda.
- 6) Predetermine the meeting participants (from tobacco industry) by asking for their name, and position of those who will attend the meeting.
- 7) Representative from law department must be present and closely advice the committee's members during the meeting.
- 8) The meeting should be conducted at any of the premises of government department and ensure that any photograph taken of this meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry.

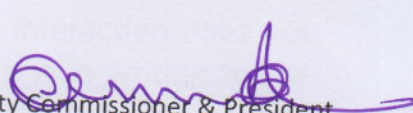
- 9) All non-mediated exchanges (in person, phone or email) between officials, employees and representatives of the agency should be avoided.
- 10) Meeting should be brief and only pre-fixed agenda is to be discussed. The officer must maintain the right to terminate the meeting at any point.
- 11) A transcript/detailed minute of the meeting's proceeding should be prepared. A voice recording of the meeting may be made to assist in preparing the transcript and further should be filed for record purposes.
- 12) The representation and proceedings of the meeting will be uploaded on district administration official website for information of stakeholders. Publicly correct any misinformation regarding the meeting.

District Health and Family Welfare Officer (DHO) & Member Secretary, District Tobacco Control Cell, Bangalore rural will be the nodal officer for reporting any complaint in this regards

All Head of Departments are hereby instructed to refer any case related to this matter to the member secretary District Tobacco Control Cell as and when received.

Enclosed:- FCTC Article 5.3 Protocol


Additional Deputy Commissioner & Dist. Nodal Officer
District Tobacco control Cell
Bangalore Rural District


Deputy Commissioner & President
District Tobacco control Cell
Bangalore Rural District

Protocol to be followed while dealing with Tobacco Industry:

(i) Public officials and employees shall limit interactions with the tobacco industry to those strictly necessary for its regulation and to ensure the transparency of those that occur.

(ii) In the event that a meeting is strictly necessary, officials and employees shall abide by the following rules:

1. Set the meeting agenda.
2. Ask the industry about what they want to discuss in writing and then decide whether to agree with the meeting or not. Stick to the agenda and make the meeting brief.
3. Clarify the goal and structure of the meeting.
4. Before the meeting, it must be made clear that such interaction does not imply partnership, dialogue or collaboration and indicate it in writing to the tobacco industry that they may not mischaracterize the nature of the meeting.
5. Hold the meeting at the premises of the department/institution/agency/local government. Ensure that any photograph taken of this meeting is strictly for documentation purposes only and not for the public relations activities of the tobacco industry.
6. Predetermine the meeting participants by asking for the names and positions of those who will attend the meeting.
7. Moderate the meeting. A lawyer must be present and must closely advise the official/employee/representative during the meeting.
8. Write the official minutes. A voice recording of the meeting may be made to assist the staff in preparing the transcript of the meeting. Transcript of the meeting must be filed for record purposes and be available to the public upon request.
9. Maintain the right to terminate the meeting at any point.
10. Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting.
11. Decide on follow up questions that must be answered after the meeting.