COLLECTOR'S OFFICE
20 MAY 2019
KASARAGOD

GOVERNMENT OF KERALA

Abstract

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

HEALTH & FAMILY WELFARE (G) DEPARTMENT

G.O.(Rt) No. 1009/2019/H&FWD Dated, Thiruvananthapuram, 30/04/2019

Read: Letter No. PH5-81180/18/DHS dated: 25.10.2018 from Director of Health Services.

ORDER

The Ministry of Health and Family Welfare, Government of India have initiated the National Tobacco Control Programme with the aim and objective to implement policies to create awareness about the harmful effects of tobacco consumption, to reduce the production and supply of tobacco products and to ensure effective implementation of the provisions under "The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and commerce production, supply and distribution) Act, 2003" (COTPA). As a signatory to the World Health Organization's Public Health Treaty, the Framework Convention on Tobacco Control (FCTC), India and its States are obligated to comply with the provisions and guidelines of the treaty. This treaty mandates parties to be alert and informed of the efforts of the tobacco industry to undermine or subvert tobacco control efforts. Kerala state is implementing policies envisaged under the NTCP and COTPA through State Tobacco Control Cell and District Tobacco Control Cells. It is very necessary to protect the tobacco control policies from any interference from tobacco industry.

2. Keeping these objectives in mind, the Director of Health Services, vide paper read above, requested Government to constitute Empowered Committees at State and District levels to implement Article 5.3 Guidelines of World Health Organisation's Framework Convention of Tobacco Control and to deal with any kind of interference by Tobacco Industry in the implementation of the provisions of COTPA, 2003 and any initiative taken or in consideration to reduce human consumption of any form of tobacco or any products intended to promote its use.

3. Government examined the matter in detail and are pleased to constitute empowered committees at State and District levels with the following members.

Members of State Level Empowered Committee.

1. Additional Chief Secretary (Health) or representative — Chairman
2. State Mission Director — Member
3. Principal Secretary (Commercial Tax) or representative — Member
4. Principal Secretary (Law) or representative — Member
5. Secretary (Home) — Member
6. Secretary (Information and Public Relation) or representative — Member
7. Secretary (Industry) or representative — Member
8. Secretary (Education) or representative — Member
9. Secretary (Local Self Government) or representative — Member
10. Secretary (Revenue)or representative — Member
11. Secretary (Labour) or representative — Member
12. Commissioner Food Safety — Member
13. Director of Health Services — Member Secretary
14. State Nodal Officer (National Tobacco control Programme) — Member
15. Two or three prominent members of civil society with experience in tobacco control.

Members of District Level Empowered committee.

1. District Collector — Chairman
2. District Medical Officer (Health) — Member Secretary
3. Dy. Commissioner (Commercial Tax) or representative — Member
4. Deputy Director of Education — Member
5. Officer in charge (Information and Public relation) — Member
6. Superintendent of Police — Member
7. Local Self Government Representative — Member
8. District Nodal Officer (National Tobacco Control Programme) — Member
9. Two or three prominent members of civil society with experience in tobacco control.

The committee will ensure that protocol (enclosed) and procedure to deal and engage with the tobacco industry or its representatives are strictly followed. Secretary (Health) will be the special designated officer to receive any representation from the Tobacco Industry or its representatives and to decide whether they are required to be dealt with or not. He will decide upon the date for meeting with the tobacco industry representative(s), in consultation with other members, if required. The representation and proceedings of the meeting

will be uploaded on official website of Department of Health & Family Welfare, Government of Kerala for information of stakeholders.

(By Order of the Governor)
RAJEEV SADANADAN
ADDITIONAL CHIEF SECRETARY

To

The Director of Health Services
The Commissioner of Food Safety
State Mission Director, NHM
All District Collectors .Kasargod
All Deputy Commissioners (Commercial Tax) or representative
All Deputy Directors (Education).
All District Nodal Officers (National Tobacco Programme)
All District Medical officers (Health)
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram .
The Accountant General (A&E), Kerala, Thiruvanathapuram
Information and Public Relations (Web and New Media) Department.
Stock file/Office Copy

Forwarded/By Order

Section Officer

Copy to:

PA to the Additional Chief Secretary, Health & Family Welfare Dept.
PA to Additional Chief Secretary, Local Self Government Department.
PA to Additional Chief Secretary, Industries Department.
PA to Additional Chief Secretary, Home Department.
PA to Principal Secretary, Commercial Tax Department.
PA to Principal Secretary, Law Department.
PA to Principal Secretary, Revenue Department
PA to Principal Secretary, Labour Department.
PA to Secretary, Education Department.
PA to Secretary, Information and Public Relations Department.

Annexure

Protocol for empowered committee to implement Article 5.3 of WHO's Framework Convention on Tobacco Control and to stop Tobacco Industry Interference

There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests. In its efforts to undermining strong tobacco control policies, the tobacco industry has historically engaged in various tactics globally.

This protocol is developed due to increasing instances where Tobacco Industry representatives have approached and met the public servants. Therefore it is imperative for our State to have explicit guidelines in this matter.

General guidelines

1. Public Officials and employees shall limit interactions with the tobacco industry and /or its representative.
2. Meeting shall be conducted only in the event that it is strictly necessary for the interest of the public.
3. The committee in all its meeting shall look out for the welfare of the public by prioritizing the importance of public health.

Procedure for organising a meeting with the representatives of tobacco industry.

1. If representative(s) of tobacco industry desired to meet any public servant, the matter should be brought to the notice of the empowered committee in writing, before any further communication with them
2. Representative(s) of tobacco industry should clearly identify (in writing) the agenda point for the meeting.
3. After reviewing the agenda, the designated officer of the empowered committee shall decide whether to meet the representative(s) or not and if agrees to meet, will finalise the agenda.
4. Any meeting related to tobacco trade, commerce, production, supply and distribution must be done through prior appointment taken through phone or e-mail before 7 days as mandated.

5. The participants of meeting from tobacco industry (with their name, designation and company details) must be clearly mentioned in the letter.
6. Representative from law department must be present and closely advice the committee's members during the meeting
7. Before the meeting, it must be clarified that such interaction does not imply partnership, dialogue and collaboration and indicate it in writing to the tobacco industry that they will not mischaracterize the nature of the meeting.
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 proposes 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.

Procedure for conducting the meeting

1. Meeting should be brief and should be based on a pre-agreed agenda.
2. The Nodal Officer has the right to terminate the meeting at any point.
3. Record detailed minutes of the meeting's proceeding and preferably undertaken a voice recording of the meeting which assist in preparing the transcript and stored or filed for record purposes.
4. If there are any follow up questions that needs to be answered after the meeting, following further discussion/ investigation(s)/ study, it may be noted to respond through correspondence.
5. Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting.

Code of Conduct for all public servants including officials and employees

1. All public servants who have role in setting and implementing public health policies with respect to tobacco control, shall declare to the committee about:

i. any current or previous occupational activity, whether gainful or not, in interaction with the Tobacco Industry or dealing in tobacco trade.

ii. any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a two period of time after leaving service.

2. All public servants shall resign from his/her position in the tobacco industry within thirty (30)days from his assumption of office and/ or divest his investment or interest within sixty (60) days from tobacco industry.

2a: For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including, **but not limited to:**

i) Owning or with any direct investment in the tobacco industry.

ii) Being a member of the Board of Directors, an officer of the corporation or a partner in a partnership in the tobacco industry.

iii) Receiving any contribution from the tobacco industry.

2b: If a government servant has direct benefits from tobacco industry of its trade (2.i to 2.iii) they must divest to anyone other than their immediate family member. Proof of divestment must be present to the Health Department. Immediate family member of a Government employee must not undertake employment or trade or benefit from tobacco industry or tobacco trade.

3. Any public servant shall not demand or receive any contribution from the tobacco industry for herself/himself, their families, relatives, friends, or any other persons or organization of their close linkage. Contributions shall include, but are not limited to, payments, gifts and services, monetary or in -kind, research funding, financial aid, policy drafts and legal advice.

4. No person who currently serves the tobacco industry or benefits from tobacco trade can hold any position of any kind (whether employment, contractual or as a nominee to committees and the like) within the Government.

5. They shall avoid the creation of any perception of real or potential partnership or cooperation with the tobacco industry and shall publicly correct any such misperception that may have been created.

6. If any public servant experience any kind of tobacco industry interference or have met/approached by the representative of tobacco industry without prior knowledge, he/she shall immediately refer the matter to the empowered committee in writing, seeking necessary instruction.

7. For any violations of above clauses (1-6) by any government servant, contractual staff, elected or nominated member, the Kerala Services Rules (and related legislations) will be enforced.

8. All Government offices must prominently display a board (60 cms by 30 cms)in English and Malayalam at their gate and reception to adequately warn tobacco industry or their representatives of the procedures laid out under these guidelines.

ENGLISH

Notice to Visitors

Any meetings related to tobacco trade, commerce, production, supply and distribution must be done through prior appointment taken through phone (....)or email(....) before 7 days as mandated under ....notification dated....

place:

- Sd-

Date:

(Name and Designation)

Malayalam

നോട്ടീസ്

ഹൃകയില വ്യവസായവുമായി (ഉത്പാദനം, വിതരണം, വിൽപ്പന) ബന്ധപ്പെട്ട് സന്ദർശകർ.....(FCTC article 5.3) പ്രകാരം 7 ദിവസം മുമ്പായി .....
(ഇമെയിൽ) /.....(ഫോൺ) മുഖേനെയോ മുൻകൂട്ടി അനുമതി വാങ്ങേണ്ടതാണ്.

ഒപ്പ്

പേര്:

തസ്തിക:

ഓഫീസിന്റെ പേര്: