



ILE

JOURNAL OF SOCIAL STUDIES

VOLUME 1 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION



## ILE JOURNAL OF SOCIAL STUDIES

APIS – 3920 – 0055 | ISBN – 978-81-964391-3-2

(Free Publication and Open Access Journal)

Journal's Home Page – <https://jss.iledu.in/>

Journal's Editorial Page – <https://jss.iledu.in/editorial-board/>

Volume 1 and Issue 1 (Access Full Issue on – <https://jss.iledu.in/category/volume-1-and-issue-1-of-2023/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

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## THE FRUITLESS BAN DETAILED STUDY ON THE GIGANTIC SPREAD OF SMOKELESS TOBACCO PRODUCTS IN INDIA

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**Best Citation** – SHRIHARIHARAN G, THE FRUITLESS BAN DETAILED STUDY ON THE GIGANTIC SPREAD OF SMOKELESS TOBACCO PRODUCTS IN INDIA, *ILE JOURNAL OF SOCIAL STUDIES (ILE JSS)*, 1 (1) of 2023, Pg. 21-24, APIS – 3920 – 0055 | ISBN – 978-81-964391-3-2.

### ABSTRACT:

*Smokeless Tobacco products (SLT) in India is one of the major problem on the blind side of the majority people in the country. India is the second largest country on use of tobacco products in the world, where there is 10.7% is the smoked tobacco but there was a part of 21.4% is stayed in the consumption of tobacco product which spills the existence of smokeless tobacco product in India. If there is several ban and some legal legislations being imposed in our country including from the stream of food laws there were about 21.4% is in use which is increasing as the time spins. The ineffectiveness over the legislative control on this smokeless tobacco is the main core of the paper and the layers of the paper would speak about the meaning and the kinds of smokeless tobacco, the problems it caused, how deeply it has rooted and the measures to cut away the usage and more from the legal aspect in the detailed study manner. This research was in the empirical form where you know about how much these products rusted out nation and how much we need to repolish our society with the legislations.*

**KEYWORDS** – Smokeless Tobacco products, India, Legislation, Drugs, Nation, Survey, consumption, Ban, Problems, Cancer, medical problem

### I.INTRODUCTION:

If we ask some person over 30 to 40 years of age, what is tobacco and how people would consume it. Most of them would answer it is something that filled in cigarettes and people eventually smoke into it to get high. But here is a study that in the total of 28.6% of tobacco consumption only 10.7% is only the smoking population<sup>23</sup>. Let we back with the question above, if we ask the same question to a minor or teen in country then their answer would be something with some non-understandable words such as Hans, Mawa, cool lip etc<sup>24</sup>. Where these are coming from, how they know a lot

about these than adults, the conclusion for this would shows the recent growth of tobacco industry in various non smokable products in India. The enlargement of these products is on one hand, the consumption and distribution of these products would be more into the teen and school students was more conjuring than all. The adults can be ignorant but the government can't, there were some legislations and ban were being levied over these tobacco products but the statistics of their usage was increasing high enough for teen people to be high for every day. With these question in the mind, I start this paper again with the question what is smokeless tobacco products?

<sup>23</sup> Tobacco | <https://www.who.int/news-room/fact-sheets/detail/tobacco>

<sup>24</sup> White paper on smokeless tobacco & women's health in India | [https://journals.lww.com/ijmr/Fulltext/2020/51060/White\\_paper\\_on\\_smokeless\\_tobacco\\_\\_\\_women\\_s\\_health.3.aspx](https://journals.lww.com/ijmr/Fulltext/2020/51060/White_paper_on_smokeless_tobacco___women_s_health.3.aspx)

## II. WHAT IS SMOKELESS TOBACCO:

The main definition of the smokeless tobacco product given by the National Cancer institute was that "A type of tobacco that is not smoked or burned. It may be used as chewing tobacco or moist snuff, or inhaled through the nose as dry snuff. Smokeless tobacco contains nicotine and many harmful, cancer-causing chemicals. Using it can lead to nicotine addiction and can cause cancers of the mouth, esophagus, and pancreas. It may also cause heart disease, gum disease, and other health problems<sup>25</sup>". In simple words the Smokeless tobacco products are the one used to consume the starch or the smell of the product to get high by chewing, keeping between lips, under the tongue etc. The history of the Smokeless Tobacco was started a way back in 1970s in U.S. when the baseball players thought it would be safer alternative for smoking<sup>26</sup>. Every people who started using this smokeless products as a safer or less harm substance is totally their ignorance that every tobacco products would contain the nicotine. The nicotine is the strong chemical substance which make the person to be addictive to it in first use itself. The enhancement of well-being, reduce appetite and anxiety, production of arousal and relaxation by nicotine would addict the person severe to it<sup>27</sup>. The Safer they thinks is the dangerous the product been. The smokeless tobacco would cause some health risks in serious manner such as receding gums, cracked lips and gums, increasing heart rate, blood pressure and irregular heartbeat, high chances of cancer and stroke<sup>28</sup>. The kinds of products would vary with the type of usage of these tobacco products which would cause various health issues and problems.

## III. TYPES OF SMOKELESS TOBACCO PRODUCTS:

Basically, the smokeless tobacco products are of two kinds – The chewing and the other is Snus. The chewing tobacco is made up of leaves or plugs which was put inside the cheek and chew. It releases the flavours and nicotine while chewing which make saliva to secrete a lot and the person spit this out.

<sup>25</sup> National Cancer Institute | <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/smokeless-tobacco>

<sup>26</sup> Smokeless Tobacco | <https://kidshealth.org/en/teens/smokeless.html>

<sup>27</sup> Nicotine and smokeless tobacco | <https://acsjournals.onlinelibrary.wiley.com/doi/abs/10.3322/canjclin.38.4.244?sid=nlm%3Apubmed>

<sup>28</sup> Smokeless tobacco products | <https://www.mayoclinic.org/healthy-lifestyle/quit-smoking/in-depth/chewing-tobacco/art-20047428#:~:text=I,ong%2Dterm%20use%20of%20smokeless,Pregnancy%20risk.>

The other one is Snus which is the moist powder packet in small bags. This is put under the upper and bottom lips as a small bag. These smokeless tobacco made of the mixture of tobacco-nicotine, sugar, salt, slaked lime, spices and flavourings<sup>29</sup>. It gives out lot of chemicals and poison during the consumption. Apart from nicotine there is a dangerous cancer-causing agent in these products such as carcinogens which makes it more a killing agent than a high agent. Under the recent survey on the products of smokeless tobacco products there where many which goes with the name Paan with tobacco, Khaini, Tambakoo, Guthka, Vizapatta, loose leaf, Gul, Kharra, kiwam, Mawa, Dhora, Creamy snuff, Dissolvable tobacco, Snus, Moist snuff, Twist, Plug, Taaba etc.<sup>30</sup> There are more kinds of these products with many manufacturer revolving around every corner of our country.

## IV. GENDER BIASED CONSUMPTION:

With the already known facts of its dangers and harms, the usage of the SLT in the whole globe from middle to low-income countries share the burden as compares to others. According to Global adult tobacco survey (GATS), there are some series high usage of SLT in the country like India, Egypt, Philippines, Nigeria, Bangladesh. The shocking news over here is that over 232 million belong to India and Bangladesh over 238 million SLT users<sup>31</sup>, India alone here took up 83% globally. These surveys and reports say that these tobacco where in most used by females, children, immigrants of South Asia especially women of reproductive age than any adult man that the society believes they are the only person here consume every drugs and tobacco products. These Gender biased myth was overrated as the society evolves more targeting everyone to addict themselves irrespective of their gender and age. In India the GATS Survey 12.8 per cent women aged around 15 and above were addicted into the usage of SLT in India<sup>32</sup>.

<sup>29</sup> Smokeless tobacco | <https://www.dentalhealth.org/smokeless-tobacco>

<sup>30</sup> Smokeless tobacco (SLT) products - 10 January 2018 | <https://extranet.who.int/ftccapps/ftccapps/ftcc/kh/slt/news/smokeless-tobacco-slt-products>

<sup>31</sup> White paper on smokeless tobacco & women's health in India | [https://journals.lww.com/ijmr/Fulltext/2020/51060/White\\_paper\\_on\\_smokeless\\_tobacco\\_women\\_s\\_health.3.aspx](https://journals.lww.com/ijmr/Fulltext/2020/51060/White_paper_on_smokeless_tobacco_women_s_health.3.aspx)

<sup>32</sup> Global adult tobacco survey | [https://nhm.gov.in/NTCP/Surveys-Reports-Publications/GATS-2-Highlights-\(National-level\).pdf](https://nhm.gov.in/NTCP/Surveys-Reports-Publications/GATS-2-Highlights-(National-level).pdf)



Among 13 states in India was recorded with the 10 percent of usage. The usage of SLT was like consume betel quid with tobacco, oral tobacco and khaini followed by gutka. One of the greatest nightmare of India is the consumption of SLT by pregnant women. The exposure of tobacco to the fetuses would end up in causing adverse outcomes.<sup>33</sup> These leads to the consumption these poisons in the small age and spread out it in the school itself.

#### V.USUAGE IN SCHOOL:

According to Global Youth Tobacco Survey's India there were about 38% of cigarette, 47% of bidi and 52% of smokeless tobacco where these habits have started before their 10<sup>th</sup> birthday. <sup>34</sup> As these survey was conducted by 3 stages in 2003,2006 and 2009 total of 987 schools from 544 public and 443 private schools 80,772 students were considered for reporting. Tobacco use in the middle-aged children was highest over Mizoram and Arunachal Pradesh and lower in Karnataka and Himachal Pradesh. Union health minister Mansukh Mandaviya said "The more, and the sooner, we create awareness among children about harms due to tobacco use, the better will be the outcomes in terms of reduction in prevalence of tobacco use among children and consequently among adults. Harmful effects of tobacco use should be incorporated in school curricula at various levels starting right from the primary school level". <sup>35</sup> As per the research done by Indian journal of cancer there were about 1255 students in which 41.1% of the students reported. The usage over the girl students was not less as comparing to the boys<sup>36</sup>. In the local areas the schools also infected by their drug dealing lifestyle and more over the public school shows

the major result in consuming SLT in way more possible than private schools.

#### VI.LEGAL CONTROL:

There were quite a decent measures were taken by the government in order to regulate the usage of tobacco in our nation. The control in legislation over the various category like Smoke free places, Tobacco Advertising, Promotion and Sponsorship, Tobacco Packing and Labelling, Cigarette Content and Disclosures, Sales Restrictions, E-Cigarettes, Heated tobacco Products. The comprehensive law in India governing the tobacco control is The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA). <sup>37</sup> In the Global Adult Tobacco Survey India 2016-17, reported that Bhushan said that the affordability of smokeless tobacco products makes them attractive and their non-standardised packaging makes the issue of taxation complex<sup>38</sup>. According to the Indian Legislation Article 47 states that "State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and drugs which are injurious to health."<sup>39</sup> The Prevention of Food Adulteration Act, 1954(PFA), have their provision to cover the chewing of pan masala and tobacco products. Several States uses these PFA provisions to ban these products like Gutka but in the Godawat law suit the supreme court said that "these orders of banning sale of gutka as unconstitutional, stating only the Centre has the power to ban manufacturing and sale of such items.<sup>40</sup> The only place which successfully ban the SLT is Goa by Goa Public Health Act,2005

<sup>33</sup> Rogers JM. Tobacco and pregnancy: Overview of exposures and effects Birth Defects Res C Embryo Today. 2008;84:1-5

<sup>34</sup> union Health Minister Shri Mansukh Mandaviya presides over the release of Global Youth Tobacco Survey (GYTS-4), India, 2019 National Fact Sheet

<sup>35</sup> India sees 42% decline in tobacco use in school-going children: Survey | <https://www.hindustantimes.com/environment/india-sees-42-decline-in-tobacco-use-in-school-going-children-survey-101628612902550.html>

<sup>36</sup> Tobacco use among school children in Chennai city, India | [https://journals.lww.com/indianjancancer/Fulltext/2006/43030/Tobacco\\_use\\_among\\_school\\_children\\_in\\_Chennai\\_city.5.aspx](https://journals.lww.com/indianjancancer/Fulltext/2006/43030/Tobacco_use_among_school_children_in_Chennai_city.5.aspx)

<sup>37</sup>Legislation by country India

<https://www.tobaccocontrol.org/legislation/india#:~:text=The%20law%20prohibits%20the%20sale,other%20forms%20of%20smokeless%20tobacco.>

<sup>38</sup> Govt set to amend tobacco laws to tighten control on evolving products, widen regulatory norms | <https://theprint.in/india/governance/govt-plans-to-amend-tobacco-laws-in-push-for-cessation-control-in-changing-market/1387615/>

<sup>39</sup> The Constitution of India. Available from: <http://aptel.gov.in/pdf/constitutionof%20india%20acts.pdf>

<sup>40</sup> Godawat Pan Masala Products I.P. Ltd. v. Union of India AIR2004SC4057. Available from: <http://judis.nic.in/supremecourt/chejudis.asp>

states that "no person himself or by any other person on his behalf shall manufacture for sale, or store, exhibit, sell or distribute or in any way deal with any injurious food article used for human consumption."<sup>41</sup> There were many bans were imposed over the covering and selling of SLT in Plastic and the advertising norms over the SLT was made strong and loaded with provisions to follow.

### VII.RECOMMENDATION:

By the National Survey Reports all the legislations and the previous policy to curb the usage of SLT was yet to give a give results. But to the opposite the flawless increase in the usage of SLT was more positive in last decade. The usage of these SLT was mainly over the small states and the villages of the country where the general awareness over the nicotine was not even 10% among the other areas. The local markets people with less money of income were fall into the traps of the manufacturing of Bidi and local SLT products which can be manufactured easy and quick and they can be easily afforded by the local people of the town. So, the banning over the small cities for the usage is impossible as the legal education over these places was dimmed and the authorities were also not strict to follow the rules. The central must co-relate with the state to ban the manufacturing of these products in all variety and should regulate every shops and supplier selling these products. The Shops near the school and the local shop should be check and regulated to avoid the supply of these products. The manufacturing and the supply chain of these products should be banned completely in order to remove these poisons from our nation. The rules must be strict and the legal authorities should be regulated and check for the spread of these SLT and a strong awareness should be conducted by the government about the medical problems these products would cause. This should be taken seriously in order to

degrade India from the list of most consuming SLT countries in the world.

### VIII.CONCLUSION:

There were several things that are known by the people of our nation, as the country evolves their education over various unnecessary things was also evolves but the matter about destroying the future our generation is being ignorant over the days. The awareness about the medical problems and the dangerous side effects of Smokeless Tobacco products should be know large as this matter heated over a great height. The growing community of these tobacco users was starting from the age of 10 irrespective of the sex. These SLT would be a growing virus which destroy our whole habitat. The Government have laws and provisions regarding it but the increasing graphs of these SLT was creating the argument of how strong the prevention is made of. This should be taken car of as regulating the behaviour of the future generation would beneficial than any other head above matters the government concerning.

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<sup>41</sup> The Goa Public Health (Amendment) Act, 2005. Available from: [http://www.dfda.goa.gov.in/uploads/Goa%20Public%20Health%20\(Amendment\)%20Act,%202005.pdf](http://www.dfda.goa.gov.in/uploads/Goa%20Public%20Health%20(Amendment)%20Act,%202005.pdf)

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