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**Authors**

Yadav, Amit, PhD

Glantz, Stanton A, PhD

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# THE DEVELOPMENT AND IMPLEMENTATION OF TOBACCO-FREE MOVIE RULES IN INDIA

Amit Yadav, Ph.D.  
Stanton A. Glantz, Ph.D.

Center for Tobacco Control Research and Education  
School of Medicine  
University of California, San Francisco  
San Francisco, CA 94143-1390



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Amit Yadav, Ph.D.  
Stanton A. Glantz, Ph.D.

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## EXECUTIVE SUMMARY

- The Indian film industry releases the largest number of movies in the world, 1500-2000 movies in Hindi and other regional languages, which are watched by more than 2 billion Indian moviegoers and millions more worldwide.
- The tobacco industry has been using movies to promote their products for over a century.
- In India, the Cinematograph Act, 1952, and Cable Television Networks Amendment Act, 1994, nominally provide for regulation of tobacco imagery in film and TV, but the Ministry of Information and Broadcast (MoIB), the nodal ministry, has not considered tobacco imagery.
- The Cigarettes and Other Tobacco Products Act, 2003 (COPTA), enforced by the Ministry of Health and Family Welfare (MoHFW), prohibited direct and indirect advertisement of tobacco products.
- WHO-supported reports in 2003 and 2005 reported that the fraction of movies with tobacco imagery (mostly smoking cigarettes) increased from 76% from 1991-2002 to 89% in 2004-2005, with the portion of films displaying tobacco brands tripling from 16% to 46%.
- More than 90% of the brand appearances in 2004-2005 were Phillip Morris (which was launching its Marlboro in Indian market at that time) or ITC (Wills and Gold Flake).
- The WHO reports also opened a wider deliberation on tobacco imagery in films and television, including in Parliament.
- Members of Parliament raised formal questions on the issue submitted to the Government (298 questions during 2003-2019), with 48% against presentation of tobacco in movies and supporting effective regulation of film and TV content, 14% negative, and the remaining 38% neutral.
- Many NGOs including Cancer Patients Aid Association (CPAA), Burning Brain Society and HRIDAY advocated for tobacco-free films and television during 2003-2005.
- In 2005, based on the evidence from WHO's reports and support from NGOs, Health Minister Anbumani Ramadoss introduced a complete ban on tobacco use in all movies and TV, under COPTA, to prevent indirect tobacco advertisement of tobacco and minors' exposure to tobacco imagery.
- Ramadoss issued the rules without consulting MoIB.
- The film industry called the regulations "dreadful" and "curtailing artistic freedom" and the Central Board of Film Certification (CBFC), the statutory body under MoIB charged with reviewing, certifying for public exhibition, and rating films termed MoHFW rules "a decision taken in haste and very unaesthetic in taste."
- Later in 2005, filmmaker Mahesh Bhatt filed litigation alleging that the rules violated fundamental freedoms of speech and expression, and trade.
- The MoIB sided with Bollywood against the MoHFW in the Delhi High Court.
- As the matter continued in the court, MoIB and CBFC acted on behalf of the film industry in negotiating with MoHFW on the different versions of the regulations.
- In 2006, the Prime Minister's Office intervened and constituted a Committee of Secretaries that negotiated a compromise between MoHFW and MoIB. This allowed tobacco imagery in new Indian films with "strong editorial justification," if accompanied by a disclaimer by the actor using tobacco, before the film, and an adult certification ("A" rating).
- MoHFW issued the revised regulations based on these compromises in October 2006.

- However, the 2006 compromise rules could not be implemented due to resistance from MoIB and the film industry, which called the regulations requiring adult certification impractical.
- In 2009, Delhi High Court ruled that the revised regulations violated constitutional freedoms of speech and trade.
- MoHFW appealed against this Delhi High Court decision before the Supreme Court, which allowed the rules to go into effect.
- In 2011, MoHFW amended the rules to require U/A certification (parental guidance for children below the age of 12 years) and scrolling warnings displayed during on screen tobacco presentation.
- The film industry further demanded that any ratings for tobacco and the scrolling health warnings be dropped.
- In 2012, MoHFW dropped ratings based on tobacco presentation and prescribed static on-screen warnings during any tobacco presentation during the film.
- MoIB, CBFC, filmmakers, actors, and film industry professionals associations continued to challenge the regulations, although some took anti-tobacco positions in public.
- In 2012, seven years after MoHFW issued the initial regulations and nine years after COPTA passed, India implemented a comprehensive set of regulation to restrict tobacco imagery in films, requiring all films with tobacco imagery to:
  - Provide a strong editorial justification to the CBFC
  - Display, before the film and at the intermission, a 20 second anti-tobacco disclaimer and a 30 second anti-tobacco advertisement produced by the MoHFW
  - Include an anti-tobacco static health warning at the bottom of screen during any display of a tobacco product
- As of 2020, even after several compromises and modifications by MoHFW, CBFC still had not integrated any “strong editorial justification” guidelines for tobacco use into its film certification procedures.
- Because tobacco imagery was not made a factor in age-ratings, children and adolescents remain exposed to tobacco imagery in films and TV programs in India.
- WHO, NGOs, parliamentarians, filmmakers, and some actors were key enablers in the MoHFW’s development and implementation of India’s tobacco-free movie and TV rules.
- NGOs including CPAA, HRIDAY, Voluntary Health Association, Salaam Bombay Foundation, Tamil Nadu People’s Forum for Tobacco Control, and Kerala Voluntary Health Services championed the regulations and, along with state health departments, have monitored compliance and reported violations by filmmakers.
- The regulations were followed by decline in the fraction of films presenting tobacco, almost by half, from 89% in 2004-05 to less than 48% in 2015.
  - Among the smoking films 27% fully complied with all three aspects of the 2012 rules while 99% complied with at least one.
  - The 100 seconds of anti-tobacco messaging in each film with tobacco added up to more than 24 hours of anti-tobacco advertising in theaters in 2015.
- It is unlikely that these successes could have been achieved through voluntary action by the film industry, including production of “pleasant and aesthetic” anti-tobacco disclaimers or advertisements.

- Freedom of speech and expression, and of trade, remain the entertainment industry’s most frequent argument against government regulation; self-regulation is the substitute commonly offered.
- Although the tobacco industry is the primary beneficiary of tobacco depictions on screen, it did not play a public role in opposing the MoHFW regulations.
- Adding age-based rating of films and TV is essential to prevent minors’ exposure to tobacco in films and TV.
- MoHFW should expand its inventory of disclaimers, anti-tobacco advertisements, and static warnings, including producing them in local languages for the different regions in India, and rotate them at regular intervals — at least every six months.
- The CBFC needs to implement transparent procedures for assessing the “editorial justification” for any tobacco use in films, and new films with tobacco imagery should be rated for adult audiences (“A” rating), as included in the 2006 compromise between MoIB and MoHFW.
- Tobacco imagery on the on-demand services expanding rapidly in India remain outside of the current regulations and present a growing risk of exposure to children and adolescents.

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## INTRODUCTION

India's film industry (Bollywood, for Hindi language films, along with important regional language film centers) produces 1500-2000 movies each year, watched by more than 2.2 billion moviegoers in India plus audiences worldwide.<sup>1</sup> Indians also watch movies on broadcast television, satellite services, and on-demand platforms. Well aware of the promotional value of tobacco imagery in films in Hollywood since the 1920s<sup>2-4</sup> and in Bollywood since at least the 1950s,<sup>5-7</sup> tobacco companies have used smoking by major film stars to help construct a pro-tobacco culture across Asia.<sup>8</sup>

The content of films in India is regulated by the Ministry of Information and Broadcasting (MoIB), the nodal ministry for regulating films and television programs. This ministry enforces the Cinematograph Act, which prohibits "glamorization" of tobacco and smoking in movies (without defining the term).<sup>9</sup> In addition, the Cable Television Networks Amendment Act bans direct and indirect tobacco advertising on cable television.<sup>10</sup> However, active efforts to regulate tobacco use in India started only in 2001 when the Ministry of Health and Family Welfare (MoHFW), as the nodal ministry for health, introduced the Cigarette and Other Tobacco Products Act (COTPA), signed into law in May 2003. COTPA's preamble highlighted the law's intention to eventually eliminate all direct and indirect advertising, promotion, and sponsorship of tobacco products by the tobacco industry.

The ban on advertisements and product placement in any form of entertainment media, appears in COTPA Section 5(1):

No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which *directly or indirectly* suggests or promotes the use or consumption of cigarettes or any other tobacco products [emphasis added].<sup>11</sup>

The more smoking adolescents see on screen, the likelier they are to start smoking.<sup>5, 12-18</sup> Research in India shows that high levels of smoking in Indian movies and frequent displays of tobacco brands on screen<sup>6, 7</sup> has influenced youth uptake. In 2005, the MoHFW issued regulations to prohibit tobacco appearances in movies and TV programs entirely. However, opposition from the film industry with support from the MoIB delayed implementation until 2012. This study describes and analyzes the process that led to India's current rules and their implementation.

## METHODS

PubMed was searched on 9 September 2019 using this search string: ((((((film[Title/Abstract]) OR films[Title/Abstract]) OR movie[Title/Abstract]) OR movies[Title/Abstract]) OR cinema[Title/Abstract]) OR television[Title/Abstract]) OR TV[Title/Abstract]) AND ("smoking"[Title/Abstract] OR "tobacco"[Title/Abstract]). This search yielded 1678 papers of which 271 were relevant to this study (Appendix-1).

Relevant Indian laws and regulations on films, cinema, television and tobacco control was done through MoIB) website ([mib.gov.in](http://mib.gov.in)), MoHFW website ([mohfw.gov.in](http://mohfw.gov.in)) and the India Code website which is the digital repository of all central and state Acts ([indiacode.nic.in](http://indiacode.nic.in)) (Appendix-2).

We also analyzed parliamentary questions Members of Parliament (MPs) posed to relevant the Ministers. We searched questions from 1 January 2003 through 24 July 2019 from the Upper House (the Council of States, <https://rajyasabha.nic.in/rsnew/Questions/qsearch.aspx>) and the Lower House (House of People, <http://loksabhaph.nic.in/Questions/Qtextsearch.aspx>) with key words “movie,” “film,” “cinema”, and “television” and identified 298 relevant questions from the two houses (Appendix-3). The questions were classified into Favourable toward regulation of smoking restrictions (F), Against (A) and Neutral (N) with respect to their tone towards the movie rules and regulation of film and TV content.

We searched the [www.smokefreemovies.ucsf.edu](http://www.smokefreemovies.ucsf.edu) database for India-specific information yielded 37 media industry stories (Appendix-4). We then conducted snowball search from this list in film industry trade and tobacco industry trade publications for information on movie rules in India from 2003 to 2019, which yielded another 30 media industry stories (Appendix-5).

Based on results from other searches, the worldwide web was also searched for further information on litigation and judicial observations on the movie rules, primarily at <https://indiankanoon.org/> and <https://www.tobaccocontrolaws.org>. This search yielded 17 judicial decisions on implementation of relevant laws, along with details of litigation regarding COTPA’s movie rules (Appendix-6).

In addition, we searched the Truth Tobacco Industry Document repository between July-August 2019 for the period of 1 January 2003 through 24 July 2019 with keywords Bollywood (50 documents), Bollywood film (7 documents), Bollywood movie (0 documents), Indian movie (10 documents), Indian film (24 documents), Indian television (2 documents). We searched names that appeared in these searches and literature reviews (Anurag Kashyap (0 documents), Mahesh Bhatt (4 documents), Shyam Benegal (2 documents)) and other ministers who had responded to parliamentary questions on movie rules were also searched (we only found documents for Anbumani Ramadoss (40 documents), Arun Jaitley (1 document), C.P. Thakur (1 document), S. Jaipal Reddy (13 documents) and Sushma Swaraj (11 documents) while all other names yielded no documents).

Based on the literature review, we identified key stakeholders engaged in advocacy for movie rules in India for in-depth interviews. We conducted interviews with ten key stakeholders engaged in advocacy for movie rules in India in November 2019 in accordance with a protocol approved by the University of California San Francisco Committee on Human Research (UCSF CHR Approval No. 10-01262). Stakeholders whose names appeared in the literature review and relevant media reports in India were contacted for interviews to both validate and substantiate the findings from the review and to fill in the information gaps. This included the World Health Organization India Office, civil society representatives, and the concerned officials in relevant government departments. The interviews were conducted by Amit Yadav. Stakeholders for this

study were selected purposively and contacted through email and interviews were conducted over telephone except one that was conducted in person. Interviews were duly recorded along with the consent and were professionally transcribed and then cross-checked by the researcher.

Concerned officials from the MoHFW, WHO India Office, MoIB and CBFC did not respond to the email requests for the interview. Representatives from the film industry were not contacted for this study because we could not identify contact information beyond their social media accounts.

Information available on the Central Board of Film Certification (CBFC) website <https://www.cbfcindia.gov.in> was searched in December 2019 for the forms and procedures used to comply with its own and other statutory guidelines for film certification in India. CBFC is a statutory body under MoIB, regulating the public exhibition of films under the provisions of the Cinematograph Act.<sup>19</sup>

## RESULTS

Table 1 presents a timeline for the development and implementation of the film rules in India.

### *Initial push to ban on-screen tobacco imagery*

While policy makers in India were assembling the elements of comprehensive tobacco legislation in India, the World Health Organization (WHO) drew attention to on-screen tobacco promotion with 2003 World No Tobacco Day (WNTD)'s theme "Tobacco-free film, tobacco-free fashion."<sup>20</sup> As part of this event, WHO collaborated with University of California, San Francisco (UCSF) Smokefree Movies project in November 2002 to call on both Hollywood and Bollywood to end their promotion of tobacco.<sup>6</sup>

On 21 February 2003, WHO released the report, *Bollywood: victim or ally? A study on the portrayal of tobacco in Indian Cinema*, highlighting the relationship between India's tobacco and film industries, and the effects of onscreen smoking on youth.<sup>6</sup> The report was developed by Delhi-based Strategic Mediawork in association with the Cancer Patients Aid Association (CPAA), a Mumbai-based non-government organization (NGO). The study aimed to "understand the degree of influence the tobacco industry has on Indian cinema in a detailed and comprehensive manner." A review of 440 films released between 1991 and 2002 (30-35 top grossing films, defined as the biggest revenue earners, for each year were viewed) found that 76% of the movies portrayed tobacco use. Most cases (72%) were cigarette smoking.<sup>6</sup>

The report further revealed that, lead characters were using tobacco in 53 percent of films in 2002, up from 22 percent in 1991. Between 1991 and 2002, 62 tobacco brands were seen on the screen.<sup>6</sup> About the same time, a study in the U.S. suggested that such pro-tobacco exposure to smoking in movies had a powerful influence on young minds, accounting for 52% of adolescents who smoke deciding to have their first smoke due to such exposure. Interviews with Bollywood filmmakers and film stars on the issue of tobacco use in movies included in the report, revealed similar dismissive attitudes as the response of Hollywood to concerns being expressed about smoking in movies in the US in the 1990s.<sup>21</sup>

### ***Parliamentarians call for curb on smoking in movies***

The WHO report on Bollywood opened a wider debate about tobacco depictions in Indian film and television and was referred to by the MPs to raise the issue of tobacco presentation in films in the Indian Parliament.

The day after Parliament passed COTPA in 2003, a veteran MP asked if the Government was aware that film stars are shown smoking in an alluring manner, that young viewers are attracted to smoking and asked that whether the Government was considering a smoking ban for films since smoking was banned in public places.<sup>22</sup> The MoIB Minister responded that the Central Board of Film Classification (CBFC), which certifies ratings for films in India, ensures that scenes tending to encourage, justify or glamorize consumption of tobacco or smoking are not shown.<sup>22</sup> The MoIB response failed to address the question of banning smoking scenes in films and did not reference COTPA objectives or provisions.

On 5 May 2003, an MP, quoting the alarming instances of smoking in Indian films from WHO's report on Bollywood, asked the Government what it was doing to reduce smoking.<sup>167</sup> In her response, Health Minister Sushma Swaraj acknowledged that the report called for a multi-sectoral approach to reduce smoking in films and all other electronic media that reaches youth not only in India but the entire South East Asia region. She also responded that COTPA required a total prohibition on all forms of direct and indirect advertising<sup>167</sup> and said the Government intended to use the May 2003 WNTD theme "Tobacco-free film, tobacco-free fashion" to highlight tobacco's ill effects and advocate for the elimination of tobacco depictions in films.<sup>167</sup>

### ***Civil society advocacy and film-star support for COTPA***

Against the backdrop of the WHO's report on Bollywood and signing of COTPA into law on 18 May 2003, tobacco control activists led by Delhi-based NGO HRIDAY visited the President of India on WNTD to thank him for supporting COTPA and pressed for a ban on tobacco depictions on screen. Student advocates from HRIDAY also collected more than 25,000 signatures from students, teachers and parents at hundreds of Delhi schools calling for tobacco-free films in India.<sup>23, 24</sup> The CPAA, which contributed to WHO's Bollywood report, also said that the findings were meant to help the film industry understand its social responsibility, "not to chastise film stars, but to sensitize them to the fact that they exert a huge impact on people."<sup>27</sup>

The CPAA called upon filmmakers and actors to follow the lead of stars like Urmila Matondkar and Shashi Kapoor, who had stopped smoking and started creating anti-smoking advertisements with CPAA and MoHFW.<sup>27</sup> CPAA also approached actor Vivek Oberoi who was awarded Filmfare (the Indian equivalent to the US Academy Awards) in two categories, best supporting actor and best male debut for his role in film *Company* (2002, Varma Corporation) because his character was shown smoking. Dr Anita Peter, Executive Director CPAA during an interview for this study said, "We approached Vivek Oberoi saying, fine, you got an award, and this film shows you smoking, but then, it sends out the wrong message, so why don't you do an anti-smoking, spot for us? And you know he agreed."

**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
2003	<p>HRIDAY meets President, Prime Minister and Health Minister in support of stronger COTPA regulations after its enactment.<sup>23,24</sup></p> <p>Cancer Patients Aid Association (CPAA) contributes to the WHO's report on Bollywood.<sup>6</sup></p>	<p>Enactment of COTPA.<sup>11</sup></p> <p>Health Minister Sushma Swaraj calls for support from all walks of life including media and film producers for COTPA to be effective.<sup>25</sup></p>	<p>MoIB fails to respond to Parliamentary question on banning smoking scenes in films and did not reference COTPA at all.<sup>22</sup></p>	<p>Ten questions (F=5, N=5) raised on smoking ban on movies, advertisement codes, ban on tobacco ads in TV and movies, violation of censorship provisions. Specific questions on WHO Bollywood report.</p>	<p>Mahesh Bhatt on the WHO Report: "tobacco companies, not movie stars, were to blame."<sup>26</sup></p> <p>Screenwriter and director Sanjay Chhel say "Censorship should be handled properly. You can't ban smoking and drinking."<sup>26</sup></p>	<p>Several actors and filmmakers pledge their support to COTPA and curb on tobacco use and promotion.<sup>25</sup></p> <p>Shashi Kapoor, Urmila Matondkar and Vivek Oberoi take part in MoHFW produced anti-tobacco advertisements.<sup>27</sup></p>	<p>Madhya Pradesh High Court directed filmmakers and the Central Board of Film Certification (CBFC) to follow the guidelines laid under the Cinematograph Act which requires that, scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown.<sup>28</sup></p>	<p>Indian films strongly influence teenage perceptions and smoking behaviours.<sup>6</sup></p>	<p>WHO Report on Indian Cinema: <i>'Bollywood': Victim or Ally?</i> highlights the relationship between tobacco and the Indian film industry, and the effects of onscreen smoking on youth.<sup>6</sup></p>
2004	<p>Public health advocates at Asia Pacific Conference on Tobacco or Health in Kyongju, Korea call for an end to all forms of direct and indirect advertising of tobacco.<sup>29</sup></p>	<p>Issues rules for implementation of COTPA including ban on direct and indirect advertising of tobacco products in film and TV.<sup>30</sup></p> <p>Health Minister Ramadoss vows to strictly enforce COTPA provisions.<sup>31</sup></p>		<p>Five questions (F=1, N=3, A=1) including on censorship of films and advertisement through media.</p>				<p>Media images, including satellite TV and films give impression to Indian students that three-quarters of male and female youth in the West smoked.<sup>32</sup></p>	<p>MoHFW Tobacco Control India Report highlights display of tobacco brands in movies.<sup>24</sup></p>
2005	<p>NGOs sends open letters to MoHFW, MoIB and CBFC calling on them to ban tobacco imagery in movies and calling out</p>	<p>Issues notification imposing complete ban on tobacco imagery in movies on 31 May 2005.<sup>39</sup></p>	<p>Supports filmmakers' challenge to the MoHFW regulations in Delhi High Court.<sup>41</sup></p>	<p>Thirteen questions (F=10, N=1, A=2) mostly on the ban on smoking scenes in films, advertising codes and ban on</p>	<p>Filmmaker Shekhar Kapur, who helmed the 1997 Oscar-nominated film <i>Elizabeth</i>, says "The Indian government has always thought</p>	<p>Vivek Oberoi forced by NGOs to return the award.<sup>47</sup></p> <p>Actor Salman Khan during the</p>	<p>Madras High Court directs CBFC to follow its guidelines while</p>	<p>Ban on tobacco use in films and television represents sound public health policy.<sup>38</sup></p>	

**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	<p>actors and movies with tobacco imagery.<sup>33, 34</sup></p> <p>Chairman of Consumer Coordination Council and HRIDAY applaud MoHFW's decision to ban tobacco imagery in movies.<sup>35</sup></p> <p>UCSF Prof Stanton Glantz conducts workshop in Mumbai to help NGOs take on smoking in Indian movies.<sup>36</sup></p> <p>CPAA in Mumbai organizes a cricket match between actors and doctors for a 'No Tobacco Campaign'.<sup>37</sup></p> <p>NGOs publish a two-page advertisement in Screen, one of India's leading entertainment newspapers supporting tobacco-free films in India.<sup>38</sup></p>	<p>Addressing the concerns raised by MoIB, MoHFW modifies the rules in Nov 2005 to add a provision for creation of a steering committee to look into specific violations of the ban on direct and indirect advertising of tobacco products.<sup>40</sup></p>	<p>Requests MoHFW look into the implementation aspects of the notification in light of the reservations expressed by the film industry.<sup>42, 43</sup></p>	<p>smoking in movies. Question on difference between the MoHFW and MoIB and whether the MoHFW was under pressure to dilute regulations also raised.</p>	<p>themselves able to do whatever they feel is necessary to curtail artistic freedoms."<sup>44</sup></p> <p>CBFC chairperson Sharmila Tagore calls the ban on tobacco imagery in movies "a decision taken in haste and very unaesthetic in taste."<sup>45</sup></p> <p>Actor Vivek Oberoi accepts the Red and White Bravery Award from Godfrey Phillips, Philip Morris's Indian affiliate.<sup>46</sup></p> <p>Mahesh Bhatt said "It is unblinking arrogance... It [the ban] is a dreadful recall of the Emergency*..."<sup>45</sup></p> <p>* Period from 25 June 1975 to 21 March 1977 when Prime Minister Indira Gandhi declared state of emergency in India that included suspension of civil liberties.</p>	<p>actor doctor cricket match says, "Though it appears stylish and cool to smoke on the screen and glossy magazine it is uncool to do so."<sup>37</sup></p>	<p>certifying films.<sup>48</sup></p> <p>M/s Kasturi and Sons, publisher of <i>The Hindu</i>, a major newspaper, and filmmaker Mahesh Bhatt, challenged the rule in courts. The cases are transferred to Delhi High Court for adjudication.<sup>41</sup></p>		
2006	<p>NOTE Goa sends a legal notice to actor Amitabh Bachchan as the poster of his movie <i>Family: Ties of Blood</i> had his character shown with cigar.<sup>49</sup></p> <p>CPAA writes actor Shahrukh Khan asking him to come on TV and</p>	<p>MoHFW honoured with Luther Terry Award at the World Conference on Tobacco or Health.<sup>52, 53</sup></p> <p>In a compromise with MoIB, MoHFW allows tobacco imagery in</p>	<p>States that the announcement of rules was premature and impossible to implement without destroying cinematic beauty and artistic control.<sup>56</sup></p> <p>Allows advertisement of brand extensions of</p>	<p>Seventeen questions (F=8, N=9) including on ban on smoking scene in movies, violation of program and advertising code by TV and media and misleading advertising.</p>		<p>Amitabh Bachchan issues an apology for appearing in posters of movie <i>Family Ties of Blood</i> with a cigar.<sup>59</sup></p>	<p>Due to ongoing matter in the Delhi High Court the date of implementation for the regulations keeps extending.<sup>60</sup></p>	<p>Tobacco use in movies increases significantly to 89% of all movies released in 2004 and 2005.<sup>7</sup></p> <p>76% of the movies containing tobacco depicts either the male or</p>	<p>WHO supported report <i>Tobacco in Movies and Impact on Youth</i>.<sup>7</sup></p>

**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	talk about adverse effects of smoking. <sup>50</sup>  HRIDAY starts monitoring depiction of tobacco use in Bollywood films. <sup>51</sup>	new movies with editorial justification and A certification. <sup>54</sup>  Constituted the Steering Committee and issued revised rules with compromised terms in October 2006 <sup>54, 55</sup>	tobacco products on all cable and satellite TV channels. <sup>57</sup>  MoIB Minister M.H. Ambareesh, opposes any limits on tobacco imagery in movies. <sup>58</sup>					the female lead consuming tobacco. <sup>7</sup>  96% of the people feel that banning tobacco will not affect the quality of the movies or their decision to watch them. <sup>7</sup>	
2007	Indian Society Against Smoking and Asha Parivar organize workshop on smokefree movies with youth peer leaders. Youth appeal to moviegoers not to watch movie <i>Don</i> which has a smoking scene and organize a poster exhibition discussing adverse effects to tobacco use and smoking in movies in theatre waiting areas. <sup>61, 62</sup>  CPAA works with filmmakers and actors on movie <i>No Smoking</i> to inspire smokers to quit. <sup>63</sup>  NOTE Goa, sends Shah Rukh Khan a legal notice stating that he violated COTPA's bans on smoking in public places. <sup>64</sup>		MoIB Minister says government's anti-smoking drive would be supported by ensuring checks on media content that might encourage smoking. <sup>65</sup>  MoIB unveils a draft Content Code under the proposed Broadcast Services Regulation Bill proposing A category for tobacco scene on TV. <sup>66, 67</sup>	Six questions (F=2, N=3, A=1) including on monitoring of TV content, misleading advertising and regulation of internet protocol TV.	Broadcasting industry opposes the Broadcast Services Regulation Bill as an instrument of muzzling a free media and backs existing self-regulation. <sup>67</sup>  Shah Rukh Khan seen smoking live by millions of TV viewers during the <i>Hindustan Times</i> Summit in Delhi and a T20 cricket match in Mumbai. <sup>64, 68</sup>  Mr Khan threatens NGO with a defamation suit for sending him the legal notice. <sup>69, 70</sup>	Actor Saif Ali Khan makes a new year's resolution to stop smoking. <sup>71</sup>  Actor Jackie Shroff give up smoking to portray the role of <i>Sai Baba</i> , and says government's decision to ban smoking scenes would act as a deterrent for directors. <sup>72</sup>  Director Anurag Kashyap and actors John Abraham and Milind Soman work in movie <i>No Smoking</i> . <sup>63</sup>	Delhi High Court withholds delivering judgement on the case after completing all hearings. <sup>73</sup>		
2008	National and international experts express concern over the delay in implementing effective tobacco control measures in India. <sup>74</sup>	Health Minister requests Bollywood and regional movie stars quit smoking	Withdraws exemption for surrogate advertising of tobacco brand extensions. <sup>81</sup>	Fifteen questions (F=7, N= 4, A=4) including on demand for censoring TV, Health Minister's call to film personality to desist	Film industry refused to agree that smoking and drinking in movies provoked people to use such products in real life. <sup>82</sup>	Actor Rajnikanth committed not to smoke in real and reel life <sup>87</sup>	Two judges of the Delhi High Court deliver split verdict. Matter referred to a	One third smoking among children due to tobacco imagery in movies. <sup>90</sup>	

**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	NGOs sends letters protesting Mr. Khan's statement about creative freedom. <sup>75</sup>	on and off the screen. <sup>76</sup>		smoking in public, regulating content on TV and ban on surrogate advertising.	Mr. Khan claimed that a huge amount of creative freedom should be allowed in cinema and arts. <sup>83</sup>		single judge for final decision. <sup>88, 89</sup>		
		India hosts the 2 <sup>nd</sup> meeting of the Working Group on elaboration of guidelines for implementation of the WHO FCTC Article 13. <sup>77</sup>			CBFC officer claims drop in smoking scenes in movies and supports self-regulation for actors' smoking on and off screen. <sup>84</sup>				
		Health Minister informs parliament about strong evidence linking actors' behavior to youth smoking. <sup>78, 79</sup>			Health Minister criticized as "overzealous" by actor Amitabh Bachchan and as "juvenile" by filmmaker Mahesh Bhatt. <sup>76, 85</sup>				
		First meeting of steering committee. <sup>54</sup>			Mr Khan again seen smoking in a T20 cricket match in Mumbai. <sup>86</sup>				
		Steering Committee recommends setting up monitoring mechanism at state and district level. <sup>80</sup>							
2009		MoHFW appealed before the Supreme Court of India against the Delhi High Court judgement. <sup>91</sup>	Denial of the influence of television and cinema on children. <sup>93</sup>	Thirteen questions (F=8, N=3, A=2) including on monitoring content on television influencing children, court challenge to movie rules, guidelines for preventing smoking scene in film, regulating content on TV, misleading			Single judge in Delhi High Court strikes down movie rules and against COTPA and the Constitution. <sup>96</sup>		WHO 1 <sup>st</sup> report <i>Smoke-free movies : from evidence to action</i> . <sup>16</sup>
		Anbumani Ramadoss resigns because his party decides to withdraw	MOIB ignores Supreme Court's stay and tells parliament that the matter is sub-judice. <sup>94, 95</sup>				Supreme Court of India		



**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
2010		support from the ruling coalition. <sup>92</sup>		Eleven questions (F=6, N=4, A=1) including on censorship of TV programs, surrogate ads in TV, role of CBFC, ban on smoking scene in films, monitoring TV content and advertisements of alcohol and tobacco.			stayed the decision of the Delhi High Court. <sup>91</sup>	Media has profound influence on child health, including tobacco use. <sup>97</sup>  Monthly cinema viewing increases likelihood of smoking among women and men. <sup>98</sup>	Global Adult Tobacco Survey Report reveals two-fold increase in tobacco use among women to 20.3%. <sup>99</sup>
2011	HRIDAY sends Sharukh Khan a letter along with nicotine patches and a factsheet on tobacco cessation. <sup>100</sup>  Salaam Bombay Foundation (SBF) organizes a workshop to sensitize CBFC officials on restricting tobacco imagery in movies. <sup>101</sup>  NGOs including SBF urges film industry and CBFC to avoid depicting tobacco scenes in movies. <sup>102</sup>	MOHFW Issues modified film rules to be implemented from 14 November 2011. Films with tobacco imagery to get U/A certification, anti-tobacco disclaimer, anti-tobacco advertising and scrolling health warning. <sup>103</sup>	Advises CBFC and its Regional Boards to maintain status quo, i.e. ignore MoHFW notification. <sup>104, 105</sup>  Holds discussion with MoHFW to revise the rules. <sup>104</sup>  Informs parliament that statutory warnings are already being put in films. Less and less films have smoking scenes now. TV serials also run anti-smoking scroll. <sup>106</sup>	Twenty one questions (F=7, N=10, A=4) including on complaints with TV regulatory authority, regulation of electronic media, code of conduct for media, surrogate and misleading ads of alcohol and tobacco and monitoring and regulation of media and TV content.	Representatives of film industry meet with MoIB, law ministry, and CBFC to express difficulties and challenges in implementing the new regulations. Ready to implement partially. <sup>104</sup>	Scriptwriter Rekha Nigam says: "Hands of Bollywood are bloodied...there are thousands ways of showing a character than showing smoking." <sup>102</sup>  Singer Shaan, actress Vidya Balan and others participate in workshop organized by SBF. <sup>101</sup>  Shan films an anti-tobacco video song. <sup>107</sup>		Adolescents exposed to on-screen tobacco use more than twice likely to use tobacco. <sup>51</sup>	WHO 2 <sup>nd</sup> report <i>Smoke-free movies : from evidence to action.</i> <sup>5</sup>
2012	Voluntary Health Associatio of India (VHAI) writes to MoIB for implementation of the movie rules. <sup>108</sup>  HRIDAY writes letter to MoIB requesting recall	MoHFW amends the film rules to take effect from 2 October 2012. No certification for tobacco imagery retain anti-tobacco disclaimer, anti-	Issues a guideline to CBFC as a compromise to be followed in the interim untill an agreed upon regulation is notified. <sup>104</sup>	Twenty four questions (F=10, N=7, A=7) including on violation of broadcasting norms, negative impact of movies, compliance with movie rules, difference between	Madhur Bhandarkar, "Kareena is seen smoking in 50% of my film ( <i>Heroine</i> ) and if we were to put a disclaimer every time she smokes, it would be jarring for the audience." <sup>112</sup>		Kerala High Court directs compliance with the movie rules in the state. <sup>114</sup>	The instances of females consuming tobacco in movies increased showing tobacco companies using movies as a vehicle. <sup>116</sup>	

**Table 1: Timeline of the development and implementation of the film rules in India**

Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	the promotional ads for film <i>Heroine</i> where lead actress smokes. <sup>109</sup>	tobacco advertising change from scrolling to static health warning. <sup>110</sup>	CBFC tells reporters that, “Films that encourage smoking or alcohol consumption would have to run a scroll or accept cuts to get a certificate allowing exhibition of the film.” <sup>111</sup>	MOHFW and MoIB, depiction of smoking and alcohol in films and TV. Content monitoring and regulation on TV and media and misleading advertising.	Karan Malhotra, director of film <i>Agneepath</i> says, “I just think that it is sad. That’s all I can say. I think there are better ways of preventing people from turning into smokers.” <sup>113</sup>		Delhi High Court exempts film <i>Heroine</i> from displaying static health warnings during on screen smoking. <sup>104</sup>		
					Actor Kabir Bedi says that the static message was violation of creative rights because it distracts the viewers and disrupts the story telling. <sup>113</sup>		Supreme Court of India makes the stay on film rules permanent. <sup>115</sup>		
2013	Actress Gul Panag launches an anti-tobacco campaign – No more tobacco in the 21st Century – supported by PHFI and HRIDAY. <sup>117</sup>  NGOs file complaint against filmmakers for violation of film rules.	Releases a new set of two anti-smoking health spots <i>Child</i> and <i>Dhuan</i> to be shown in theaters together with any film with smoking. <sup>118</sup>  Places a national advertisement marking one year of implementation of the film rules on 2 October 2013. <sup>17</sup>	MOIB informs parliament that it was implementing the regulations for all films and tele-serials where smoking scenes are depicted. <sup>119</sup>	Twenty nine questions (F=13, N=11, A=5) including on Mudgal Committee Report, surrogate and misleading advertisement, depiction of smoking scene in film and TV, adverse effects of tobacco use, monitoring and regulation of TV and media	Kulmeet Makkar of Film and Television Producers Guild says anti-smoking messages should be pleasant and aesthetic, without affecting creativity. <sup>120</sup>  Filmmakers like Anurag Kashyap, Onir, Sudhir Mishra say that on-screen messages interfere with artistic integrity and creative freedom. <sup>121</sup>  Director Woody Allens decides not to release his movie <i>Blue Jasmine</i> in India due to the film rules. <sup>122</sup>  Malayalam movie <i>Idukki Gold</i> and <i>Matinee</i> having released movie posters and	Filmmaker Sudhir Mishra says that filmmakers had no problem with antismoking infomercials before a film starts and at the intermission. <sup>121</sup>	Supreme Court directs compliance with all COTPA provisions, including movie rules. <sup>125</sup>  High Courts direct CBFC to comply with the guidelines under Cinematograph Act while issuing certification. <sup>126, 127</sup>  Glamorization of smoking should be avoided especially by	50% youth-rated movies contain tobacco Imagery. <sup>129</sup>  Top grossing youth-rated films deliver 1.91 billion tobacco impressions to Indian cinema audiences. <sup>129</sup>	Report of the committee of experts examines issues of certification under the Cinematograph Act 1952. As the matter was <i>sub-judice</i> before the Hon'ble Supreme Court the Committee did not comment the movie rules. <sup>130, 131</sup>

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Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
2014	NGOs report violation of movie rules to state enforcement authorities (mostly in the department of health).	Constitutes committee to recommend amendments to COTPA. <sup>132</sup>	Forwards request from the Film and Television Producers Guild of India to MoHFW urging that film producers be given the prerogative to make standardized anti-tobacco audio disclaimer and that visual advertisement be shown only in the beginning of the film and not in the middle or during the exhibition of a film. <sup>133</sup>	Thirty one questions (F=15, N=15, A=1) including on adverse effects of tobacco use, regulation of advertisements of tobacco and alcohol, misleading ads, movie ratings, prosecutions under COTPA, content monitoring and regulation of TV and media.	trailers with smoking scenes. <sup>123, 124</sup> Filmmakers write MoHFW stating that film producers be given the prerogative to make standardized audio visual/s providing anti-tobacco health warning. <sup>133</sup> Actor Dhanush seen smoking in film <i>Velaiyilla Pattathari</i> . <sup>134</sup>	Malyalam filmmaker Alvin Antony says that onscreen smoking has a definite impact in developing smoking habits and it was his conscious decision to make a film without any smoking scenes. <sup>135</sup> Director Sathyan Anthikad says: "It cannot be denied that cinema influences society." <sup>135</sup>	popular heroes in films. <sup>128</sup> Madras High Court directs filmmakers that "Glamorization of drinking and smoking should be avoided especially by the popular heroes in films, as drinking is a social evil spoiling individuals." <sup>128</sup> Bombay High Court refuses relief to Anurag Kashyap from depiction of static warning during on screen tobacco presentation in his film <i>Ugly</i> . <sup>136</sup>		
2015	NGO HRIDAY, PHFI, VHAI, SBF and health professionals write to MoHFW that interests of Bollywood are in direct conflict with public health. Write to Prime Minister opposing MoIB suggestion to remove the warning scroll. <sup>134</sup>	Proposed draft amendments to COTPA to strengthen provision including on tobacco advertising in films and TV. <sup>138</sup>		Twenty five questions (F=13, N=11, A=1) including on content regulation, deaths from tobacco, efforts on tobacco control, corruption in CBFC, menace of bidi smoking, steps to curb tobacco use, misleading and surrogate ads.	Actor Dhanush was again seen smoking in the film <i>Maari</i> . <sup>137</sup>				

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Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	NGOs report violation of movie rules to state enforcement authorities (mostly in the department of health). <sup>134</sup>								
2016	Former Health Minister Anbumani Ramadoss requests Dhanush stop onscreen smoking. <sup>137</sup> HRIDAY writes MoIB and MoHFW opposing posters for the feature film <i>Dishoom</i> showing popular actor John Abraham smoking a cigarette. <sup>139</sup>		Constitutes Committee headed by filmmaker Shyam Benegal to lay down norms for film certification while protecting artistic and creative expression. <sup>142</sup>	Twenty five questions (F=7, N=11, A=7) including on use of tobacco, deaths due to tobacco, content regulation and censorship of TV, Shyam Benegal committee report, youth addiction to smoking, adverse effects of tobacco use, ban on smoking scene on films and TV and violation of program code.	The Shyam Benegal committee recommends repealing the existing regulations and replacing them with a static visual at the beginning of the film. <sup>143</sup>  Actor John Abraham seen smoking in film <i>Dishoom</i> . <sup>139</sup>		Bombay High Court directs compliance with Section 5B of Cinematograph Act and the guidelines for CBFC, i.e. not glamourize smoking or tobacco use in movies. <sup>144</sup>	Adolescents who go for films also wish to do the same either as a curiosity or imitation of their favorite stars. <sup>17</sup>	Third WHO report on <i>Smoke-free movies: from evidence to action</i> . <sup>17</sup>  Report of Committee of Experts chaired by Shyam Benegal. <sup>143, 145</sup>
	HRIDAY submits representation in favour of film rules before the Shyam Benegal Committee. <sup>140</sup>								
	Former health minister Anmbumani Ramadoss opposes the recommendations of the Shyam Benegal Committee. <sup>141</sup>								
2017	NGOs report violation of film rules to state enforcement authorities (mostly in the department of health). <sup>139</sup> Health professionals complain against tobacco use in online streaming services. <sup>146</sup>  NGOs complain against violation of the film rules to state enforcement	COTPA draft amendment withdrawn. <sup>148</sup>  Working closely with MoIB as well as with Film and Television Industry to ensure	Suggests filmmakers make their own anti-smoking ads. <sup>151</sup>  Told Parliament that the Internet and Mobile Association of India (IAMAI) was creating voluntary	Twenty one questions (F=15, N=3, A=3) including on content on TV, misleading advertising, high tobacco use, ban on smoking scene on national TV, Shyam Benegal Committee	Film industry calls itself vulnerable and demands removal of the static message during tobacco scenes. <sup>153</sup>  Filmmakers Pahlaj Nihalani and Ashoke Pandit express the	CBFC chairperson Pahlaj Nihlani said, "We feel the superstars who are followed by millions and who set an example in societal behaviour must not be shown	Madras High Court direct strict compliance with the provision of Cinematograph Act and the		WHO Supported evaluation report on implementation of the film rules released at the National Consultation

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Year	NGOs	MoHFW	MoIB	Parliament Questions [Favorable (F), Neutral (N), Against (A)]	Film Industry opposing	Film Industry supporting	Litigation	Scientific evidence	Reports
	authorities (mostly in the department of health). <sup>147</sup>	compliance with the regulations. <sup>149</sup>  Objects to blatant violations of the film rules by the online streaming companies. Asked the Telecom Regulatory Authority of India to prevent the same. <sup>150</sup>	regulatory mechanism applicable to its members. <sup>152</sup>	Report, film rule under COTPA, program code violations and indirect advertising of smokeless tobacco.	opinion that Bollywood and art cannot be wholly blamed for encouraging the youth to smoke. <sup>153</sup>  Online media streaming services like Netflix, Amazon Prime, Hotstar, Jio, Voot, and Hungama have high rates of tobacco imagery in their films and programs. <sup>150</sup>  Actress Aditi Balan seen smoking in film ‘Aruvi’. <sup>147</sup>	drinking or smoking on screen unless the provocation for doing so is really strong. <sup>154</sup>  Indian Broadcasting Foundation issues an advisory to all its member channels to ensure complete compliance and adherence to various provisions of COTPA. <sup>155</sup>	rules therein. <sup>156</sup>		on tobacco-free films and television policy in Mumbai. <sup>157</sup>
2018		Karnataka state tobacco control cell takes note of film rule violation by Telegu language film <i>iSmart Shankar</i> . It organizes further sensitization programs for film producers, distributors and Chamber members to reduce rule violations. <sup>158</sup>	CBFC CEO, speaking at a training workshop, shares that there is no formal process for judging claims of “editorial justification” for tobacco imagery. <sup>159</sup>  Shyam Benegal Committee recommendations will be implemented after further consultations. <sup>160, 161</sup>	Twenty two questions (F=14, N=6, A=2) including on misleading advertising, guidelines for advertising in TV and cinema halls, advertising code, monitoring of TV content and ill effects of tobacco use.	CBFC CEO supports Shyam Benegal Committee recommendations. <sup>159</sup>	CBFC CEO acknowledges the impact of tobacco imagery on tobacco use initiation among adolescents. <sup>159</sup>			HRIDAY report on assessment of compliance with rules suggests decline in number of movies with tobacco presentation. <sup>162</sup>
2019	NGOs complain to state enforcement authorities (mostly in the department of health) against violation of the film rules. <sup>163</sup>		Tells parliament that anti-tobacco advertisements are mandatory and that all films and television programs with tobacco imagery must adhere to the regulations. <sup>164</sup>	Ten questions (F=1, N=7, A=2) including on deaths due to tobacco use, surrogate advertising, monitoring TV channels, code for streaming platforms and Shyam Benegal committee report.	Actor Vijay seen smoking in film <i>Sarkar</i> . <sup>165</sup>	Actor Vijay and his team apologize upon complaint and had the posters removed and replaced with posters without tobacco imagery. <sup>165</sup>		Tobacco content common in films classified as suitable for viewing by children, more among regional than national languages. <sup>166</sup>	

As part of preparing for 2003 WNTD, WHO Director General Gro Harlem Brundtland declared, "I applaud those in the world of film [and] of fashion who take the courageous step of walking away from tobacco. I applaud countries for standing in unison against a menace that kills 4.9 million people every year and threatens our future generations."<sup>168</sup> At Delhi's main WNTD 2003 event, Health Minister Swaraj said, "While the Tobacco Control Bill would soon become a law, it could only actually be of use when people from all walks of life work in the same direction. We need the support of media and film producers."<sup>25</sup> Several film stars (Shashi Kapoor, Urmila Matondkar, Vivek Oberoi), a producer-director (Shaad Ali, Mahesh Mathai), noted lyricists (Prasoon Joshi and Piyush Pandey) and fashion celebrities were present to announce their stand against tobacco consumption and promotion.<sup>25</sup>

The announcement was followed by screening of new anti-tobacco advertisements with Shashi Kapoor, Urmila Matondkar and Vivek Oberoi. These advertisements were distributed to satellite and cable TV channels for broadcasting, and the MoIB also broadcast them on the national public service television (Doordarshan) and radio station (All India Radio) during May and June 2003. During a WNTD panel discussion, the owner of a private channel said that TV showed only a fraction of what the amount of tobacco use in films, but they were blamed more.<sup>169</sup> He suggested showing a message "Supporting No Tobacco Usage" before movies having tobacco scenes. Health Minister Swaraj added that, "Not just main line tobacco and liquor advertising but surrogate advertising, like Wills Lifestyle [a clothing range launched as brand extension for 'Wills Navy Cut' cigarettes by the ITC], must be stopped and a new wave of smoke and alcohol free films ushered in."<sup>169</sup>

### ***The Kyongju Declaration and the Tobacco Control India Report***

Early in 2004, MoHFW issued regulations to implement COTPA,<sup>30</sup> including provisions banning direct and indirect advertising of tobacco products but without defining what constituted an indirect advertisement. Civil society continued to press government to end all forms of direct and indirect tobacco promotion, including in films. During the 2004 Asia Pacific Conference on Tobacco or Health in Kyongju, Korea, over one hundred public health advocates from thirty-nine countries backed the Kyongju Declaration calling for an "end to all forms of direct and indirect advertising, promotion, sponsorship [including in entertainment media] and other marketing activities including the sponsorship of sporting events such as formula-I racing, adventure activities and the Association of Southeast Asian Nations (ASEAN) Awards."<sup>29</sup> The ASEAN annual awards recognize citizens making significant contributions to ASEAN community-building efforts.<sup>170</sup>

The MoHFW released a comprehensive report on Tobacco Control in India on 25 November 2004<sup>24</sup> that highlighted use of tobacco over the years linking it with style, romance, tragedy, and rebellion through films.<sup>171</sup> The report also cited tobacco brand display in popular Bollywood movies including *Chashme Baddur* (1981, PLA Productions) *Tere mere Sapne* (1996, Amitabh Bachchan Corporation Limited) and *Godmother* (1999, Gramco Films).<sup>24</sup> Releasing the report, newly appointed Health Minister Dr. Anbumani Ramadoss emphasized that, "We will strictly enforce these [not yet issued] regulations from next year. In the case of surrogate advertisements, we are trying to give more teeth to a screening committee of the information and broadcasting ministry to monitor and take action."<sup>31</sup>

### ***Civil society campaigns for tobacco-free movies***

2005 started with the civil society, led by HRIDAY-SHAN through its student representatives, sending open letters to CBFC chairperson seeking a complete ban on tobacco imagery in Indian films to mark the Smokefree Movies International Action Week in February (corresponding to the US Academy Awards). The letter raised concerns over use of cigarettes by “Mr. Sanjay Dutt in *Musafir* (2004, White Feather Films), Mr. John Abraham in *Elaan* (2005, Venus Films), Mr. Saif Ali Khan in *Ek Hasina Thi* (2004, Bohra Bros Productions), Mr. Shah Rukh Khan in *Swades* (2004, UTV Motion Pictures) and *Devdas* (2002, Red Chillies Entertainment) or Mr. Zayed Khan in *Vaada* (2005, Puja Films), adding to the star’s allure and sophistication.”<sup>33</sup> Salaam Bombay Foundation released an analysis of four movies (*Page 3* (2005, Percept Picture Company), *Musafir*, *Shabd* (2004, Pritish Nandy Communications) and *Swades*) which collectively had 27 minutes of tobacco imagery on screen worth an estimated INR 116 million (US\$2.7 million) in advertising value. The director of *Shabd* justified smoking, arguing “We wanted to depict the intensity of Sanjay Dutt’s character. Here, it was one of the props that conveyed that a man is immersed in his work. It’s more of a vice.”<sup>172</sup>

On 21 March 2005 film star Vivek Oberoi, who had been honored by WHO in 2004 with WNTD award for his commitment to tobacco control, accepted the Red and White Bravery Award from Godfrey Phillips, Philip Morris’s Indian affiliate. The award was instituted by the company in 1990, as a public relation campaign to promote its Red and White cigarette brand by honoring courageous people in Indian society. Dr Anita Peter from CPAA called Vivek Oberoi to reverse his decision because he was a tobacco control ambassador, and should not accept a tobacco industry sponsored award. Burning Brain Society, a civil society organization in Chandigarh, sued Godfrey Phillips for sponsoring the Red and White Bravery Awards as a violation of COTPA and forced Vivek Oberoi to return the award.<sup>47</sup> The society alleged that the Godfrey Phillips was seeking to indirectly promote the cigarette brand and to discredit Oberoi’s association with tobacco control efforts.<sup>46</sup> The suit further alleged that, “By accepting the Red and White tobacco prize he [Oberoi] has diluted the no-tobacco movement and displaced it many steps backward. It is indeed a victory for the tobacco company which has managed to influence or buy the actor and thereby project their prizes in the name of a cigarette brand to be legitimate. The tobacco company at the same time could also manage a sizeable media space and attention because of the profile of Vivek.”<sup>46</sup>

Burning Brain Society wrote the MoHFW and MoIB ministers and CBFC chairman urging them to stop allowing promotion of tobacco products in movies and broadcast media.<sup>34</sup> MoIB sought comments on Burning Brain’s request from the Press Council of India and the CBFC. CBFC clarified that its enabling law mandates it to delete all the visuals that advertise any cigarette brand directly or indirectly and it had instructed its regional units to do so.<sup>173</sup>

In May 2005, CPAA recruited film stars for a “No Tobacco Campaign” cricket match between film actors and doctors. Announcing his support, major Bollywood star Salman Khan explained that he makes special efforts not to project himself as an actor who smokes on screen, despite the fact that he was himself a smoker: “Though it appears stylish and cool to smoke on the screen and glossy magazine it is uncool to do so.”<sup>37</sup> Despite these claims, his movie *Lucky*:

*No Time for Love* (2005, Sohail Khan Production) released the month before (April) that year had smoking scenes and Marlboro (PMI) brand display.

Cigarette advertising was also ubiquitous in film magazines that attract young readers and women, like *Filmfare* and *Stardust*.<sup>174</sup> Film industry professionals, interviewed for the WHO's report on Bollywood, indicated that tobacco companies were paying for brand and product placements in movies.<sup>6</sup> Health Minister Ramadoss said he had "definite information" about such payoffs but did not provide any specific proof.<sup>175</sup> He also said, "I am not afraid of any lobby howsoever powerful it is. I am determined to implement the ban come what may."<sup>176</sup> Hemant Goswami, Executive Director of Burning Brain Society, during the interview for this study said that, "Nothing happens in the film industry for free. If there is a display of a tobacco brand somebody pays for it."

### ***First tobacco-free movies and TV programs rules: Notification and challenges***

MoHFW announced regulations for tobacco-free movies on 31 May 2005<sup>39</sup> to come into force on 1 August 2005 that completely prohibited tobacco imagery in new movies and television programs and required old movies and TV programs to have a health warning scroll about the dangers of tobacco use at the bottom of the screen when tobacco imagery appeared on the screen. Display of brand names or logos in films, television as well as print, outdoor and electronic media was prohibited and needed to be removed by cropping the image or obscuring the brand display (Table 2).<sup>39</sup>

While the health minister emphasized the lasting impact of film actors on young minds and gave two months' time for enforcing the regulations, several filmmakers and actors attacked the regulation using similar rhetoric employed by Hollywood in the USA. Director Shyam Benegal, described the ban as the handiwork of "lazy minds" while filmmaker Mahesh Bhatt said "It is unblinking arrogance... It [the ban] is a dreadful recall of the Emergency...."<sup>45</sup> The CBFC chairman called it a decision taken in haste and raised concerns about tobacco depiction of period and gangster movies without smoking. She wrote to the MoIB that the Board nominally supported the regulations' intent but implied that it was going to be difficult to enforce the ban.<sup>45</sup> She suggested implementation by November 2005 would be difficult for movies that were complete or nearing completion.<sup>177</sup> The Film and Television Producers Guild of India called for self-regulation and argued that existing regulations under the Cinematograph Act were sufficient.<sup>178</sup> The Association of Motion Pictures and Television Program Producers and the Indian Motion Picture Producers' Association argued that the decision was a diktat because no one from the film industry had been consulted.<sup>179</sup>

M/s Kasturi and Sons, publisher of *The Hindu*, a major newspaper, challenged the rule in Madras High Court and Mahesh Bhatt, a leading film director, challenged it in Bombay High Court. The cases were consolidated and transferred for hearing before the Delhi High Court.<sup>41</sup> Hemant Goswami, Executive Director of Burning Brain Society, during the interview for this study said that Mahesh Bhatt has been displaying tobacco brand in his movies since long time and was a known ally of the tobacco industry: "When these rules came it was very natural for the tobacco industry to use a known ally. So, he [Mahesh Bhatt] came and filed a writ claiming that this was infringement on the freedom of expression."



### ***Questions raised over discord between MoIB and MoHFW***

Against this background a question was submitted from two MPs on 28 July 2005 about the difference of opinion between MoHFW and MoIB. The MPs asked “whether 52% children in the country are getting addicted to smoking under the influence of films as per the survey conducted by the MoHFW.”<sup>180</sup> They also asked “if there was any demand to ban scenes depicting smoking in films? Whether there are any difference of opinion between MoHFW and MoIB in this regard? And the steps taken by the government to ban smoking scenes in TV and movies?”<sup>180</sup> The MoIB minister responded that the film rules were under examination in consultation with the MoHFW and that the film industry opposed the directive because some of the provisions would be difficult to implement.<sup>180</sup> On 25 July 2005 MPs asked the MoIB minister if MoIB was pressuring MoHFW to ease the regulations.<sup>42</sup> Another MP raised the same question on 28 November 2005.<sup>43</sup> The MoIB minister denied that MoIB was pressuring MoHFW to ease the regulations, but said that the “MoHFW have been requested to look into some of the implementation aspects of the notification in light of the reservations expressed by the film industry.”<sup>42, 43</sup>

Opposition from some within the film industry and its representatives in government was soon answered by civil society organizations, which repeatedly and vehemently repeated their demand that future films be tobacco-free.<sup>181</sup> A consortium of NGOs published a two-page advertisement in *Screen*, one of India’s leading entertainment newspapers, on 17 August 2005. It carried the headline “Why Indian films will lead the world on October 2, 2005,” and summarized the scientific evidence for tobacco-free media in plain language. In an effort to step up advocacy, HRIDAY’s student advocates sent copies of the advertisement to all 788 MPs and the CBFC chairperson.<sup>38</sup>

### ***First amendment to the tobacco-free movie rules***

In response to the film industry and MoIB, MoHFW withdrew the rules and released a modified set in November 2005, to take effect on 1 January 2006.<sup>40</sup> The revision accepted most of the exemptions sought by the film industry, allowing tobacco depictions by an actual historical character or in an historical period or eras and portrayals that include tobacco’s health dangers. Tobacco use in live TV coverage, all existing Indian films and TV programs, and all foreign films and TV programs, both old and new, was permitted.<sup>182</sup> However, tobacco product placement, brand display and close-ups of packs and other brand collateral were still banned.<sup>40</sup>

In addition, the revised regulations required minimum 30 second anti-tobacco health advertisements (replacing the health warning scroll during the depiction of tobacco use) at the beginning, intermission and end of old Indian and all foreign films. TV programs continued to be given the option of the 30 second anti-tobacco advertisement or the health warning scroll (Table 2).<sup>40</sup> MoHFW also created a steering committee to be chaired by the Union Health Secretary (the top civil servant in the Health Ministry) with representatives of the MoIB, the Ministry of Law and Justice, the Press Council of India, Advertising Standards Council of India, MPs and NGOs as members. The Committee would investigate specific violations of the tobacco product advertising ban under Section 5 of COTPA, evaluate cases related to indirect advertising and promotion, pass appropriate orders to remove advertising or to initiate prosecution and direct

<b>Legislation/Year</b>	<b>Movie Rules under COTPA – 2005a</b>	<b>Movie Rules under COTPA – 2005b</b>	<b>MoIB and MoHFW compromise - 2006</b>	<b>Movie Rules under COTPA - 2006</b>	<b>Movie Rules under COTPA - 2011</b>	<b>MoIB circular for status quo - 2012</b>	<b>Movie Rules under COTPA - 2012</b>
Date of Notification	31-May-05	30-Nov-05	31-May-06	20-Oct-06	27-Oct-11	2-Aug-12	21-Sep-12
Date of enforcement	1-Aug-05	1-Jan-06		Up to the Central Government	14-Nov-11	2-Aug-12	2-Oct-12
<b>Exceptions to ban on tobacco imagery in film (F) and television (T)</b>							
Necessary from artistic point of view with strong editorial justification			FT	FT	FT	FT	FT
Old	FT	FT		FT	FT	FT	FT
Foreign		FT		FT	FT	FT	FT
Actual historical figure who actually smoked or era		FT					
Shows dangers of tobacco use		FT		FT			
Live coverage on TV		T		T			
Rating			FT-A for new and foreign	FT-A for new and foreign	FT-U/A for new and foreign		FT-No new and foreign film to be certified by CBFC unless it complies with COTPA
No brand or product placement or close ups		FT		FT	FT		FT
<b>Requirements for Anti-tobacco Disclaimer</b>							
Placement			FT new and foreign	FT new and foreign	FT new and foreign	FT new and foreign	FT new and foreign
Content			Ill effects of tobacco use by actor	Ill effects of tobacco use by actor	Ill effects of tobacco use by actor	Ill effects of tobacco use by actor	Ill effects of tobacco use by actor
Duration					Minimum 20 seconds	20 seconds	Minimum 20 seconds
Timing				Beginning, middle and end	Beginning, middle and end	Beginning and middle	Beginning and middle

<b>Legislation/Year</b>	<b>Movie Rules under COTPA – 2005a</b>	<b>Movie Rules under COTPA – 2005b</b>	<b>MoIB and MoHFW compromise - 2006</b>	<b>Movie Rules under COTPA - 2006</b>	<b>Movie Rules under COTPA - 2011</b>	<b>MoIB circular for status quo - 2012</b>	<b>Movie Rules under COTPA - 2012</b>
Responsibility of production and display				Filmmaker and broadcaster	Filmmaker and broadcaster	Filmmaker and broadcaster	MoHFW
<b>Requirements for anti-tobacco health spots (advertisement)</b>							
Placement		FT old and foreign		FT old and foreign	FT all		FT all
Minimum duration		30 seconds		30 seconds	30 seconds		30 seconds
Time of display		Beginning, middle and end of the film. For TV one spot of 30 seconds or two spots of 15 seconds for first 30 minutes and additional one 30 seconds or two 15 seconds spots for each incremental 30 minutes		Beginning, middle and end of the film. For TV on spot of 30 seconds or two spots of 15 seconds for first 30 minutes and additional one 30 seconds or two 15 seconds spots for each incremental 30 minutes	Beginning and middle of film or TV program		Beginning and middle of the film or TV program
Language					Same language or as of dubbing or sub-title		Same language or as of dubbing or sub-title. Not specified for old films
Responsibility of production and display		Filmmaker to include in master print. For old films owner/manager of cinema hall or theatre. Broadcaster for TV		Filmmaker to include in master print. For old films owner/manager of cinema hall or theatre. Broadcaster for TV	Filmmaker for new films. Owner/manager of cinema hall or theatre for old films and broadcasters for TV		MoHFW to provide to CBFC
Approved by				MoHFW	MoHFW	MoHFW	MoHFW
<b>Health Warning Requirements</b>							
Placement	FT old	T old	FT new and foreign	Old TV new film and TV	FT old and new	FT new	Old TV and New FT

<b>Legislation/Year</b>	<b>Movie Rules under COTPA – 2005a</b>	<b>Movie Rules under COTPA – 2005b</b>	<b>MoIB and MoHFW compromise - 2006</b>	<b>Movie Rules under COTPA - 2006</b>	<b>Movie Rules under COTPA - 2011</b>	<b>MoIB circular for status quo - 2012</b>	<b>Movie Rules under COTPA - 2012</b>
Type	Scroll	Scroll		Scroll	Scroll	Static	Static
Placement	Bottom of the screen	Bottom of the screen		Bottom of the screen for old TV. On the Screen for new film and TV	Bottom of the screen		Bottom of the screen
Timing		During the period of such display	One minute before and till one minute after the tobacco scene	During the period of such display for old TV. One minute before and till one minute after the tobacco scene for new film and TV	During the period of such display	During the period of such display	During the period of such display
Text	"Smoking causes cancer" or "smoking kills" for smoking form and "tobacco causes cancer" or "tobacco kills" for smokeless form	Same text		Same text for old TV. Not specified for new film and TV	Same text		Same text
Colour	Black font on white background legible and readable	Same as first notified		Same as first notified for old TV. Not specified for new film and TV	Same as first notified		Not specified for old TV. Same as first notified for new film and TV
Language	Same language as used in film or the TV program	Same language or as of dubbing or sub-title		Same language or as of dubbing or sub-title for old TV. Not specified for new film and TV	Same language or as of dubbing or sub-title		Same language or as of dubbing or sub-title

<b>Legislation/Year</b>	<b>Movie Rules under COTPA – 2005a</b>	<b>Movie Rules under COTPA – 2005b</b>	<b>MoIB and MoHFW compromise - 2006</b>	<b>Movie Rules under COTPA - 2006</b>	<b>Movie Rules under COTPA - 2011</b>	<b>MoIB circular for status quo - 2012</b>	<b>Movie Rules under COTPA - 2012</b>
<b>Other requirements</b>							
Timing of telecast				When least viewership <18 years for TV	When least viewership <18 years		
Print outdoor and electronic media	Crop or mask brand names and logos of tobacco products to ensure that they are not visible	Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries		Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries	Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries		Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries
Promotional Material and posters					No depiction of tobacco products or their use		No depiction of tobacco products or their use
Violation							License of cinema hall or theatre or broadcaster may be cancelled or suspended
Number	G.S.R.345(E).	G.S.R. 698(E)		G.S.R. 656(E)	G.S.R. 786(E).		G.S.R. 708(E).
Issued By	Bhavani Thayagarajan, Joint Secretary, MoHFW	Bhavani Thayagarajan, Joint Secretary, MoHFW		Bhavani Thayagarajan, Joint Secretary, MoHFW	Keshav Desiraju, Additional Secretary, MoHFW	Director Films, MoIB	Shakuntala D Gamlin, Joint Secretary, MoHFW
Primary purpose	Rule-6 and 7 introduce the movies rules	Amendment of the Rules	Constitution of Committee to screen film and TV programs to filter out tobacco.	Amendment of the Rules	Amendment of the Rules	Interim direction on compliance with COTPA rules to CBFC	Amendment of the Rules

concerned enforcement officers to initiate action against offenders.<sup>40</sup> MoHFW constituted the Committee a year later on 17 October 2006.

On 2 December 2005 Health Minister Ramadoss responded to a parliamentary question on smoking in films saying that the revised regulations were going into force 1 January 2006. He said the revision of the rules was due to the “technical issues raised by the MoIB and the difficulties pointed out by the film industry.”<sup>183</sup> He did not respond to the specific question “how does the Government propose to tackle foreign films having smoking scenes released in theatres?” because they were exempted under the revised rules.

### ***Increase in tobacco imagery in movies***

After the ban on direct and indirect advertising of tobacco products under COTPA that went into effect 1 May 2004, there was sharp increase in tobacco presentations in movies.<sup>7</sup> In 2006, the National Organization for Tobacco Eradication (NOTE), a civil society organization in Goa, formally notified Bollywood Superstar Amitabh Bachchan that it intended to take legal action against him because posters for his film *Family:Ties of Blood* (2006 Amitabh Bachchan Corporation Limited) posted in Goa showed his character smoking a cigar.<sup>49</sup> He responded to the legal notice saying, "I have made a note of anti-tobacco legislation and have informed my producers and told them to take immediate steps so that no such violation takes place as far as I am concerned."<sup>59</sup>

Burning Brain Society, with financial support from the WHO, released a report *Tobacco in Movies and Impact on Youth* that analyzed tobacco use in 110 Hindi movies released during 2004-2005.<sup>7</sup> This report revealed that tobacco imagery was much higher than before the COTPA rules were implemented: 89% of movies depicting tobacco use, in these years. Lead actors were tobacco users in more than three quarters (76%) of films with smoking and tobacco brands appeared in 40 percent.<sup>7</sup>

### ***Widening differences between MoIB and MoHFW***

By early 2006, differences between MoIB and MoHFW were again out in the open, evidenced by competing affidavits submitted to the Delhi High Court in the Mahesh Bhatt case.<sup>41</sup> Ranjit Singh, a lawyer practicing in the Supreme Court of India and former Legal Consultant for the National Tobacco Control Program of the MoHFW who has been part of the legal team on several tobacco control lawsuits involving the MoHFW, during an interview for this study reported that the MoHFW argued to the Court that promotion of tobacco through films violates right to health. In contrast, the MoIB argued that the existing Cinematograph Act and Cable Television Network Act were adequate to prevent advertisement and glamorization of tobacco in films and TV. Singh said that, “when two different affidavit[s] [were] filed [by different government ministries], the court got angry and said how one hand does not know what the other [was doing]. You are both part of one government, so you need to come back [as one].” Outside the court, the MoIB said that, "The announcement [of the MOHFW rules] was premature and impossible to implement without destroying cinematic beauty and artistic control."<sup>56</sup> The Health Minister said “I will talk to the I&B Ministry on this issue... We are going to move forward, but the matter is now in the court.”<sup>184</sup> To resolve the issues between the two ministries, the MoHFW

approached the Prime Minister's Office which requested the Cabinet Secretary resolve the issue between the two ministries.<sup>185</sup>

The controversy continued with the matter at the Delhi High Court which also forced the MoHFW to keep changing the rules' implementation date. In April 2006, during one of the hearings, MoHFW told the Court that it had not yet made a final decision on the rules and the Court deferred the implementation date until July 31, 2006.<sup>60</sup>

In May 2006, the Committee of Secretaries (a committee of the senior bureaucrats/civil servants heading different ministries) under the chairmanship of the Cabinet Secretary (senior most bureaucrat/civil servant of the Government of India) worked out a compromise in which MoHFW agreed to allow tobacco imagery in new Indian films with editorial justification, with a disclaimer by the actor using tobacco before the film, while existing movies would carry an anti-tobacco advertisement and a scrolling health warning message (without specifying who would produce them) a minute before and after the tobacco scene (Table 2). During a WNTD press event on 31 May 2006 the Health Minister announced that MoHFW would inform the Delhi High Court about the compromise decision with the MoIB at the next hearing and rules would be implemented as soon as the court gave the go-ahead.<sup>186</sup> In response to a parliamentary question regarding the MoHFW-MoIB dispute over the on-screen smoking regulations, the Health Minister informed the Parliament that a compromise had been reached and would be implemented as soon as the court approved.<sup>187</sup>

Ranjit Singh during the interview for this study said, "This rule largely saw the light of the day and also succeeded because the then Health Minister was majorly supporting it. He went all out, whether it was court cases, and he argued before the committees also, so I feel that his intervention [made all the difference]. So if there is a political will, then you can [succeed]. So despite there was a lot of objections from other ends, because we had a Health Minister that was pushing strongly, it [the movie and TV rules] saw the light of the day."

The MoHFW's persistent efforts to implement a comprehensive national tobacco control policy consistent with the WHO Framework Convention on Tobacco Control (FCTC) were recognized globally. The Ministry, headed by Dr Ramadoss, was honored with the Luther Terry Award for exemplary leadership at the World Conference on Tobacco or Health in 2006.<sup>52</sup> <sup>53</sup> When accepting the award, Minister Ramadoss cautioned that "Studies have established that portrayal of tobacco use in films is one of the biggest influencer[s] for young people to begin tobacco use. Since The Cigarette and other Tobacco Products Act (2003) came into increasing effect, not only tobacco use in films [has] been on the rise, but also tobacco brand placement."<sup>188</sup>

### ***MoIB allows surrogate advertising of tobacco products***

In the meantime, MoIB amended the Cable TV Networks (Regulation) Act on 9 August 2006 to allow advertising of brand extensions of tobacco products, clearing the way for surrogate advertisements for tobacco products on all cable and satellite TV channels. MoIB a brand name or logo used for tobacco products to also be used for non-tobacco products if the advertisement did not depict the tobacco product or use colours and presentations (trademarks and designs) associated with tobacco products, if the advertisements were approved and certified by CBFC as

suitable for unrestricted public exhibition prior to telecast or transmission or retransmission. For example, Manikchand, one of the biggest smokeless tobacco manufacturers in India, at that time sold gutkha (with tobacco), pan masala (without tobacco) and drinking water under the same brand name “Manikchand.” The presentation, colour, design of the pan masala product was similar to that of the gutkha so it could not advertise its pan masala brand but the water bottles used different colour and design and thus could be advertised. (Figure 1).<sup>57</sup> The MoIB told Parliament that it set up state and district level monitoring committees (with the District Magistrate as its chairman) to monitor violations by the private cable and satellite TV channels and investigate specific complaints regarding violation of the Program Code and Advertising Code under the Cable Television Network Rules. The MoIB also told the Parliament that during 2004-2006, based on the monitoring and other complaints received by MoIB, 195 “show cause” notices were issued against various broadcasters for violating the Program and Advertising Codes.<sup>189</sup> MoIB did not provide any details of the response to these violations.



**Figure 1.** Manikchand producing gutkha, pan masala and water bottle could advertise its water bottle but not pan masala, all with the Manikchand brand.

### ***Tobacco-free movies rules are amended again***

On 17 October 2006, the MoHFW constituted the Steering Committee to monitor violations of section 5 of COTPA. (The committee included an MP Sachin Pilot).<sup>55</sup> Three days later, the MoHFW issued the second set of amendments to the movie rules, incorporating the compromises worked out with the MoIB.<sup>54</sup> MoHFW may have wanted to have the committee in place before it issued the new regulations to demonstrate that MoHFW was serious in curbing tobacco advertising, so the committee support the regulations and act as the monitoring body for the regulations.

The revised MoHFW regulation issued on 20 October 2006 retained the provisions from the November 2005 notification with regard to the old Indian and old foreign (not the new ones) films and TV programs for displaying tobacco. In addition, new films and TV programs were also exempted if tobacco use was necessary to represent a historical figure or era or classified well known character or in rare case where tobacco use was due to compulsion of script. Any such representation was to be supported by “strong editorial justification” with a mandatory A certification (viewership only by people 18 years and above) for films and to be shown at times when there was least viewership by person less than 18 years of age for television (Table 2).<sup>54</sup> As of December 2020, no government agency had issued clear guidelines on how to decide whether there is “strong editorial justification” for tobacco use in a movie.



Around this time, the media reported that the new Minister of Information and Broadcasting, actor-politician M.H. Ambareesh, opposed any limits on tobacco imagery in movies. The minister acknowledged that “health-wise, [smoking] is not good,” but added, “We live in a democratic country. Everybody’s tastes are different. If heroes stop smoking, will people not smoke?”<sup>58</sup>

At the beginning of 2007, media coverage of the MoHFW-MoIB scrimmage on tobacco rules for films and TV largely favored the MoIB. The Government was accused of high-handedness and behaving like a “nanny state.”<sup>190</sup> In July 2007, the MoHFW acceded to amending COTPA to remove the requirement to display a skull-and-crossbones on tobacco packs. Briefing newsmen about this cabinet decision, the MoIB Minister said that government’s anti-smoking drive would be supported by ensuring checks on media content that might encourage smoking.<sup>65</sup> This support, however, would not materialize for more than five years, when the movie rules were ultimately implemented.

### ***Efforts by and focused on film stars***

In February 2007, the media reported that Bollywood actor Saif Ali Khan made a New Year’s resolution to stop smoking.<sup>71</sup> Actor Jackie Shroff gave up smoking to portray Sai Baba, the holy saint and spiritual master of Sirdi, in the film *Malik Ek* (2010, Om The Mantra) and expressed hope that the government’s decision to ban smoking scenes in Hindi movies would act as a deterrent for directors.<sup>72</sup> The Smokefree Movies Action Network (SFMAN), which works with the UCSF Smokefree Movies project, promoted an International Week of Action (IWA) before Hollywood’s Academy Awards with the theme “STOP TOXIC MOVIES: it’s the most deadly commercial threat to the largest generation in history.”<sup>191</sup> As part of the IWA the Indian Society Against Smoking and Asha Parivar civil society organizations from Lucknow, capital of Uttar Pradesh, organized a workshop on smokefree movies for 21 youth peer leaders from city colleges. These peer leaders collected support from others and marched to a multiplex movie theatre in Lucknow, appealing to cinema goers not to watch the movie *Don* (2006, Excel Entertainment) in which Bollywood star Shahrukh Khan smoked heavily.<sup>61</sup> With guidance from the Chief of Tobacco Cessation Clinic of the City of Lucknow, the group also organized a poster exhibition with youth in theatre waiting areas and discussed smoking in movies with the audience.<sup>62</sup>

CPAA worked with film director Anurag Kashyap and actors John Abraham and Milind Soman for the movie *No Smoking* (2007, Big Screen Entertainment) to inspire smokers to quit.<sup>63</sup> The movie was released in October 2007 and the director and actors were honored at CPAA’s WNTD ceremony in Mumbai on 31 May 2007. This effort by the CPAA and filmmakers to spread the awareness about the ill effects of smoking was recognized by the MoHFW. Film stars including Vivek Oberoi, Urmila Matondkar, John Abraham became official brand ambassadors for MoHFW’s anti-smoking campaigns.<sup>192</sup> Although, Vivek Oberoi was part of the anti-smoking campaign he was seen smoking in his 2007 movie *Shootout At Lokhandwala* (2007, Balaji Motion Pictures) and actor John Abraham also smoked in many of his subsequent movies including *Dishoom* (2016, Eros International).<sup>139</sup>

In July 2007, the MoIB unveiled a draft Content Code under the proposed Broadcast Services Regulation Bill. It restricted TV broadcast of smoking scenes to category 'A,' to be

screened between 11pm and 6am.<sup>66</sup> The broadcasting industry called the classification an instrument for muzzling a free media and argued that existing guidelines and self-regulation were enough.<sup>67</sup> The bill was never enacted into law.

In October 2007, Bollywood superstar Shah Rukh Khan was seen smoking live by millions of TV viewers while he was watching a T20 cricket match in Mumbai.<sup>68</sup> The same month, Khan had been seen smoking during the *Hindustan Times* Summit in Delhi. In response, NOTE, an NGO based in Goa, sent Khan legal notice stating that he violated COTPA's bans on smoking in public places and on advertising and promotion of tobacco products.<sup>64</sup> His lawyers argued in the court that the places he was smoking were private clubs and that had not been specified as "No Smoking Zones." Mr. Khan also threatened the NGO with a defamation suit for sending him the legal notice.<sup>69, 70</sup>

In a January 2008 press conference organized by the International Advisory Committee of the 14<sup>th</sup> World Conference on Tobacco or Health in Mumbai, national and international experts expressed concern over the delay in implementing effective tobacco control measures in India.<sup>74</sup> The same month, a US study estimated that movie smoking could be responsible for at least one third of smoking initiation among children 9-12 years old in the US.<sup>90</sup> The study was extensively published by media and quoted by experts to support a ban on tobacco imagery in movies and TV in India. Taking note of study, Health Minister Ramadoss once again appealed to Bollywood actors Shah Rukh Khan and Amitabh Bachchan and regional movie stars (Vijay from Tamil Nadu) to not smoke in movies.<sup>193, 194</sup> In response Khan claimed that a huge amount of creative freedom should be allowed in cinema and arts.<sup>83</sup> A CBFC officer from Mumbai suggested there had been a drop in smoking scenes in movies which supported self-regulation for actors' smoking on and off screen.<sup>84</sup> Tobacco control NGOs reacted to Khan's statement by saying creative freedom cannot escape public scrutiny and sent letters of protest advising him to use his platform for the larger public good.<sup>75</sup>

An MP from Goa questioned whether an appeal from the health minister to a famous film actor had brought the desired results and asked whether the health minister planned to appeal to more personalities.<sup>136</sup> The MoHFW responded that as a part of the larger campaign against tobacco renowned personalities including film actors have been advised to desist from smoking in public because of the strong evidence linking their behavior to youth smoking.<sup>78, 79</sup>

### ***The Delhi High Court's Split Decision***

In February 2008, the two Delhi High Court judges hearing the Mahesh Bhatt case delivered a divided ruling.<sup>88, 89</sup>

One judge held that commercial advertisements of tobacco products are not protected freedom of speech and expression under the Constitution.<sup>41</sup> He also held that COTPA and the challenged rules were constitutional and valid, as freedom of speech and expression have to be exercised consistent with the constitutional right to life, so the restrictions on electronic media and cinematographic film were reasonable and justified. He considered the stakeholder steering committee constituted under the movie rules adequate to safeguard any misuse of the proposed restrictions.<sup>41</sup>

In contrast, the second judge held that COTPA did not contemplate directly or indirectly the power to make rules about television or films.<sup>195</sup> He further held that a blanket ban on a smoking scenes in films and TV would be a direct encroachment on the creativity and free artistic expression of the filmmaker. He held that the guidelines under the Cinematograph Act serve the public intent of preventing glamorization of tobacco in films and TV programs. He held that the MoHFW rules on films and television were inconsistent with COTPA and violated the filmmakers' constitutional creative freedom. He held that the MoHFW's objective could be redressed by the CBFC and struck down the rule that prescribed adult ratings, disclaimers and scroll warnings for any display of tobacco imagery in new Indian movies. He observed, "Even epics such as *Mahabharata* and *Ramayana* have gambling, kidnapping and deceit and such depictions cannot be legitimately prohibited to promote a morally idealistic society." He further held that the rule preventing brand names or logos of tobacco products printing in any form or print or outdoor media or aired through any form of electronic media violated the freedom of speech and expression under the Constitution.<sup>195</sup>

Given the split verdict, the Chief Justice referred the case to an additional judge for final adjudication.

### ***Curbing direct and indirect tobacco advertising in film and television***

Following the divided verdict, on 21 February 2008, MoHFW called the first meeting of the Steering Committee constituted to monitor implementation and violation of COTPA section 5 that prohibits direct and indirect advertising of tobacco products. The MoHFW regulations empowered the Committee to "take cognizance *suo motu* [at its own initiative] or look into specific violations under Section 5 of the Act and ... also evaluate cases related to indirect advertising and promotion and pass orders thereof."<sup>54</sup> At the end of its first meeting, the Committee recommended that MoHFW set up a monitoring mechanism at state and district levels to enforce section 5 of COTPA and the notification to this effect was issued on 15 April, 2008.<sup>80</sup> During this time several states have constituted state and district level committees to enforce COTPA Section 5.

The MoHFW also urged the MoIB to act against indirect and surrogate advertisements in print, electronic and outdoor media. The MoIB issued a notification on 25 February 2008 reversing its 2006 exemptions to the Cable Television Networks Rules, 1994 and banning surrogate advertising of cigarette, tobacco and liquor companies.<sup>81</sup> However, in absence of strict compliance this effort did not create much change from the previous situation.

### ***Development of WHO FCTC Article 13 guidelines***

In April 2008, India hosted the second meeting of the Working Group on Elaboration of Guidelines for Implementation of WHO FCTC Article 13 (Tobacco advertising, Promotion and Sponsorship) that were adopted at the 3<sup>rd</sup> Session of the WHO FCTC Conference of the Parties of the following November. The meeting brought media, civil society and MoHFW's attention back to efforts to curb tobacco use in movies and television programs. The guidelines specifically noted that "the depiction of tobacco in entertainment media products, *such as films, theatre and games*, can strongly influence tobacco use, particularly among young people" and

recommended that, “Parties should take particular measures concerning the *depiction of tobacco in entertainment media* products, including requiring certification that no benefits have been received for any tobacco depictions, prohibiting the use of identifiable tobacco brands or imagery, requiring anti-tobacco advertisements and implementing a ratings or classification system that takes tobacco depictions into account [emphasis added].”<sup>77</sup>

### ***Health Minister Ramadoss appeals to film stars to avoid smoking on screen***

In May 2008, Health Minister Ramadoss again appealed to Indian film stars, especially Shahrukh Khan and Amitabh Bachchan, not to smoke or drink in movies to avoid inspiring millions of young impressionable minds to start smoking or drinking.<sup>76</sup> The media largely criticized this second appeal and reported that Ramadoss was obsessed with the movies and film stars for his own publicity and reported that, “Hindi cinema is fun, but it is not a medium for mass hypnosis. We are not zombies who blindly follow everything we see on screen.” Ramadoss was also criticized as “overzealous” by superstar Amitabh Bachchan and as “juvenile” by filmmaker Mahesh Bhatt.<sup>76, 85</sup> Ramadoss stood his ground, saying, “I sometimes wonder whether asking personalities not to glamorize smoking and drinking was such an unreasonable demand that the entire film industry should be up in arms against me.”<sup>85, 196</sup> Filmmakers once again refused to agree that smoking or drinking in movies provoked people to indulge in such practice in real life.<sup>82</sup> However, superstar actor Rajnikanth committed not to smoke in real and reel life with two successful movies without any smoking scenes. The Minister hoped Bollywood leaders would follow in his footsteps: “When Rajnikanth can do movies without smoking, why can't anybody else follow?”<sup>87</sup> Most Bollywood actors and the CBFC officials were against the Minister’s proposal; Shah Rukh Khan was once again seen smoking in full public view during the Indian Premiere League cricket match on May 16, 2008. Next day the *Mumbai Mirror* newspaper carried a front page photograph of the actor smoking in public.<sup>86</sup>

### ***Delhi High Court quashes the movie rule***

On 23 January 2009, Delhi High Court Justice Sanjay Kishan Kaul quashed the 20 October 2006 movie rules as beyond COTPA’s scope and inconsistent with the fundamental rights to speech and expression under and right to trade under India’s Constitution.<sup>96</sup> He agreed that matters relating to cinema or television were totally outside the purview of COTPA and regulated under the Cinematograph Act. Quashing the requirement of editorial justification as wholly unreasonable, he held that cinematographic film must reflect the realities of life, smoking is a reality of life and is not banned by any law. Rather than relying on health authorities, Justice Kaul quoted extensively from Australian Professor Simon Chapman’s article “What should be done about smoking in movies?”<sup>197</sup> published in *Tobacco Control* in 2008 to support his view that not all scenes in movies depicting smoking promote smoking. Justice Kaul observed that CBFC guidelines requiring “Scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown” were adequate and nothing more was required or permissible under COTPA or the Constitution.<sup>96</sup>

### ***Massive tobacco control win diluted by government apathy***

The MoHFW appealed the Delhi High Court decision to the Supreme Court of India. The Supreme Court issued an interim stay on the Delhi High Court judgement on 2 April 2009, which meant that the 20 October 2006 notified movie rules could go into effect.<sup>91</sup> However, by

this time Minister Ramadoss' political party, Pattali Makkal Katchi, had pulled out of the ruling coalition and Ramadoss had resigned.<sup>92</sup>

Though evidence linking tobacco imagery in movies and television to tobacco adolescents and young adult tobacco use was piling up globally,<sup>198-201</sup> the MoIB responded to a 3 August 2009 question in the Parliament, "Whether the children are being influenced by television and cinemas?" that "No such formal study has been brought to the notice of the Ministry."<sup>93</sup> By the end of 2009, the MoHFW was asked by an MP if it was going to issue guidelines for compliance of COTPA before permitting telecast of films and television serials showing smoking scenes.<sup>202</sup> While the Health Minister told the Parliament that, "Action is in progress to implement the Rules notified in October 2006,"<sup>202</sup> he did not report that the Supreme Court of India had already stayed the Delhi High Court decision, clearing the way for the rules to go into effect.

Although the Supreme Court allowed implementation of the film rules in April 2009, even in late 2010 the MoIB was still treating the issue as unresolved by the courts. In response to a Parliamentary question on 23 November 2010 regarding guidelines on depiction of smoking scenes in films and the present status on the ban on smoking scene in films, MoIB failed to refer to COTPA and the MoHFW tobacco-free movies rules and merely responded that exhibition of films was sanctioned by CBFC in accordance with the Cinematograph Act which requires that "scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown."<sup>94</sup> While technically correct that the rules were not in effect because the MoHFW had not notified the date for its implementation, the MoIB could have responded that the courts were no longer blocking the rules and that the ban could be put into effect.

Likewise, when responding to another Parliamentary question a week later asking "Whether the Government proposes to ban smoking scenes in the films and mandatorily award A certificate to all films having smoking scenes," MoIB highlighted the provisions of COTPA banning direct and indirect advertising of tobacco products including in films and said that MoHFW's 2006 film rules "could not be given effect to as the matter was *sub-judice* [still under consideration] in the Hon'ble High Court of Delhi. Further, a SLP [special leave petition: power of Supreme Court of India to hear an appeal against any order by any authority in the country] has been filed in the Hon'ble Supreme Court against the order of Delhi High Court for implementing the said Rules and the decision is still pending."<sup>95</sup>

### ***WHO reports on smokefree movies***

The WHO's first *Smoke-free movies: From evidence to action*<sup>16</sup> report in 2009 highlighted that Indian films were depicting more tobacco imagery following implementation of COTPA in 2003 and suggested that the tobacco companies could be using increased placement of tobacco use in movies as a way to compensate for the restrictions that COTPA put on traditional advertising.<sup>16</sup> In addition, tobacco brand display exploded in Bollywood (Hindi language) films after tobacco advertising was banned in all other Indian media in 2004.<sup>16</sup> The WHO report concluded that the Indian experience demonstrates the importance of exposing and neutralizing the tobacco industry or its surrogates and allies efforts to circumvent advertising bans by increasing smoking and tobacco brand display in films. WHO recommended that successful implementation of the tobacco-free movies regulations would require not only judicial

support by courts but also raising public awareness of the serious harm resulting from onscreen tobacco promotion. Given the global presence of the Bollywood, any national intervention in India would have global impact in preventing smoking initiation.<sup>16</sup>

In 2011, WHO released the second edition of *Smoke-free movies: From evidence to action*,<sup>5</sup> which highlighted the conflict between the MoHFW and MoIB. Failing to reach consensus with MoIB on the October 2006 rules, MoHFW started extensive negotiations with the MoIB to amend the proposed rules.<sup>5</sup> The pressure to resolve the differences between the two ministries and implement movie rules was also mounting because HRIDAY's analysis of 59 movies released between 2006 to 2008 which contained 412 tobacco incidents and suggested that Indian adolescents exposed to on-screen tobacco use were more than twice as likely to use tobacco.<sup>51</sup> HRIDAY also reported that half of the youth rated movies contained tobacco imagery, exposing the Indian population, including youth, to about two billion tobacco impressions. HRIDAY recommended complementing existing movie rules with restricting access through the rating system to reduce youth exposure to tobacco imagery through films.<sup>129</sup>

### ***More advocacy efforts by MoHFW and civil society***

Under mounting pressure and increasing evidence, MoHFW partnered with WHO and SBF to organize a workshop on 28 September 2011 to sensitize the members of the CBFC and its Regional Centres on the need to restrict smoking and smokeless tobacco in the films and TV programs<sup>101</sup> because tobacco depiction in movies increases risk of initiation of tobacco use. Singer Shaan, actress Vidya Balan, scriptwriter Rekha Nigam and others participated in this workshop. Earlier that year Shaan was appointed as tobacco control ambassador by the MoHFW as part of which he filmed an anti-tobacco video song.<sup>107</sup> MoHFW and MoIB officials agreed that communication was needed between the two ministries. Supporting the stand of the civil society, scriptwriter Rekha Nigam said, "The hands of Bollywood are bloodied... there are thousands of ways of showing a character than showing smoking."<sup>102</sup> Earlier, in June when Shah Rukh Khan expressed his willingness to quit smoking in a media interview, HRIDAY sent him nicotine patches and a factsheet on benefits of cessation with a message hoping that "he would succeed in his effort to quit smoking and thus motivate others to quit and also inspire the film fraternity to refrain from showing tobacco use in films, which has an adverse impact on youth, and prove to be a 'real hero' for all his fans."<sup>100</sup>

### ***Third amendment to the movies rules***

By October the two ministries reached consensus and on 27 October 2011, MoHFW issued a modified notification on regulating tobacco imagery on screen to enter force from 14 November 2011 (Table 2).<sup>103, 203</sup> These rules required anti-tobacco disclaimers (including audio as well as visual imaged) produced by the MoHFW to be displayed for 20 seconds before and at the intermission of any film displaying smoking or other tobacco use. The disclaimer was followed by a 30 second anti-smoking advertisement at the beginning and intermission. In addition, there was a warning scroll exhibited during the film at any time that smoking or tobacco use occurred.

### *Filmmakers continue to challenge the new regulations*

On 29 November 2011 representatives of the film industry (Mahesh Bhatt, Ritesh Sidhwani and Javed Akhtar) met with MoIB, the Ministry of Law and Justice, and CBFC to discuss the alleged difficulties and challenges in implementing the rules.<sup>204</sup> No one from the MoHFW was at the meeting, but the MoIB Minister had a telephone discussion with the Health Minister during the meeting in which he presented the difficulties the CBFC and the film industry claimed to face. At the meeting MoIB agreed to:

- i) Request MoHFW to keep the notification in suspension, and have MoHFW refer the notified regulation to the Ministry of Law and Justice to review before issuing its final notification.
- ii) Direct the CBFC to restore the *status quo* with the exception that an anti-tobacco disclaimer of 15 seconds be issued in the beginning of the film and another similar disclaimer immediately after the interval of the film. Occasional health warning scrolls may also be inserted by the filmmaker (as he deemed appropriate).
- iii) Itself send a separate reference to the Ministry of Law and Justice to seek their advice on the MoHFW regulations.<sup>104</sup>

The representatives of the film industry agreed to put an anti-tobacco disclaimer on screen for 15 seconds in the beginning of the film and after the interval. This meant a total time of 30 second instead of the minimum 100 seconds required under the MoHFW rules. The discussions did not cover tobacco imagery on movie posters which was restricted by MoHFW rules. Film industry representatives also committed to create anti-tobacco advertisements in consultation with by MoIB or MoHFW, however it was not clear as to who would have the final say over the anti-tobacco advertising content.

The MoHFW did not modify or suspend the 27 October 2011 rules until September 2012. As a result, *Agneepath* (2012, Dharma Productions) became the first movie to run the anti-tobacco health warning scroll on the screen during the smoking in the film in January 2012. The film also ran the 20 second anti-tobacco disclaimer by the actor and the 30 second anti-tobacco advertisement at the beginning and interval of the film CBFC rated the film U/A (parental guidance for children below the age of 12 years). However, the media reported that CBFC and filmmakers were only implementing the rules “as practically as possible for them to comfortably comply,” rather than as mandated under the MoHFW rules.<sup>111</sup> In response, the CBFC chairperson told reporters that, “Films that encourage smoking or alcohol consumption would have to run a scroll or accept cuts to get a certificate allowing exhibition of the film.”<sup>111</sup> Filmmakers had already agreed to implement a shorter version of the disclaimers and anti-tobacco advertisements, but did not want the scrolls.

Responding to a Parliamentary question regarding implementation of the rules in May 2012 the health minister responded that the MoIB in November 2011 had advised the CBFC and its Regional Boards to maintain *the status quo* as it existed before notification of the 27 October 2011 rules, citing practical difficulties in implementation.<sup>105</sup> MoHFW continued to pursue the

matter with MoIB, including writing to the CBFC and Advertising Standards Council of India urging them to implement and monitor the rules.<sup>105</sup> In response to a similar question the MoIB Minister told the Parliament that, “Several filmmakers and the CBFC brought to the notice of MoIB some practical difficulties being faced by them in implementing the regulation. In the light of this MoIB is in discussion with the MoHFW to revise the Notification.”<sup>108, 205</sup> However, the MoIB Minister, responded to another parliamentary question saying, “The message regarding smoking is being taken seriously by film industry and the statutory warnings are already being put in films. Less and less films have smoking scenes now. TV serials also run anti-smoking scroll.”<sup>106</sup> In fact, the regulations were being implemented at the discretion of CBFC and filmmakers to the extent the two deemed the regulations practicable and convenient and not as required by MoHFW’s notified rules.

### ***Kerala High Court and Supreme Court direct full compliance with movie rules***

On 26 March 2012, in response to a petition filed by the Kerala Voluntary Health Services regarding COTPA implementation in the state of Kerala, the High Court of Kerala directed all concerned authorities in the departments of Home, Health, Police, Education and Public Instruction to ensure full compliance of all provisions, including the film rules. The court held that the Cinematograph Act required the CBFC to ensure that "scenes tending to encourage, justify or glamorize consumption of tobacco or smoking are not shown."<sup>114</sup> The court also observed that it was only just and proper to direct the respondents (the national government, State of Kerala and the CBFC) to prevent indirect advertising of tobacco products in films and held that curtailing this advertising required proper enforcement of COTPA and the Cinematograph Act and their implementing rules. The Court directed that the respondents “ensure that no scenes are depicted in films, tele-serials and other visual media which would violate the provisions of COTPA and its allied Rules.”<sup>114</sup>

In response to the Kerala High Court decision some action was taken against violators of film rules in Kerala. Saju Itty, Executive Director of the Kerala Voluntary Health Services during the interview for this study reported that posters of actor Mohanlal smoking in films *Karma Yodha* (2012, M R Productions) and *Spirit* (2012, Aashirvad Cinemas) were removed and replaced with posters without tobacco imagery after complaints and action by the health department. He further said that action was taken against 12-13 movies and their actors and actresses for violation of the film rules.

This decision of the Kerala High Court was reinforced on 27 April 2012, when the Supreme Court made the interim stay on the Delhi High Court’s Order issued in April 2009 permanent. It said, “Since the stay is in force for the last three years, we are not inclined to modify the same. The stay is made absolute.”<sup>115</sup>

The MoIB simply ignored both courts. Relying on MoIB’s assurances at the November 2011 meeting with filmmakers, several filmmakers continued to depict tobacco in their movies in violation of the MoHFW movie rules.<sup>104</sup> Although CBFC was partially implementing the regulations, it wrote the MoIB expressing practical difficulties in implementing the provisions.<sup>136</sup> In response to this concern, the Director (Films) of MoIB wrote back on 2 August 2012 to the chief executive officer of CBFC saying that MoIB was in discussion with MoHFW about



revising the regulations. In the meantime, MoIB told CBFC to advise filmmakers to display only a 20 second anti-smoking message at the beginning and after interval of the film and a static anti-smoking message during any smoking scene (Table 2).<sup>136</sup> This advice drastically reduced the warning time from 100 sec under MoHFWs rules to 40 sec and the scroll warning to a static warning during a tobacco scene. The advice was also silent on the content of the message and the static warning and who was going to produce them.

### ***Delhi High Court exempts the film Heroine***

Filmmaker Madhur Bhandarkar challenged MoIB's directive to the CBFC in the Delhi High Court, pleading that a substantial part of his movie *Heroine* (2012, Bhandarkar Entertainment) was complete and it would be difficult to include the static health warning messages during the smoking scene on the screen. Despite the fact that the static health warnings would be added in editing at the end of the process of making the film, on 10 September 2012 the court directed CBFC to certify the film after considering the minutes of a meeting held on 29 November 2011 and the MoIB directive issued on 2 August 2012.<sup>104</sup> The court held that direction to CBFC shall be applicable to all movies until MoHFW and MoIB issue a fresh notification superseding all earlier notifications of film rules under COTPA.<sup>104</sup> After the court ruling, Bhandarkar told the Bollywood magazine *Screen* that, "Kareena (the actress in his film *Heroine*) is seen smoking in 50 percent of my film and if we were to put a disclaimer [warning on the screen at the time of smoking] every time she smokes, it would be jarring for the audience. I am trying to meet the censor board and request them to put the warning only at the beginning of the film."<sup>112</sup> Earlier, on 23 May 2012, newspaper advertising for the film also showed the lead actress smoking. In response to this advertising, HRIDAY wrote the MoIB complaining about this blatant violation of the movie rules and urged MoIB and CBFC to direct the filmmaker to abide by the MoHFW movies rules and recall the advertising.<sup>109</sup> MoHFW had to rely on the MoIB for enforcement because MoHFW does not have mechanism to enforce the regulations. They have not tried to invoke COTPA provisions to prosecute filmmakers for violation of the movie rules. Posters and newspapers come under Press Council of India which is under MoIB.

As a result of the relief from the court, Kareena Kapoor's voiceover was retained for the 20 second anti-tobacco disclaimer (produced and run by the filmmaker) before the film and after the intermission, but there was no static anti-tobacco health warning message during the smoking sequences in the movie. While Bhandarkar won in court on this point, he said he would respect the requirement for the static anti-tobacco health warning message during smoking scenes in his future films.<sup>206</sup>

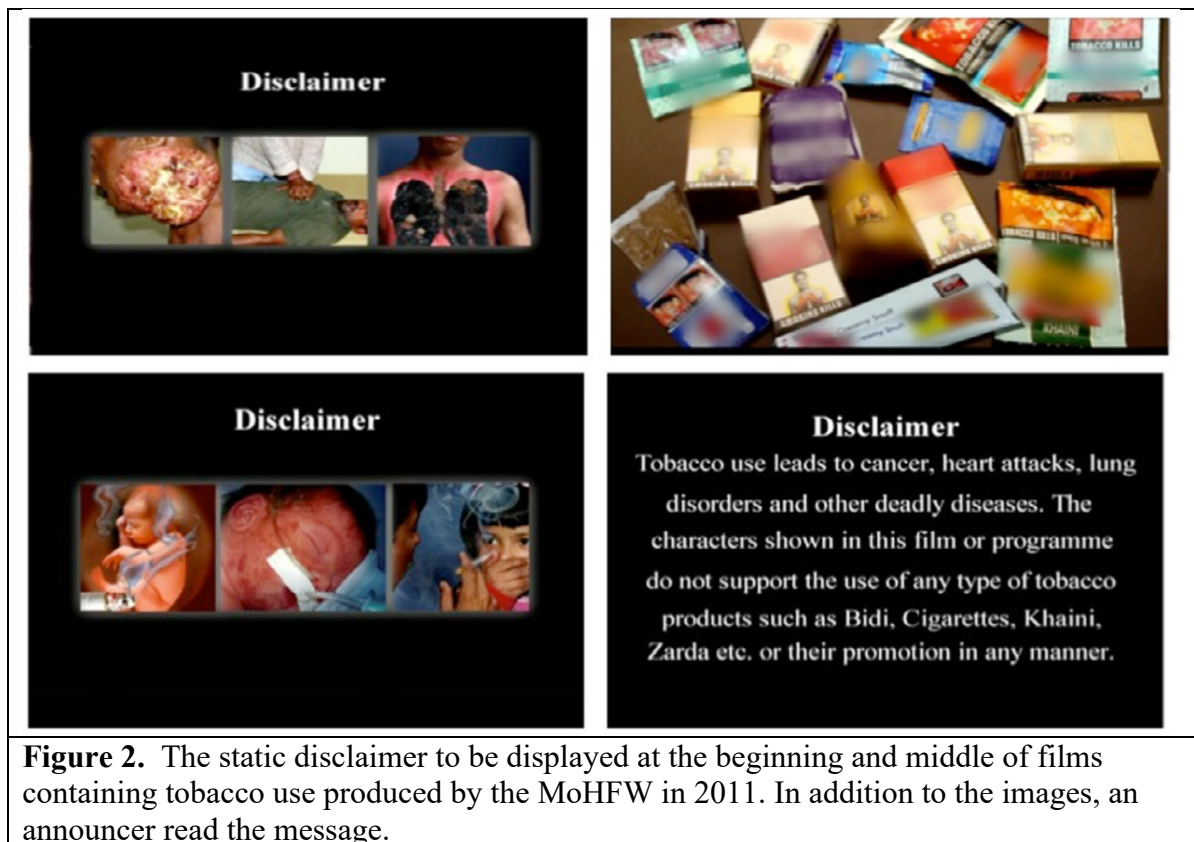
*Agneepath*, released on 25 January 2012, was the first film to comply with the regulations. Its director, Karan Malhotra, commenting on the movie rules in Bollywood to magazine *Screen*, lamented, "I just think that it is sad. That's all I can say. I think there are better ways of preventing people from turning into smokers". Echoing Malhotra, the veteran actor Kabir Bedi told *Screen*, "It was violation of creative rights. It Distracts the viewers and disrupts the story telling."<sup>113</sup>

#### ***Fourth and final amendment to the movie rules***

By the end of September 2012, MoHFW and MoIB reached a consensus that films with smoking scenes would not be considered for a U/A for smoking as stipulated in the November 2011 regulations. They also agreed that MoHFW would produce, pay and provide the disclaimer and the advertisements to CBFC to be given to filmmakers at the time of application for certification.<sup>207</sup> MoHFW issued the new regulations on 21 September 2012 to take effect on 2 October 2012 (Table 2).<sup>110</sup>

Dropping the U/A rating for tobacco use in movies and TV programs also removed the age restriction on timing of broadcasting of the movies and TV programs, exposing more young children to tobacco imagery because movies rated U/A can only be broadcast at times with low youth viewers or after they have been edited/recertified for unrestricted public exhibition.

On 21 September 2012, the MoHFW also released a set of disclaimer and health spots to be used by filmmakers, producers, theater owners and broadcasters in films and TV programs with any tobacco imagery (Figures 2 and 3).



**Figure 2.** The static disclaimer to be displayed at the beginning and middle of films containing tobacco use produced by the MoHFW in 2011. In addition to the images, an announcer read the message.



**Figure 3.** The first two 30 second anti-tobacco advertisements MoHFW produced in 2011 to display at the beginning and intermission of films. *Mukesh* (left)<sup>208</sup> is a testimonial by a 24 year young boy, Mukesh who was going to be operated for oral cancer who died of the oral cancer. *Sponge* (right)<sup>209</sup> demonstrated the immediate damage that occurs to the lungs (represented by sponges) when someone smokes. A pair of hands squeezes the tar from the sponge, revealing the cancer-producing tar that goes into the lungs of a pack-a-day smoker every year. These advertisements were shown after one of the disclaimers shown in Figure 2. These advertisements were produced by MoHFW with technical support from the World Lung Foundation (now Vital Strategies) which were finalized after proper message testing and pilot testing of the spots.

### *Filmmakers continue to resist the static message*

More than seven years after the initial notification in 2005 and several rounds of modifications to the regulations in consultation with the MoIB and filmmakers, the film industry continued to resent the tobacco depiction rules, especially the static health warning messages during tobacco imagery (Figure 4). The Film and Television Producers Guild said it was principally opposed to the rules but wanted to alter how disclaimers were displayed. A group of filmmakers met with MoHFW officials on 17 April 2013 raising these concerns and saying that anti-smoking advertisements should be “pleasant and aesthetic,” without affecting the filmmakers creativity.<sup>120</sup> Kulmeet Makkar, representing the Guild, said requiring “editorial justification for including smoking scenes in films takes away a filmmaker’s right to express reality.”<sup>120</sup> A TV channel representative said that the anti-tobacco advertisements take away the majority of advertising time and people tended to change channels. MoHFW clarified that if a film did not have tobacco imagery there was no need for the filmmakers and broadcasters to include the disclaimer, anti-smoking advertisements or the static health warning. The meeting ended with a consensus to increase interaction between the film industry and MoHFW.

Filmmaker Mahesh Bhatt said, “We look forward to continuing dialogue with MoHFW and the WHO and through the open exchange of ideas, we will reach a common ground.”<sup>210</sup> At the end of 2013 filmmaker Aurag Kashyap refused to add the static health warning message to his movie *Ugly* (2013, DAR Motion Pictures) and the CBFC refused certification as a result.<sup>211</sup> He sued the CBFC in the Bombay High Court challenging the constitutionality of the film rules, seeking relief from the static health warning message rule for tobacco scenes.<sup>136</sup> He said he was willing to comply with other rules requiring him to give a strong editorial justification for any tobacco use and include the anti-tobacco disclaimer and anti-tobacco advertisements, which he

argued was adequate to prevent ill-effects of tobacco use. He contended that the anti-tobacco health warning as a prominent static message at the bottom of the screen during the display of the tobacco would unnecessarily disturb the viewers' attention and prevent enjoyment of the movie as a piece of art.<sup>212, 213</sup> The High Court, following the July 2013 direction of the Supreme Court,<sup>125</sup> refused to grant a stay.<sup>136</sup>



Onir, an independent filmmaker, thought that “the scrolls [which has become static messages] have become a joke as well as a source of irritation” while filmmaker Sudhir Mishra felt that on-screen static health warning messages were a step too far because they interfered with artistic integrity and creative freedom.<sup>121</sup> Because he also objected to the static health warning message, in October 2013 US director Woody Allen decided not to release his movie *Blue Jasmine* (2013, Gravier Productions) in India.<sup>122</sup> Reacting to Allen’s decision, a member of the CBFC board said, “If Indian filmmakers have accepted it, even if reluctantly, the others can’t say that they won’t follow the rules.”<sup>121</sup>

Meanwhile, the Malayalam language *Matinee* (2012) and *Idukki Gold* (2013, Rejaputhra Visual Media) released movie posters and trailers with smoking scenes, which violated the law.<sup>123, 124</sup> The government took no concrete action. However, in response to a 5 December 2013 parliamentary question on guidelines for compliance about smoking depictions in films and tele-serials, Minister MoIB told Parliament that “MoHFW in consultation with MoIB has issued notification No. GSR 708(E) dated 21 September, 2012 containing the guidelines for compliance regarding depiction of smoking scenes in films and that the MoIB is implementing the above notification for all films and tele-serials where smoking scenes are depicted.”<sup>119</sup>

### ***New set of anti-tobacco health spots***

In September 2013, MoHFW, with technical support from the Vital Strategies, released two new anti-tobacco advertisements, *Child* and *Dhuan* (Figure 5) to be displayed at the beginning and middle of the movies featuring tobacco imagery, to replace the earlier anti-tobacco advertisements *Mukesh* and *Sponge* (Figures 2 and 3). The new advertisements, to be used beginning 2 October 2013, were dubbed in 16 Indian languages for pan India coverage.<sup>118</sup> MoHFW also placed a national advertisement on 2 October in leading newspapers (Figure 6) that



**Figure 5.** Two new anti-tobacco advertisements released by the MoHFW on 30 September 2013. *Child* (left)<sup>214</sup> showed a father smoking at home with the daughter starting to cough to illustrate the ill-effects of secondhand smoke. The father puts out his cigarette. *Dhuan* (right)<sup>215</sup> is a message about smoke all around the city and the ban on smoking in public places. The message is to put out your cigarette or it will subject you to a fine.

**TOBACCO USE IS NOT GLAMOUROUS! Tobacco KILLS**

**ON-SCREEN TOBACCO USE INFLUENCES YOUTH**

**TOWARDS A TOBACCO-FREE FUTURE**

*"You must be the change you wish to see in the world"*  
- Mahatma Gandhi

In the interest of public health,  
India is the first country to regulate depiction of tobacco products or their use in films and television programmes

Commemorating ONE YEAR of enforcement of these Rules today

The Government of India would like to thank the Indian film and television fraternity for their support

**All Indian and foreign films and television programmes certified/produced on or after October 2, 2012 must**

- Have a strong editorial justification explaining the necessity of displaying tobacco products or their use
- Have anti-tobacco health spots of minimum 30 seconds and an audio-visual disclaimer of minimum 20 seconds at the beginning and middle of the broadcast
- Have static anti-tobacco health warning prominently at the bottom of the screen during display of tobacco use/products in the film and television programme

**All Indian and foreign films and television programmes certified/produced before October 2, 2012 must**

- Have anti-tobacco health spots of minimum 30 seconds duration each at the beginning and middle of the screening
- Have static anti-tobacco health warning prominently at the bottom of the screen during display of tobacco use/products

**Total ban on tobacco product placement and depiction of tobacco use in promotional materials and posters of films and television programmes**

The Rules are applicable only to films and television programmes that depict tobacco products or their use

For details on the rules please refer to G.S.R. No. 708 (E) dated 21.09.2012

Ministry of Health & Family Welfare, Govt. of India

Issued in public interest

National Tobacco Control Programme

**Figure 6.** National advertisement on the first anniversary of India's tobacco-free film and television rules run by MoHFW on 2 October 2013 in leading national dailies.<sup>17</sup>

marked the one year implementation of India's film rules and thanked the film and television fraternity for supporting the regulations.<sup>17</sup>

### ***Courts direct compliance with CBFC guidelines***

During 2003-2017 five High Courts around the country dealing with various petitions from filmmakers and public spirited citizens and lawyers on specific movie content have highlighted the need for the CBFC to comply with the guidelines under Cinematograph Act to prevent glamorization of tobacco and alcohol when issuing certifications.<sup>126, 127</sup> In 2014, regarding certificates for two movies that were yet to be issued by the CBFC, the Madras High Court reiterated that the CBFC was to ensure that, "Glamorization of drinking and smoking should be avoided especially by the popular heroes in films, as drinking is a social evil spoiling individuals."<sup>128</sup>

### ***Film industry efforts to control production of anti-tobacco messages***

Early in 2014, Malayalam filmmaker Jude Anthony Joseph directed and released *Om Shanti Oshaana* (2014, Ananya Films), a completely smokefree movie, and told the media that, "Onscreen smoking has a definite impact in developing smoking habits and it was my conscious decision to make a film without any smoking scenes."<sup>135</sup> Supporting his stand, filmmaker Sathyan Anthikad told the media that, "it cannot be denied that cinema influences society."<sup>135</sup> However, he added, "Control messages as in the film '*Om shanti Oshaana*', wherein popular lead actor publicly denounce smoking, will strike a better chord than routine statutory warning," suggesting that it was better for individual filmmakers to voluntarily include tobacco control messages, such as in the film *Om Shanti Oshaana*, rather than the prescribed statutory warning under the movie rules.<sup>135</sup>

On the same issue, a group of parliamentarians asked the MoHFW on 5 August 2015, "Whether the Government has received any demand to change the anti-tobacco messages under the movie rules which are shown between screening of the films?"<sup>133</sup> The MoHFW Minister responded that no demand to change the anti-tobacco messages had been received.<sup>133</sup> He also reported that the MoIB had transmitted a request from the Film and Television Producers Guild of India that film producers be given the prerogative to make standardized anti-tobacco disclaimer audio visual advertisement be shown only in the beginning of the film and not in the middle or during the exhibition of a film.<sup>133</sup> The film industry still wanted to weaken anti-tobacco advertisement regulations in films compared to the current statutes, which required showing anti-tobacco disclaimers and advertisements which showed at the beginning and middle of movies, and in static messages during any tobacco scene.

### ***NGOs and health professionals support MoHFW produced warning messages***

In April 2015, in response to the possibility that MoHFW-produced messages and static warnings could be replaced with anti-tobacco advertisements produced by filmmakers featuring film stars, civil society groups responded to MoHFW that Bollywood had been in direct conflict with public health, that the current film rules had been effective in countering tobacco use in films and that the government should not succumb to pressure from the film industry.<sup>216</sup> A cancer surgeon from Tata Memorial Hospital asked the media, "How can these in-film advertisements make an impact when the same actor appears on television and every other mass

media endorsing a paan masala?”<sup>216</sup> The film rules provided more than 100 seconds of valuable air time, for every film and TV program with a tobacco scene, generating tobacco control messaging at no cost to the government while raising public awareness against tobacco use. An eminent oncologist and Chairperson of the Cancer Institute Adyar in Chennai wrote the Prime Minister on 23 April 2015 suggesting that, in the interest of public health, smoking scenes in movies as a whole should be banned. He requested the prime minister direct the MoIB to strictly implement the rules immediately in all movies.<sup>217</sup>

Responding to the film industry’s proposal to make anti-tobacco advertisements themselves,<sup>218</sup> Professor Stanton Glantz, who ran the UCSF Smokefree Movies project, wrote in his blog that the film industry recognized that the policy was there to stay and the film industry is highly motivated to keep smoking in their movies, perhaps to keep tobacco companies happy.<sup>219</sup> As of December 2020, MoHFW was still producing and controlling anti-tobacco advertisements for films.

### ***NGO reports violation of movie rules***

Violations of tobacco depiction rules were raised by a civil society group Tamil Nadu People’s Forum for Tobacco Control (TNPFTC) in a complaint to the state health department about the Tamil movie *Kanchana 2* (2015, Raghavendra Productions) regarding exhibiting posters of the film featuring the film’s hero smoking a cigarette.<sup>134</sup> TNPFTC had reported violations of the movie rules by at least 12 films in the past year, including for *Velaiyilla Pattathari* (2014, Wunderbar Films) in which actor Dhanush was seen smoking.<sup>134</sup> TNPFTC Convener Cyril Alexander during an interview for this study, pointed out that “Tamil films had a long record of violating COTPA rules... and there was no action even after bringing the violations to the notice of the health department of the state.”<sup>134</sup> Cyril shared that they have filed more than 50 or 60 complaints against movie rule violations and told that due to the civil society complaints and their publicity, some of the filmmakers withdrew the posters which violated the regulations and replaced them with posters not featuring cigarettes.

Actor Dhanush was again seen smoking in the film *Maari* (2015, Magic Frames), prompting the former health minister Anbumani Ramadoss to request Dhanush stop on screen smoking for the welfare of the Tamil Nadu’s youngsters. He urged Dhanush to emulate his father-in-law and superstar Rajinikanth who had stopped using tobacco on screen a few years earlier.<sup>137</sup>

### ***A failed attempt to amend COTPA***

In 2014 the new government under Prime Minister Narendra Modi constituted an Inter-Ministerial Committee of Secretaries chaired by the Cabinet Secretary to review and develop a comprehensive policy on tobacco control.<sup>132</sup> The committee submitted its recommendations in September 2015 to increase the minimum age to purchase tobacco from 18 to 21.<sup>220</sup> This and other recommendations were incorporated in proposed draft amendments to COTPA by the MoHFW, including increasing penalties for COTPA violations, redefining “advertisement” to include anything “meant for aural and visual reception” and defining “medium” “promotion” and “sponsorship” more inclusively.<sup>138</sup> The proposed new definitions sought to cover all possible ways of advertising and expressly prohibited advertising tobacco in film and TV.<sup>221</sup> This was

part of MoHFW's efforts to include key provisions for restricting tobacco use in films and TV expressly within COTPA instead of doing it through regulations alone. Responding to a parliamentary question "whether the Government was under pressure from the tobacco lobby and if not, the reasons for deferring the COTPA amendment," MoHFW responded that it was not. MoHFW explained that the legislation was put in the public domain as part of pre-legislative consultation and the comments received were being examined.<sup>132</sup> However, MoHFW withdrew the proposed COTPA Amendment Bill in 2017.<sup>148</sup>

### ***WHO third report on smokefree movies***

In February 2016, WHO released the third edition of its *Smoke-free movies: From evidence to action*<sup>17</sup> report that highlighted India's success. The report stated that by implementing the movie rules requirements mandating "warnings about tobacco harms through public service announcements, disclaimers and a static messages, the Government of India has been able to accrue valuable air time for public health messaging and has been able to raise tobacco control awareness among the masses."<sup>17</sup> Releasing the report, the head of WHO's Tobacco-free Initiative said that governments should require age-classification ratings for films with tobacco imagery to reduce the overall exposure of youth. He suggested that the Indian government take advantage of the progress made and introduce a rating system that awarded an adult content rating (A in India) for movies, TV, and other entertainment products containing tobacco.<sup>222</sup>

### ***Filmmakers argue against static messages and the Shyam Benegal Committee***

Although there were no regulatory changes, the film industry continued raising concerns about the movie rules and approached MoIB to try to eliminate static health warning messages during tobacco scenes. On January 1, 2016, following complaints from filmmakers about movie rules (including those pertaining to tobacco) and other concerns over implementation of the Cinematograph Act and the functioning of the CBFC, MoIB constituted an Expert Committee headed by noted filmmaker Shri Shyam Benegal to recommend guidelines and procedures to guide CBFC film certification. The Shyam Benegal Committee was to study existing certification guidelines, procedures and practices, relevant court orders, and rules notifications issued by Government, including the MoHFW film rules.<sup>142</sup>

Stakeholders including filmmakers and film organizations, CBFC, the National Commission for Protection of Child, civil society and gender experts, legal and health experts and the general public submitted comments to the Committee. HRIDAY submitted evidence supporting the movie rules related to tobacco.<sup>140</sup>

The committee submitted its first report in April 2016 and sought more time to consider depiction of smoking in films, particularly whether films should continue to be required to show an anti-smoking message in every scene that involves smoking as MoHFW required.<sup>145</sup> The Committee met with the MoHFW Secretary on 7 June 2016 and expressed the filmmakers' concerns.<sup>143</sup> In its final report, issued in June 2016,<sup>224</sup> the Committee sided with the filmmakers and recommended repealing the MoHFW movie rules and replacing them with a static visual with an audio message approved by the MoHFW at the beginning of the film to replace the current 100 seconds anti-tobacco messaging and static health warnings. It also recommended



that the film industry be allowed to produce small anti-tobacco films with popular actors on their own for screening in cinema halls and on TV channels after clearance from MoHFW. These recommendations were similar to what filmmakers had been demanding all along.<sup>143, 223</sup>

Anbumani Ramadoss, who had led the development and implementation of the movie rules as a health minister, opposed the recommendations and suspected the tobacco lobby and the film industry influenced the proposal.<sup>141</sup> He told the media that when the new pictorial health warnings on tobacco products increased to 85 per cent, the tobacco lobby was redoubling its efforts to reach audiences through movies.<sup>141</sup> Professor Stanton Glantz issued a blog post criticizing the Committee's recommendations to change a highly visible rule that has been praised around the world with a proposal almost certain to be ineffective, and urged the government to leave well enough alone and maintain its current policies.<sup>224</sup>

In August 2016, HIRDAY reported another violation of the rules to MoHFW and MoIB regarding posters for *Dishoom* (2016, Eros International), which featured actor John Abraham smoking cigarettes.<sup>139</sup>

While the report attracted media attention,<sup>225</sup> the Ministries did not act.

### ***Evaluation of the movie rules***

A report compiled by HRIDAY on tobacco presentation in Bollywood movies during 2006-2017 analyzed contents of 245 top grossing Bollywood movies and revealed that there was a decline in tobacco imagery after implementation of the regulations in 2012. Less than 48% of the movies observed had tobacco imagery in 2015<sup>162</sup> compared to 76% in movies between 1991 and 2002<sup>6</sup> and 89% in 2005.<sup>7</sup>

In 2017, at the National Consultation on Tobacco-free Films Policy held in Mumbai, the MoHFW released a study titled "Evaluation of Tobacco-free Film and Television Policy in India" that was conducted by Vital Strategies with support from the WHO India Office.<sup>157</sup> Key stakeholders from the MoIB, MoHFW, WHO, the film industry, CBFC, Film and Television Producer Guild of India, Indian Film and Television Directors' Association, Regional Film Associations, Film and Television Production Houses, media, State Nodal Officers (National Tobacco Control Program), experts, tobacco victims, researchers and civil society participated in the consultation. The study found that 99% of movies with tobacco imagery implemented at least one element of the film rules but only 27% implemented all three elements. Moviegoers felt that the rules were easy to understand, increased concern about tobacco's health harms and were effective in prompting decisions to quit tobacco use. Nevertheless, the report highlighted that enforcement was inadequate, with no enforcement directed at theater owners. The study also revealed that 22% of TV programs had tobacco imagery of which 71% were broadcast at times of minor viewership (at prime time) and only 4% of them implemented at least two out of the three elements of the movie rules. None of the TV programs implemented all three elements of the movie rules.<sup>231</sup>

Dr. Monika Arora, Senior Executive Director HRIDAY, during the interview for this study, pointed that one of the reasons for lack of compliance in TV is lack of their sensitization

to the regulations. She said, “when these rules are announced, there has to be a sensitization workshop for all the divergent stakeholders. So broadcast[ers] should have been brought in and sensitized about this.”

The study made six recommendations:

- a) Develop clear guidelines with a check list as a reference tool for designated officials at CBFC to refer to while reviewing and certifying films.
- b) Create an online platform that provides the filmmakers pre-approved disclaimers and anti-tobacco advertisements from MoHFW.
- c) Mandate that anti-tobacco disclaimers and advertisements be rotated every 3 months to avoid overexposure.
- d) Strengthen monitoring and enforcement of the Film Rule, in particular, implementation on television.
- e) MoIB should monitor television programs and ensure compliance with the Film Rule.
- f) Send a regular advisory to all the TV channels and Film producers to ensure compliance with all elements of the Film Rules.<sup>157</sup>

Speaking at the consultation, CBFC chairman Pahlaj Nihalani and filmmaker Ashoke Pandit argued that Bollywood and art cannot be wholly blamed for encouraging youth to smoke and said "Stop bashing cinema for smoking... If you think a small caption on screen will change people's mind and their perception, you are living in a fool's paradise."<sup>153</sup> The newly-elected President of the Film and Television Producers Guild, Siddharth Roy Kapur, said that movies were being targeted because the film industry is vulnerable and it was easy to remove tobacco use from the movies. The tougher thing would be to remove it from society. He suggested having all leading actors featured in an “anti-tobacco capsule” (the MoHFW anti-tobacco health advertisements) and advocated for the removal of static health warnings during tobacco depictions in movies, since they irritated audiences, distracted viewers, and hindered the flow of films.<sup>153</sup> Kapur was linked to broadcasting and production houses like STAR TV and UTV (the same production house that fought in the court for release of movie *Heroine* without the static warnings during tobacco imagery), became the managing director of studios at the Walt Disney Company (India) in 2012 when UTV integrated with the company, and became managing director of Disney India in 2014. Since 2017 he has been running his own production house.<sup>226</sup>

### ***Film industry and MoIB’s intentions to create the anti-tobacco health spots***

In March 2017, a little more than a month after the National Consultation on Tobacco-free Films Policy in Mumbai, media reports suggested that MoIB asked the Film and Television Producers Guild of India to allow its filmmakers to direct anti-tobacco advertisements featuring Bollywood celebrities,<sup>151</sup> which would remove control of the anti-tobacco advertisements from MoHFW. Several filmmakers were more than happy to accommodate this suggestion.<sup>151</sup> Filmmakers once again suggested that the anti-tobacco advertisements played before movies were far too gruesome to serve a positive message.<sup>227</sup> It was reported that the MoIB decided to approach art-house directors, including Kiran Rao, Nitesh Tiwari, Avinash Das, Shubhashish Bhutiani, and Neeraj Ghaywan to make anti-tobacco advertisements “in an aesthetic manner”

about the ill-effects of smoking and tobacco chewing. Filmmaker Avinash Das confirmed the news, but said a final decision by MoIB was yet to be made.<sup>228</sup>

### ***Lack of compliance with the regulations raised in Parliament***

While responding to a 7 April 2017 parliamentary question of whether the MoHFW had complied with the recommendations from its 2017 study, Minister of Health Anupriya Patel responded that MoHFW supported the report's recommendations. She also said MoHFW was working closely with MoIB -- the nodal Ministry on this subject -- as well as with Film and Television Industry to implement the rules.<sup>149</sup> On 12 April 2017, citing the evaluation report, an MP asked the MoIB about the high rate of tobacco imagery in television and lenient implementation of the regulation.<sup>155</sup> The MoIB minister responded that the Indian Broadcasting Federation, a self-regulatory body of all non-news and entertainment TV channels in India, had issued an advisory to all broadcasters urging compliance with COTPA and other legal and statutory provisions.<sup>155</sup> Actual enforcement is to be ensured by the CBFC for films and broadcasters for television programs. MoIB as the controlling ministry generally directs them to ensure compliance.

### ***CBFC chief supports adult rating for alcohol imagery in movies***

In July 2017, the chairman of the CBFC told the media that, "Merely putting a ticker warning at some remote corner of the screen whenever there is smoking or drinking shown, is not enough anymore. We feel the superstars who are followed by millions and who set an example in societal behaviour must not be shown drinking or smoking on screen unless the provocation for doing so is really strong."<sup>154</sup> Thus, while supporting eliminating these products, he left the door open to including them. It is not clear if he was supporting or opposing the static warnings and the anti-tobacco health spots produced by the MoHFW. He explained that it was difficult to regulate content due to the current guidelines under the Cinematograph Act which has three levels of certifications U, U/A and A unlike other countries, where they have 5-7 different ratings. Under the current guidelines anything detrimental to young, impressionable viewers must be rated A i.e. only for adults (18 years and above).<sup>154</sup> Therefore, he suggested that "A film where alcohol is essential would have to go with an Adults certificate."<sup>154</sup>

### ***Tobacco imagery in live streaming platforms***

During 2017, while the MoHFW was struggling to maintain compliance with the movies rules in films and TV programs, online media streaming services Netflix, Amazon Prime, Hotstar, Jio, Voot, and Hungama flooded the internet with tobacco imagery.<sup>150</sup> Because internet and telecommunications are regulated by the Telecom Department of the MoIB, MoHFW objected to the Telecom Regulatory Authority of India (TRAI) the blatant violations of the film rules for tobacco depictions and asked TRAI to prevent violation of the regulations by the online streaming companies.<sup>150</sup>

Because the online video streaming platforms are qualified as Over-The-Top (OTT) services (i.e., media content directly delivered to viewers over the internet without any intermediary (broadcast, cable, or satellite television) platforms which traditionally control or distribute media content, and were not yet regulated, MoHFW started examining WHO FCTC

Article 13, which forbids cross-border advertisements of tobacco products.<sup>229</sup> The Director of the Delhi Health Department urged the MoHFW to act to stop promotion of smoking and hookah in the three Amazon Prime series (*Made in Heaven*, *Mirzapur* and *Four More Shots Please*). He also wrote Amazon CEO Jeff Bezos and Zoya Akhtar, Farhan Akhtar and Pritish Nandi (the producers of the three series) demanding they immediately stop depicting tobacco imagery and comply with the film rules.<sup>146</sup>

Responding to a question on 7 February 2019, the MoIB told Parliament that the Internet and Mobile Association of India (IAMAI), a not-for-profit internet and mobile industry lobbying body, was creating voluntary regulatory mechanism applicable to its members. In January 2019 IMAI had informed MoIB, the parent ministry of the Telecom Department, regarding development of a Code of Best Practices for Online Curated Content Providers including its complaint redressal mechanism.<sup>152</sup> Such voluntary self-regulation efforts have never been effective at controlling tobacco promotion.<sup>230-232</sup>

### ***No formal process for considering “editorial justification”***

The CBFC CEO acknowledged the impact of tobacco imagery on tobacco use initiation among adolescents during a panel discussion at the India Tobacco Leadership Program in South Goa's Majorda in August 2018.<sup>159</sup> He said, “Many Indian movies portray tobacco use. Also, use of tobacco has been glamourised in popular perception.”<sup>159</sup> He admitted that a formal process for judging claims of “editorial justification” for tobacco imagery had not yet been developed and was mostly taken verbally from filmmakers during the film examination process. He said there was no law required the editorial justification to be in writing, but that the board was consulting with filmmakers about making it compulsory to submit a written justification.<sup>159</sup> He also sided with industry on the anti-smoking messages, saying that, “Shyam Benegal Committee had suggested that short films could be made to convey anti-smoking message to viewers by the “same actor who is depicted as smoking on screen and the MoIB is studying the suggestions given by the panel.”<sup>159</sup> The Shyam Benegal Committee had recommended repeal of the MoHFW’s movies rules and suggested replacing them with a static audio visual warning at the beginning of the film.

Consistent with this position, the MoIB responded to a parliamentary question regarding implementation of the recommendations of the Shyam Benegal Committee stating that implementation of the recommendations will be done after further consultations. The MoIB minister also told Parliament that he had consulted with his counterparts in the Law and Justice, Finance and Human Resource Development Ministries on 16 March 2017 about repealing or amending the Cinematograph Act and another consultation with Chief Minister of the State of Maharashtra and the representatives of film industries on 6 June 2017 in Mumbai, and no consensus on the committee recommendations could be formed.<sup>160, 161</sup> Significantly, MoIB did not consult the MoHFW, which had issued the regulations in the first place.

Our detailed review of the documents available online from the CBFC’s website as of 24 December 2019 revealed that there was no formal procedure for seeking “editorial justification” of tobacco use from filmmakers. The forms used to apply for film certification require specific details including use of language other than the language of the film, length of the movie, details

of the reel(s) where any language other than English or any Indian language is used, and a declaration from the filmmaker that there was no cruelty against any animal during filmmaking. There is no mention of tobacco on any of these forms. There is none pertaining to tobacco. The existing forms do not require the filmmakers to submit any details of the MoHFW movie rules. The annual reports of the CBFC also do not record any details of compliance with movie rules.

This absence of guidelines for compliance with the editorial justification requirement has resulted in tobacco imagery finding place in Indian movies. Highlighting this trend in Malayalam movies like in *Honey Bee* (2013 SJM Entertainments) Saju Itty from the Kerala Voluntary Health Services, during the interview said, “Smoking scenes are coming in moves unnecessarily and very regularly. It is not a necessary scene and most of the youth actors are smoking.”

### ***Tobacco brand stretching and advertising in film industry***

The tobacco companies continued to sponsor events for the film industry, including the annual Filmfare Awards, the Indian equivalent to the American Academy Awards. The companies did so through their brand extension products, especially of smokeless tobacco products. The Filmfare Awards were sponsored by Manikchand (in 2003, 2004) Pan Bahar (in 2018) and Vimal (in 2019) while Bollywood superstar live concerts such as Da-Bangg Tour Hyderabad was sponsored by BABA (in 2018, 2019).<sup>233</sup> The 64th edition of the Filmfare Awards held in Mumbai on 23 March 2019 were sponsored by Vimal, a smokeless tobacco brand extension product. A senior officer of the Government of National Capital Territory of Delhi complained to MoHFW the Maharashtra Public Health Department and the organizers of the Awards on 19 March 2019 urging MoHFW to stop the advertising, promotion and sponsorships of the tobacco brand extension at the Awards.<sup>163</sup> Nothing happened, and the award show was sponsored by Vimal. Further, filmmakers and actors also participated in tobacco industry sponsored awards like Godfrey Phillips Bravery Awards (GPBA). Veteran actor Kabir Bedi was the host for the GPBA in 2010,<sup>234</sup> while writer director Onir in 2012<sup>235</sup> and actor-director Deepti Naval in 2013<sup>236</sup> were at the GPBA to present the awards.

### ***State health departments and NGOs monitor violations of movies rules***

In 2018 the Karnataka Health Department’s Anti-Tobacco Cell protested tobacco use in movie posters for the Telegu language film *iSmart Shankar* (2019, Puri Connects). The Cell wrote the president of the Karnataka Film Chamber of Commerce about the poster and the penalties for violating the COTPA movie rules. The department told the media that it was also planning to organize further sensitization programs for film producers, distributors and Chamber members to reduce rule violations.<sup>158</sup> In 2017, TNPFTC complained to the Tamil Nadu Health Department that in *Aruvi* (2017, Dream Warrior Pictures) the lead actress, Aditi Balan, smoked a cigarette in the film’s poster displayed all over Chennai.<sup>147</sup> The TNPFTC complained again in 2019 about the poster for *Sarkar* (2018, Sun Pictures) as a violation of the COTPA movie rules because it showed the lead actor Vijay posing with a cigarette in his mouth.<sup>165</sup> According to the state convener of TNPFTC, when confronted, the actor and his team immediately apologized and had the posters removed and replaced with posters without tobacco imagery. But, by then time their movie had already become popular. Cyril Alexander, convener of TNPFTC during the interview for this study, suggested that filmmakers put up such posters with cigarettes to attract

civil society opposition and then retract and replace the posters as part of a marketing strategy for promoting their films.<sup>165</sup>

Dr. Prakash Gupta, Director Healis Sekhsaria Institute for Public Health, Navi Mumbai, during an interview for this study, highlighted continued promotion of smoking in an insidious way in films, giving an example from movie *Bala* (2019, Maddock Films) he said, “There is direct smoking, also, but very clearly, the leading man and leading woman, they are giving each other not real cigarettes but candy cigarettes with the brand name. Because I know that, issue has been there for a long time: that cigarettes are getting promoted. Just candy cigarettes. So in this movie, in childhood they are exchanging candy cigarettes. And even in the final scene, when they are patched up, they are not only exchanging; they are smoking together. These are candy cigs - not really smoking. But it's exact replica of a cigarette with the red dot, and they are putting in the mouth and sucking on that. So this is a way of promoting smoking.”

In response to a parliamentary question, the MoIB minister reported on 28 June 2019 that the anti-tobacco advertisements are mandatory and all films and television programs with tobacco imagery must adhere to the regulations.<sup>164</sup> He also told the Parliament that the government’s television channel Doordarshan runs scrolls on the screen showing the statutory health warning whenever an on screen depiction of tobacco imagery occurs.<sup>164</sup> Being the national public broadcaster, Doordarshan follows a stricter program and advertising code, than under the Cable Television Network Act, that prohibits any kind of advertising that relates to or promotes tobacco products.<sup>237</sup>

## DISCUSSION

Ever since 1991, regulatory guidelines under the Cinematograph Act nominally discouraged promotion of tobacco products or its use in movies, and required the CBFC to ensure that “scenes tending to encourage, justify or glamorize consumption of tobacco or smoking are not shown” before issuing certification.<sup>9</sup> The Cable Television Network (Regulation) Amendment Act 2000 added provisions to prevent direct or indirect promotion of production, as well as sale or consumption of tobacco products on television.<sup>10</sup> However, because the MoIB was charged with enforcing these laws, neither the ministry nor the film industry bothered to compliancy with these laws.

The real journey toward tobacco-free movies in India began with the enactment of COTPA in 2003. The WHO released a comprehensive report on depiction of tobacco use in Bollywood at the same time,<sup>6</sup> generating public and civil society outrage against tobacco imagery in movies and parliamentary questions on what the government was doing to curb tobacco promotion in movies. The MoHFW and CPAA further used the 2003 WNTD theme “Tobacco-free film, tobacco-free fashion” to recruit Bollywood stars like Urmila Matondkar, Vivek Oberoi and Shashi Kapoor to do anti-tobacco advertisements and engaged them in a dialogue about removing tobacco imagery from movies. This positive support from film stars later helped the government to move forward with the movie rules in India.

With the WHO report on Bollywood<sup>6</sup> in 2003, MoHFW’s Report on Tobacco Control in India<sup>24</sup> in 2004 and the report on Tobacco in Movies and Impact on Youth<sup>7</sup> in 2005 by the

Burning Brain Society, coupled with support from civil society, some actors, filmmakers and youth motivated the Health Minister Dr. Anbumani Ramadoss to modify movie rules on 30 May 2005 to impose a complete ban on depiction of tobacco imagery in movies and television in India.

The MoHFW did so without first consulting the MoIB, the nodal ministry on the subject, which created bureaucratic problems that compounded strong resistance from legal challenges in the Delhi High Court led by filmmaker Mahesh Bhatt.

However, the WHO continued following the issue and supported a series of global reports, including research highlighting the developments in India, on smokefree movies in 2009,<sup>16</sup> 2011<sup>5</sup> and 2015<sup>17</sup> which further helped garner media, policy maker and civil society support to sustain the momentum for implementation of the Indian movie rules.

Despite strong resistance from the film industry, MoHFW was able to implement regulations affecting tobacco product displays and use in movies and television. In a world first, since 2 October 2012, all Indian movies with tobacco imagery were required to display 100 seconds of MoHFW produced anti-tobacco disclaimers and advertisements before and at the intermission of films along with an anti-tobacco static health warning that on screen during all tobacco presentation. From the number of movies released and the rate of compliance with the COTPA regulations,<sup>157, 162, 238</sup> we estimate that, MoHFW was able to disseminate its anti-tobacco advertisement for about 23 hours in 2015..

### **Presence of tobacco industry**

The tobacco industry understood the value of tobacco imagery in films and continued its association with the film industry in order to keep their products visible to the public. Under COTPA's direct and indirect conventional advertising ban on tobacco products that took effect 25 February 2004, the tobacco industry appeared to move the marketing of its products to movies.<sup>16</sup> There was a surge in tobacco imagery in movies which increased from 76% in movies released from 1991-2002 to 89% in 2005. During 1991-2002, 16% of movies with tobacco imagery had brand placements and 62 tobacco brand exposures were recorded with the highest brand exposure being ITC's brand Wills.<sup>6</sup> Tobacco brand placement increased three-fold to 46% in 2005, after implementation of advertising ban under COTPA and over 90% of all the brand appearances were of Philip Morris (Marlboro) and ITC (Wills and Gold Flake). Tobacco brands appeared in Hindi and regional language movies in 2015 and 2016 as well.<sup>166</sup>

In addition to product and brand placement in movies, the tobacco industry also sponsored events and publications closely related to the film industry, including sponsoring Filmfare and other Bollywood and regional cinema awards, as well as Bollywood and regional cinema magazines and live concerts by Bollywood stars.<sup>174, 233</sup> Tobacco industry sponsored awards like the Godfrey Phillips Bravery Awards continue to feature filmmakers and actors as hosts and guests.<sup>234-236</sup>

Although the tobacco industry continued to benefit from depiction of tobacco use in movies, it kept a low public profile in the public debate on the development and implementation of India's film rules. The arguments the film industry used against the rules were similar to the

tobacco industry's response to any effective tobacco control effort globally or in India,<sup>24, 239-242</sup> namely that the proposed regulations would not work, that the regulations violate fundamental rights, and that the film industry is not responsible for tobacco use among adolescents, youth or adults. Moreover, most of the stakeholders interviewed for this study indicated that the tobacco industry was contributing to the depiction of tobacco imagery in the Indian movies and presented challenges in implementation of the film rules, including mocking the anti-tobacco advertisements and spreading rumors, by allying with the film industry as their front.

### ***Blocking age-rating films and TV with tobacco***

No matter how much filmmakers and actors believed that cinema is not the only source encouraging youth smoking, it remains a leading factor for tobacco use initiation among youth in India.<sup>51</sup> The film industry's opposition to the proposed Adult (A) ratings for films with tobacco presentation and challenges to use the milder parental guidance restriction U/A certification points to the marketing strategy, right out of the tobacco industry play book, that minors remain the key target of tobacco presentation in movies. The film industry with support from MoIB denounced age-based restrictions in film ratings or TV broadcast based solely on tobacco use in the final movie rules. As a result, as of December 2020 youth-rated movies in India continued to have tobacco presentation.<sup>51</sup> The initial regulations under COTPA movie rules in 2006 and 2011 required A and U/A certification respectively and representatives were to be represented in the CBFC for screening movies with tobacco imagery. While all tobacco imagery laden films and TV programs were not to be broadcast at a time with high viewership below 18 years old, the amended 2012 rules dropped these conditions, leaving millions of young movie goers and those watching TV at home constantly exposed to tobacco presentations.

### ***The fight within the government***

It took seven and a half years to get the COTPA movies rules implemented. One of the important reasons behind the delay, deferral and dilution of the movies rules was the clash between MoHFW and MoIB. The MoHFW did not consult the MoIB or the CBFC (which is within the MoIB) before notifying the very first regulations in 2005, which imposed a complete ban on tobacco presentation in movies. This failure to consult fed a hostile response from the MoIB, which not only sided with filmmakers in their legal challenge to the regulations, but also worked to delay enforcement and dilution of the regulations.

Even after agreeing to the final movie rules codified in 2012, both statutory and self-regulatory agencies under MoIB dragged their feet in enforcing the regulations. While CBFC made specific efforts to implement provisions under the Cinematograph Act and the Prevention of Cruelty to Animal Act<sup>243</sup> and prescribed specific forms and procedures for compliance with the statutory requirements under the two laws,<sup>19</sup> it did not take analogous steps to implement the movie rules under COTPA. As of January 2020, the Board still did not have specific procedures for filmmakers to submit the required "editorial justification" for including tobacco imagery, and we could not locate any formal records from the Board making any decisions on this matter.

### ***Key influences for and against the regulations***

The WHO reports and civil society advocacy supported Health Minister Anbumani Ramadoss' efforts to get the film rules implemented. He not only introduced the initial rules in



2005 but also actively followed up with Bollywood and negotiated with the MoIB for support and implementation of the regulations. He called upon big stars in the Bollywood and regional Indian cinema to stop using tobacco both on and off the screen. Several civil society organizations (NOTE Goa, HRIDAY, CPAA) and actors (Vivek Oberoi, Shaan, Urmila Matondkar, Sashi Kapoor, Rajnikanth) responded to his call and supported the movie rules. Civil society also monitored implementation, filing complaints and reporting violations of the regulations in several states.

Some of the actors and filmmakers e.g. Salman Khan, John Abraham, Vivek Oberoi, Anurag Kashyap, Karan Malhotra and Pahlaj Nihalani played for both sides. They were happy to have the public interest publicity by denouncing the habit of tobacco use or making public statements while also continued to depict or use tobacco on or off screen. Such behavior of the celebrities questions their commitment to the tobacco-free movie campaign.

Parliamentarians played a positive role by constantly raising the issue and seeking clarifications from both MoHFW and MoIB with regard to the progress made in implementing the film regulations MoHFW issued under COTPA. Among the 298 questions about regulation of contents in movies and TV, 142 (48%) raised concern against display of tobacco imagery in movies or called for regulation of film and TV content, compared only 43 (14%) that were negative, with the remaining 113 (38%) neutral. Responses to parliamentary questions also revealed the turf battles between the two ministries and the efforts undertaken by the Prime Minister's Office and the Committee of Secretaries to bring the two departments to consensus.

The rigid stand by filmmakers and MoIB to get rid of adult (A or even U/A) ratings and scrolling warnings during the presentation of tobacco in the films prevented the rules from being implemented even after the Supreme Court cleared the regulations in April 2009. Even after amendment of the regulations incorporating the agreed compromise terms in 2012, filmmakers like Madhur Bhandarkar and Anurag Kashyap resorted to litigation in courts to avoid compliance with the regulations. Another attempt to derail the regulations was made by the MoIB-created Shyam Benegal Committee that recommended repealing and replacing the movie rules with a static message featuring a voice over about the ill effects of tobacco use only at the beginning of a film.

The MoHFW with support from NGOs, actors and the Supreme Court prevailed over all such challenges to the movie rules. The rules took effect on 2 October 2012 and were still active as of December 2020.

### ***The real bone of contention***

The first notification of movie rules in 2005 completely prohibited display of tobacco products or use in films and TV. To avoid a complete ban, MoIB proposed removing all tobacco content except where necessary from an artistic point of view (a huge loophole) with an adult (A) rating, self-produced disclaimers and continuous warning scroll. However, the film industry retrenched after the Delhi High Court declared the regulations unconstitutional and started opposing the scrolling warnings and rating films based solely on tobacco imagery. They also wanted the MoHFW to produce and pay for — and so control — the anti-tobacco

advertisements and provide it to CBFC to be given to filmmakers at the time of application for certification.<sup>207</sup> The MoHFW conceded ratings and agreed that the scroll health warning would become static messages. Initially, the filmmakers agree to display anti-tobacco disclaimers and advertisements produced by MoHFW in all films with tobacco presentation, but then changed course and started lobbying MoIB to get back to having the filmmakers produce and control the disclaimers and advertisements.

Even after the defeat on these issues, the film industry was still objecting to the static message during an on-screen tobacco presentation as of January 2020, claiming there was no link between smoking and cancer.<sup>244</sup>

### ***A different type of tobacco control success story***

Like any other effective and evidence-based tobacco control initiative, development and implementation of movie rules in India faced multiple challenges before they were finally enforced. Although the MoIB and the film industry continued to challenge the regulations at every stage, direct tobacco industry involvement has not been documented. Further, some common tobacco industry arguments like loss of livelihood, farmer distress and rise in illicit trade which are typically made against other tobacco control measures were not heard. This could be due to the fact that the stakeholders most affected by the movie rules, the film industry, were under the MoIB and the arguments therefore were limited to freedom of speech and expression, an argument made by Hollywood against preventing regulation of tobacco display in film and TV.<sup>21</sup> Freedom of speech arguments are also commonly made against restrictions on tobacco advertising.<sup>195</sup>

Another reason could be that filmmakers and actors remained divided on the need to implement the regulations. Those in favour supported the MoHFW's efforts while those opposing used arguments employed by Hollywood, including calling for self-regulation.<sup>2, 4, 21, 230-232</sup> In 2018, similar arguments have also been made in the United Kingdom,<sup>245</sup> the European Union<sup>246</sup> and Germany<sup>247</sup> in response to regulation of tobacco presentation in movies. The success story of movie rules in India is also unique because of the support extended by the Supreme Court of India in implementation of the COTPA provisions and its rules. This decision prevented any possibility of adverse orders in subsequent challenges to the movies rules.

### ***Key lessons for India and other countries***

Effective enforcement, especially for TV programs and exemptions for the mobile and internet based streaming platforms remains a challenge for MoHFW. MoHFW, civil society and policy makers need to be cautious of attempts by the film industry to use self-produced disclaimers. MoHFW to sensitize and train staff and board members of CBFC in all regions on the significance of the tobacco regulations to ensure better compliance. Although the anti-tobacco disclaimers, advertisements and static health warnings are translated in all regional languages of the country, it would be more appropriate if multiple region-specific disclaimers, advertisements and static messages were produced with local characters and testimonials by MoHFW and supplied through CBFC to filmmakers on a rotational basis. Dr. Mira Aghi, Board Member of The Union during the interview for this study suggested that we have overused certain messages as health warnings like the "Mukesh" (Figure 3). Reiterating this Ms Vaishakhi

Mallik, Vaishakhi Mallik, Associate Director – South Asia Policy, Advocacy and Communication, Vital Strategies said that “sometimes these ads are implemented for one year, which is an overexposure to the audience. You know, the timing for the rotation should be made at least three months to six months.”

Effective implementation of the regulations prevents films and TV programs from becoming tobacco advertising vehicles not only in India, but worldwide impact due to the global distribution of Indian films.<sup>248</sup> Countries attempting to implement such regulation could learn from the Indian experience and preempt the tobacco and film industry response to comprehensive and effective measures, thereby insulating themselves from long drawn-out policy battles.

Understanding this process will inform Parties to the WHO FCTC in implementing Article 13, which calls for a comprehensive ban on advertising and promotion.<sup>249</sup> The implementing guidelines adopted in 2008 recommend a comprehensive ban that covers:

...traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.... Parties should take particular measures concerning the depiction of tobacco in entertainment media products, including requiring certification that no benefits have been received for any tobacco depictions, prohibiting the use of identifiable tobacco brands or imagery, requiring anti-tobacco advertisements and implementing a ratings or classification system that takes tobacco depictions into account.<sup>77</sup>

Talking about the regulations during the interview for this study, Dr Prakash Gupta, Director Healis Sekhsaria Institute for Public Health said, “I think, [the rules are] a great tribute to, I would say first to our, Ministry of Health and Family Welfare. And then to all the tobacco-control, activists in India who fully supported this. And ultimately, the [Health] Ministry was able to negotiate, I think, very, very effective rule. Beacon for tobacco control in movies for the entire world. I think the most advanced kind of regulations.”

### ***Effect of the rules***

In a world first, movie rules required all films with tobacco imagery to a) provide a strong editorial justification to the film certification board; b) display a total of 100 seconds of anti-tobacco messages (before the film and at the intermission) produced by the MoH and c) show an anti-tobacco static health warning at the bottom of screen during display of a tobacco product or its use. This was followed by a substantial drop in tobacco presentation in films and increase in exposure to anti-tobacco messages. Compared to 89% of movies having tobacco presentation without any restrictions in 2005, in 2015 less than 48% of movies had tobacco imagery.<sup>162</sup> Out of the smoking movies 27% fully complied with all the three components of the rules, while 99% complied with at least one.<sup>157</sup> The cumulative exposure of 100 seconds of anti-tobacco advertising is roughly estimated to be about 23 hours of anti-tobacco advertising in 2015. In addition, movie goers who recalled any component of the rules agreed that the rules were easy to understand and made them stop and think and increased their concern about tobacco’s health harms and made one third of tobacco using viewers more likely to quit.<sup>157</sup>

## ***Limitations***

The study only presents available information from the public domain and input from key stakeholders. Some of the details might not be recorded in public documents and several key stakeholders had a difficult time remembering all of the events covered in this study. It is difficult to attribute specific intent behind several public statements by key stakeholders, especially by MPs within the parliamentary questions. The CEO of CBFC did not respond to our request for an interview, so we could not include the Board's first-hand perspective. Although the study captures public statements and media impressions of the filmmakers and actors about the various aspects of the movie rules, it would have been helpful to have in-person interviews with them to record their perceptions about the movie regulations.

## **CONCLUSION**

India implemented a comprehensive set of regulations to restrict tobacco imagery in films and on broadcast TV. However, opposition from filmmakers and MoIB led to several modifications, over seven years, before rules were finally implemented in 2012. The WHO, civil society, filmmakers, actor, parliamentarians, and courts played crucial roles, along with the MoHFW, in implementing the movies rules in India. Since the implementation of the regulations, there has been a substantial drop in tobacco imagery in films and an increase in public exposure to anti-tobacco messages.

Although MoHFW issued these regulations, in all practical terms responsibility for their implementation lies with the agencies under MoIB. MoIB, as the nodal ministry for the film and television industries, has struggled to obtain strict compliance with the rules. The fact that the Central Board of Film Certification has not actually implemented the "editorial justification" requirement is a substantial problem in the implementation. The MoHFW and tobacco control advocacy community need to press the CBFC to develop a procedure to implement this part of the law. There also need to be detailed guidelines issued for TV broadcasters, CBFC, its regional boards, and filmmakers to increase observance of the movie regulations.

The COTPA and the Health Ministry's tobacco-free film and TV regulations provide for sanctions against violators, but in the first seven years the regulations have been in force no sanctions have been levied. For any violations, theater owners, filmmakers, broadcasters, and private channels should be held liable for sanctions under COTPA Sections 22 (including fine and imprisonment) and 23 (forfeiture of advertising material) because imagery promoting tobacco use amounts to a violation of the tobacco advertising ban under COTPA Section 5. The public broadcaster, Doordarshan, should implement a zero-tolerance policy for tobacco imagery on all of its TV channels and online platforms. COTPA requires prosecution for violation of Section 5, while MoHFW's tobacco-free media rules require the suspension or cancellation of license of cinema hall/theater/broadcaster. If the enforcers of the law had prosecuted or suspended/cancelled license as prescribed, compliance would have been much better.

The Government should consider amending the rules under the Cinematograph Act to expressly make compliance with COTPA regulations part of the CBFC's mandate. The CBFC should require all filmmakers to detail the tobacco imagery present in a film submitted for CBFC

certification. Such an amendment should also include the long-recommended<sup>5, 6, 16, 17</sup> best practice of requiring a legally binding declaration from every filmmaker that he or she has not received any direct or indirect financial or non-financial support or sponsorship from the tobacco industry related to a movie or TV program. Similarly, the Cable Television Network Regulations should be amended to expressly provide for compliance with MoHFW's tobacco-free media rules under COTPA, removing the delusion of self-regulation and ensure greater compliance by the TV sector.

The campaign to enact and enforce tobacco-free movies and TV programs experience in India represents a comprehensive approach to curbing tobacco imagery in films and television. The lessons learned can be used by the WHO FCTC Working Group, constituted at the Eighth Session of the WHO FCTC Conference of Parties (COP8) held in Geneva in 2018, to develop specific guidelines to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in the entertainment media under Article 13 of WHO FCTC. The guidelines should include adult content ratings for films with tobacco imagery; require filmmakers and broadcasters to attest that their productions are free of tobacco industry influence; and future-proof national and international efforts to stop tobacco promotion in entertainment by covering rapidly-evolving forms of digital distribution technology, both terrestrial and satellite-served, including subscription and ad-based video-on-demand services and next-generation mobile media.

## ACRONYMS

A	CBFC Adult rating (Not suitable for person below the age of 18 years)
ASEAN	Association of Southeast Asian Nations
BBS	Burning Brain Society (A Chandigarh based NGO working on the issues of civil rights and public health.
CBFC	Central Board of Film Certification, an agency within MoIB
CEO	Chief Executive Officer
COP	WHO FCTC Conference of Parties
COPTA	Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003
CPAA	Cancer Patients Aid Association (A Mumbai-based NGO working with cancer patients with a focus on ‘Total Management of Cancer’)
FCTC	WHO Framework Convention on Tobacco Control
GPBA	Godfrey Phillips Bravery Awards
GSR	General Statutory Rules
HRIDAY	Health Related Information Dissemination Amongst Youth (A New Delhi-based NGO that promotes health particularly among and through youth with focused actions for community development and achievement of Sustainable Development Goals)
IAMAI	Internet and Mobile Association of India
INR	Indian Rupee
KVHS	Kerala Voluntary Health Services (A Kottayam-based NGO dedicated to addressing issues in health and development)
MoHFW	Ministry of Health and Family Welfare
MoIB	Ministry of Information and Broadcast
MP	Member of Parliament
NGO	Non-Government Organization
NOTE	National Organization for Tobacco Eradication (Indian federation of 20 non-governmental organizations that was founded in 1992)
OTT	Over-The-Top, a streaming media service offered directly to viewers via the Internet
PHFI	Public Health Foundation of India (A public private initiative to redress the limited institutional capacity in India for strengthening training, research and policy development in the area of Public Health.)
PMI	Phillip Morris International
SBF	Salaam Bombay Foundation (A Mumbai-based NGO focused on keeping adolescents in school by empowering them to make the right choices about their health, education and livelihood so they can thrive with a bright future.)
TNPFTC	Tamil Nadu People’s Forum for Tobacco Control (A network of individuals, professional associations, like minded organizations and institutions who are actively working towards tobacco control in the state of Tamil Nadu.)
TRAI	Telecom Regulatory Authority of India
TV	Television
U/A	Universal/Adult rating (parental guidance for children less than 12 year’s age)
UCSF	University of California San Francisco
US	United States
VHAI	Voluntary Health Association of India (A New Delhi-based national NGO that advocates people-centered policies for dynamic health planning and program management in India. We initiate and support innovative health and development programs at the grassroots with the active participation of the people.)
WHO	World Health Organization
WNTD	WHO World No Tobacco Day

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## **APPENDICES**

Appendix 1: Articles reviewed from PubMed Search

Appendix 2. Laws and Regulations on Film and TV

Appendix 3. Indian Parliamentary Questions

Appendix 4. Results from the [www.smokefreemovies.ucsf.edu](http://www.smokefreemovies.ucsf.edu) database for India-specific information

Appendix 5. Film industry trade and tobacco industry trade publications

Appendix 6: Litigation on depiction of tobacco use in movies, films and television

Appendix 7. Names of Ministers who replied in Parliament and number of search results yielded for their names in the Truth Tobacco Documents (in parenthesis)

## Appendix 1. Articles reviewed from PubMed Search

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Legislation/Year	Guidelines for CBFC-1991	CTNA Rules - 2000	Movie Rules under COTPA - 2005		Movie Rules under COTPA - 2005				MoB and MoHFW compromise - 2006	Movie Rules under COTPA - 2006					CTNA Rules, 2006	CTNA Rules, 2008	CTNA Rules, 2009.	Movie Rules under COTPA - 2011		MoB circular for status quo - 2012	Movie Rules under COTPA - 2012			
Date of Notification	6-Dec-91	8-Sep-00	31-May-05		30-Nov-05				May-06	20-Oct-06					9-Aug-06	25-Feb-08	27-Feb-09	27-Oct-11	2-Aug-12	21-Sep-12				
Date of enforcement	16-Dec-91	8-Sep-00	1-Aug-05		1-Jan-06					Up to Central Government					9-Aug-06	25-Feb-08	27-Feb-09	14-Nov-11	2-Aug-12	2-Oct-12				
Primary purpose	Guiding principle 2(v-a): Scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown.	Addition of Rule 7(2)(viii)(A) - No advertisement which promotes directly or indirectly production, sale or consumption of cigarettes or tobacco products.	Rule-6 and 7 introduce the movies rules		Amendment of the Rules				Constitution of Committee to screen film and TV programmes to filter out tobacco.	Amendment of the Rules								Amendment of the Rules		Interim direction on compliance with COTPA rules by CBFC	Amendment of the Rules			
Ban on tobacco imagery in film and TV																								
Exemption			Old film	Old TV programme	Film: Old Indian, all foreign and real historical figure or era	TV: Old Indian, All foreign, and real historical figure or era	Film and TV programmes reflecting dangers of tobacco use	Live Coverage where display of tobacco use is incidental and unintentional	Tobacco scene necessary from artistic point of view then allow with restrictions	Old Indian and foreign films	Old Indian and foreign TV programmes	Film and TV programmes reflecting dangers of tobacco use	Live Coverage where display of tobacco use is incidental and unintentional	New Indian Film and TV programmes				Old film and TV programmes	New film and TV programmes	Old film	Old TV and old films on TV programmes	New film and TV programmes		
Editorial Justification			Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required				Not required	Explain necessity of tobacco scene to CBFC for film and MoLB for TV programme	Not required	Not required	Explain necessity of tobacco scene to CBFC		
Rating			Not required	Not required	Not required	Not required	Not required	Not required	Only for adult (A)	Not required	Not required	Not required	Not required	Only for adult (A)				Not required	U/A (PG12) for film and necessary approval from MoLB for TV Programmes	Not required	Not required	No certification by CBFC unless film complies with the regulations		
No brand or product placement or close ups			Shall be edited and removed before display				Shall be edited and removed before display											Shall be edited and removed before display		Shall be edited and removed before display				
Anti-tobacco Disclaimer			Not required	Not required	Not required	Not required	Not required	Not required	Ill effects of tobacco use by actor	Not required	Not required	Not required	Not required	Ill effects of tobacco use by actor				Not required	Ill effects of tobacco use by actor	Ill effects of tobacco use by actor	Ill effects of tobacco use by actor	Not required	Not required	Audio-visual disclaimer on ill effects of tobacco use
Content																								
Duration														Not specified				Not required	Minimum 20 seconds	20 seconds	Not required	Not required	Minimum 20 seconds	
Timing														Beginning, middle and end				Not required	Beginning and middle	Beginning and middle	Not required	Not required	Beginning and middle of film or TV programme	
Responsibility of production and display														Filmmaker and broadcaster				Not required	Filmmaker and broadcaster	Filmmaker and broadcaster	Not required	Not required	MoHFW	
Anti-tobacco health spots (advertisement)																								
Minimum duration					30 seconds	30 seconds	Not required	Not required	30 seconds	30 seconds	Not required	Not required	Not required	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	30 seconds	
Time of display					Beginning, middle and end of the film	30 seconds for first 30 minutes. Additional 30 seconds for each incremental 30 minutes	Not required	Not required	Beginning, middle and end of the film	30 seconds for first 30 minutes. Additional 30 seconds for each incremental 30 minutes	Not required	Not required	Not required	Beginning, middle and end of the film	30 seconds for first 30 minutes. Additional 30 seconds for each incremental 30 minutes	Not required	Not required	Beginning and middle of film or TV programme	Beginning and middle of film or TV programme	Beginning and middle of film or TV programme	Beginning and middle of film or TV programme	Beginning and middle of film or TV programme		
Minimum duration of each spot for TV						15 seconds								15 seconds										
Language																		Same language or as of dubbing or sub-title		Not specified	Same language or as of dubbing or sub-title	Same language or as of dubbing or sub-title		
Responsibility of production and display					Filmmaker to include in master print. For old films owner/manager of cinema hall or theatre	Broadcaster	Not required	Not required	Filmmaker to include in master print. For old films owner/manager of cinema hall or theatre	Broadcaster	Not required	Not required	Not required				Owner/manager of cinema hall or theatre for films and broadcasters for TV	Filmmaker and broadcaster				MoHFW to provide to CBFC		
Approved by									MoHFW					MoHFW				MoHFW	MoHFW	MoHFW	MoHFW	MoHFW		
Health Warning																								
Type			Scroll	Scroll	Not required	Scroll	Not required	Not required	Not required	Scroll	Not required	Not required	Not required	Scroll				Scroll	Scroll	Static	Not required	Static	Static	
Placement			Bottom of the screen	Bottom of the screen	Not required	Bottom of the screen	Not required	Not required	Not required	Bottom of the screen	Not required	Not required	Not required	On the screen				Bottom of the screen	Bottom of the screen	Not required	Bottom of the screen	Bottom of the screen		
Timing					Not required	During the period of such display			One minute before and till one minute after the tobacco scene	Not required	During the period of such display			One minute before and till one minute after the tobacco scene				During the period of such display	During the period of such display	During the period of such display	Not required	During the period of such display		
Text					"Smoking causes cancer" or "smoking kills" for smoking form and "tobacco causes cancer" or "tobacco kills" for smokeless form	Not required	Same text	Not required	Not required	Not required	Same text	Not required	Not required	Not specified				Same text		Not required	Same text			
Colour					Black font on white background legible and readable	Not required	Same as first notified	Not required	Not required	Not required	Same as first notified	Not required	Not required	Not specified				Same as first notified		Not required	Not specified	Same as first notified		
Language					Same language as used in film or the TV programme	Not required	Same language or as of dubbing or sub-title	Not required	Not required	Not required	Same language or as of dubbing or sub-title	Not required	Not required	Not specified				Same language or as of dubbing or sub-title		Not required	Same language or as of dubbing or sub-title			
Other requirements																								
Timing of telecast			Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	When least viewership <18 years				When least viewership <18 years		Not specified	Not specified	Not specified		
Print outdoor and electronic media					Crop or mask brand names and logos of tobacco products to ensure that they are not visible	Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries			Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries								Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries			Crop or mask brand names and logos of tobacco products except in case of live or deferred live telecast of event held in other countries				
Promotional Material and posters																		No depiction of tobacco products or their use			No depiction of tobacco products or their use			
Violation																						License of cinema hall or theatre or broadcaster may be cancelled or suspended		
Number	S.O. 836-(E)	G.S.R. 710(E)	G.S.R. 345(E)		G.S.R. 698(E)					G.S.R. 656(E)					G.S.R. 469 (E).	G.S.R. 104 (E).	G.S.R. 138(E).	G.S.R. 786(E).			G.S.R. 708(E).			
Issued By	S. Lakshmi Narayanan, Jt Secy	R C Mishra, Jt Secy.	Bhavani Thayagarajan, Jt Secy.		Bhavani Thayagarajan, Jt Secy.					Bhavani Thayagarajan, Jt Secy.					N. Bajendra Kumar, Jt. Secy.	Zohra Chatterji, Jt. Secy.	Zohra Chatterji, Jt. Secy.	Keshav Desiraju, Addl, Secy		Director Films	Shakuntala D Ganlin, Jt. Secy			

Appendix 3. Indian Parliamentary Questions

Q.NO.	Q.Type	Date	Ministry	Member who asked the question	Subject matter of the question	Minister who replied	Gist of the Question	Gist of the Answer	For or Against or Neutral	Remarks
3839	UNSTARRED	1/3/2019	INFORMATION AND BROADCASTING	Tharoor Dr. Shashi	Powers of Central Board of Film Certification	COL. RAJYAVARDHAN RATHORE (Retd.)	whether the Union Government has accepted the recommendations of the Committee of Experts chaired by Shri Shyam Benegal, which submitted its report on 26th April, 2016 and if so, the details thereof;	It was felt that implementation of the recommendations, especially those requiring important amendments in the Act/Rules, be done after further consultations. Consultation held between minister of I&B, L&J, Finance and HRD on 16.03.2017 to deliberate on the issue of repeal/amendment of the Cinematograph Act. another consultation held by minister I&B with Chief Minister of Maharashtra and the representatives of Film Industries on 06.06.2017 at Mumbai. no consensus on the recommendations of the committee arrived at.	A	Minister HFW missing from consultation while film rule mandate MoHFW rep in CBFC.
4372	UNSTARRED	3/22/2018	INFORMATION AND BROADCASTING	Chinnaraj Shri Gopalakrishnan,P. Shri Nagarajan	Mandatory Certificates for Showing Advertisements	COL. RAJYAVARDHAN RATHORE (Retd.)	whether it is mandatory for obtaining certificates from Central Board of Film Certification (CBFC) for showing advertisements in theatres;	Yes, it is mandatory for obtaining certificates from the Central Board of Film Certification (CBFC) for showing advertisements in theatres. As per Section 4 of the Cinematograph Act 1952, any person desiring to exhibit any film for public exhibition should get his/her film certified by CBFC.	A	
3839	UNSTARRED	8/9/2017	INFORMATION AND BROADCASTING	Hari Shri G.	Shyam Benegal Committee	COL. RAJYAVARDHAN RATHORE (Retd.)	whether the Government is considering to accept the recommendations of Shyam Benegal Committee	The recommendations of Shyam Benegal Committee are under consideration of this Ministry.	A	
2630	UNSTARRED PDF/WORDDPF/WORD(Hindi)	3/17/2017	HEALTH AND FAMILY WELFARE	Misra Shri Pinaki,Patil Shri Kapil Moreswar,Patel Shri Natubhai Gomanbhai,Sarmah Shri Ram Prasad	Banning of Tobacco Products	SMT. ANUPRIYA PATEL	whether the Government proposes to impose complete ban on production and marketing of tobacco products in the country and if so, the details thereof;	No. Various measures taken including: Government of India has notified rules to regulate films and TV programmes depicting scenes of tobacco usage to spread awareness. Such films and TV programmes are statutorily required to run anti-tobacco health spots, disclaimers and static health warnings.	A	
1335	UNSTARRED Annexure	12/12/2013	INFORMATION AND BROADCASTING	Singh Shri Rajiv Ranjan (Lalan),Roy Shri Arjun	SELF REGULATION IN MEDIA	SHRI MANISH TEWARI	whether the Government is a votary of the principle of self-regulation in media	Government has been encouraging self-regulation in media. PCI, NBA, NBSA, IBF, BCCC, ASCI, CCC are part of that mechanism. Rules under CTNA must be complied, IMC recommends action on complaints.	A	
1245	UNSTARRED Annexure	5/3/2013	INFORMATION AND BROADCASTING	Gaikwad Shri Eknath Mahadeo,Paranje Shri Anand Prakash,Bhoi Shri Sanjay,Bapurao Shri Khatgaonkar Patil Bhaskarrao,Yadav Shri Ranjan Prasad	SELF REGULATION FOR TV CHANNELS	SHRI MANISH TEWARI	whether moib set BCCC for self regulation of Tvchannels	The Indian Broadcasting Foundation (IBF), an industry body representing major satellite TV channels, has set up a two tier self-regulatory mechanism for entertainment channels	A	
4128	UNSTARRED Annexure	12/18/2012	INFORMATION AND BROADCASTING	Rai Shri Prem Das	CODE OF CONDUCT FOR TV BROADCASTERS	SHRI MANISH TEWARI	whether the Government proposes to establish any code of conduct for television broadcasters across the country	required to adhere to the already existing Programme and Advertising Codes prescribed under CTNA	A	
7498	UNSTARRED	5/22/2012	INFORMATION AND BROADCASTING	Annayyagari Shri Sai Prathap,Sugavanam Shri E.G.J Helen Davidson	BROADCASTING CONTENT COMPLAINTS COUNCIL	SHRI C.M. JATUA	whether the Government had proposed to set up a Broadcasting Content Complaints Council (BCCC) in consultation with the Indian Broadcasting Foundation (IBF) for self regulation by the satellite TV channels on the content of their programmes	The Indian Broadcasting Foundation (IBF) has set up self regulatory mechanism on content for entertainment channels. BCCC (wef June 2011) is a 13 member body chaired by a retd. SC or HC judge and 12 other members. BCCC has the mandate to look at complaints and direct for modification, withdrawal of objectionable content. if not complied it can: (i) Issue a warning to implement the direction within next forty-eight hours. (ii) Air an apology in such manner as may be decided. (iii) Issues a directive to the IBF not to consider the outstandings of that Channel for processing till the matter is resolved. (iv) Issue a directive to IBF to take necessary action to expel the concerned member. (v) In exceptional cases of a Television Channel not carrying out the directions of the BCCC, the BCCC may recommend to the Ministry of Information and Broadcasting for appropriate action against the Channel, as per the law.	A	
7469	UNSTARRED	5/22/2012	INFORMATION AND BROADCASTING	Angadi Shri Suresh Chanabasappa,Kumar Shri P.,Kurup Shri N.,Peethambara	DEPICTION OF ALCOHOL AND SMOKING SCENE	DR. S. JAGATHRAKSHAKAN	whether the Government has asked the CBFC to maintain status quo and adherence to the certification process as was being done before issuing of the latest notification with regard to smoking and alcohol scene in films and TV programmes	Several filmmakers and CBFC brought to the notice of MoIB some practical difficulties being faced by them in implementing the notif. GSR 786 (E) dated 27.10.2011. In the light of this MoIB is in discussion with the MoHFW to review the Notification. (e) & (f): The message regarding smoking is being taken seriously by film industry and the statutory warnings are already being put in films. Less and less films have smoking scenes now. TV serials also run anti-smoking scroll.	A	
152	STARRED	4/12/2012	INFORMATION AND BROADCASTING	Bhadana Shri Avtar Singh	REGULATORY FRAMEWORK FOR PRIVATE TV CHANNELS	SHRI MANISH TEWARI	the existing regulatory framework for telecast of programmes and advertisements by the private television channels; (b) whether the private electronic channels have set up any self regulatory mechanism and if so, the details thereof; Whether it has emerged to be ineffective?	IBF, NBA, PCI, CTNA, IMC, EMMC, NBSA, BCCC form the regulatory framework for TV channels. No definitive opinion on the efficacy or otherwise of the self-regulatory mechanism has emerged so far.	A	
3082	UNSTARRED	12/13/2011	INFORMATION AND BROADCASTING	Azad Shri Kirti (Jha),Agarwal Shri Jai Prakash,Swamygowda Shri N Cheluvarayya Swamy	CONTROL ON ADVERTISEMENT CONTENT	SHRI C.M. JATUA	whether the Government proposes to control/ban misleading /surrogate advertisements of alcohol/tobacco and other such products shown in print and electronic media as well as through hoardings	Advertisements in press is regulated by press council. In pvt TV Channels by CTNA. Clause 2 (viii) (A) of the Advertising Code provides that no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarette, tobacco products, wine, alcohol, liquor or other intoxicants. It also provides that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine alcohol, liquor or other intoxicants, may be advertised on cable service subject to certain conditions. The Ministry has issued directive to all TV channels on 17th June 2010 for compliance of this rule. ASCI implements self regulation of TV Channels.	A	

5	STARRED	11/22/2011	CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION	Gaikwad Shri Eknath Mahadeo, Singh Shri Bhupendra	MISLEADING ADVERTISEMENTS	PROF. K. V. THOMAS	whether the Government proposes to set up a body equipped with penal powers to deal with misleading advertisements in the print and the electronic media;	No. various existing legislation including COTPA to tackle this. The Department of Consumer Affairs is seized of the issue of misleading advertisements and its ill-effects on the consumers. A meeting of officials of various ministries dealing with the subject, eminent journalist, NGOs and Consumer Activist was held on 4th August, 2011 meeting deliberated on various ways and means to tackle the issue.	A	
3186	UNSTARRED	3/15/2011	INFORMATION AND BROADCASTING	Owaisi Shri Asaduddin, Patel Shri Devji, Narainbhai Shri Kachhadia	CODE OF CONDUCT FOR MEDIA	SHRI C. M. JATUA	whether the Government proposes to introduce code of conduct for the electronic and the print media	Regulated by CTNA, PCI, and self regulation by IBB. All TV Channels are required to adhere to the Programme and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995. These Codes are in the form of prohibition for carrying certain content which is inconsistent with the contemporary community standards, public order, morality, integrity and security of the country etc.	A	
466	UNSTARRED	10/21/2008	INFORMATION AND BROADCASTING	Rao Shri Sambasiva Rayapati	MECHANISM TO REGULATE PRIVATE BROADCASTERS	SHRI ANAND SHARMA	whether the Broadcasters have set up a body on self-regulation? role of the Ministry in such a body?	News Broadcasters Association (NBA) has set up a body namely "News Broadcasting Standards Disputes Redressal Authority"(NBSDRA) for their self-regulation. It is a Nine Member Authority chaired by Mr. Justice J.S. Verma, former Chief Justice of India. As NBA is a private organization and they have set up NBSDRA for their self-regulation, Ministry of Information & Broadcasting have no role in it. presently, govt, regulate prog and adv through code under CTNA and rules and IMC recommends action. report of the committee reviewing the code is on ministry website	A	
298	UNSTARRED	2/12/2004	INFORMATION AND BROADCASTING	Gowda Shri D.V. Sadananda	CENSORSHIP OF FILMS	SHRI S. JAIPAL REDDY	whether censorship of films is not prevalent in the advanced countries of the World;  (b) whether the Government propose to permit the films industry to police itself as in the case of print media	Certification of films is carried out even in the advanced countries like UK, USA, Australia, etc.  (b) & (c): There is no proposal to entrust the job of film certification to any film industry body.	A	
1007	UNSTARRED	7/1/2019	INFORMATION AND BROADCASTING	Shri Mahesh Poddar	Changes in Cinematograph Act, 1952	SHRI PRAKASH JAVADEKAR	Progress made in implementing shyam benegal committee report. No of recom accepted and under consideration?	report submitted in april 2016 and june 2016. require amnedmet in cinematograph act. Will be done after consultation with stakeholders. Consultation with MoB, MoLJ, MoF and MoHRD held on 16 march 2017. another meeting with minister MoB and CM Maharashtra and rep film industry held on 06.06.17 at mumbai. no decisions taken.	A	MoHFW missing from the discussion while COTPA rules require MoHFW rep in CBFC for certification of films with tobacco use.
3436	UNSTARRED	3/26/2018	INFORMATION AND BROADCASTING	Shri Rajeev Shukla	Advertisement policy in cinema halls	COL RAJYAVARDHAN RATHORE (Retd.)	Ministry of Law and Justice has given its clearance to the easing of advertisement policy in cinema halls	the Cinematograph Act 1952, is applicable to all films including trailers and advertisements and cannot be relaxed by policy guidelines issued by this Ministry.	A	
881	UNSTARRED	2/9/2017	INFORMATION AND BROADCASTING	Shri A. K. Selvaraj	Amendments to Cinematography Act	COL RAJYAVARDHAN RATHORE (Retd.)	Government is considering to make major changes in the Cinematography Act and a Bill in this regard would be brought in at the earliest? Will CBFC lose censorship powers?	The Government is in the process of introduction of a new Cinematograph Bill to amend the existing Cinematograph Act, 1952. The proposed Bill will incorporate the recommendations made by the Committee of Experts, headed by Justice (Retd.) Mukul Mudgal, constituted to examine issues of certification under the Cinematograph Act, 1952 and the Expert Committee, headed by Shri Shyam Benegal, constituted to recommend guidelines/procedure for certification of films by the Central Board of Film Certification (CBFC).	A	
1045	UNSTARRED	11/24/2016	INFORMATION AND BROADCASTING	Shri C.P. Narayanan	Committee of officials to look into conduct of a media unit	COL RAJYAVARDHAN RATHORE (Retd.)	Given full powers to a committee of officials in the Ministry to silence a media unit temporarily?	No pre-censor. Governed as per the CTNA and its rules. Several attempts made for setting an independent regulator out of Govt. could not be possible due to divergent vies of stakeholders. Reasonable restrictions as per Article 19(2) taken they are also part of CTNA.	A	
23	STARRED	11/17/2016	INFORMATION AND BROADCASTING	Shri Derek O Brien	Report of Expert Committee headed by Shri Shyam Benegal	SHRI M. VENKAIAH NAIDU	received the report of the Expert Committee headed by Shri Shyam Benegal to recommend changes to the Cinematograph Act, 1952 and to bring transparency in the Central Board of Film Certification(CBFC)	Yes. Report being examined by the Ministry	A	
2071	UNSTARRED	8/4/2016	INFORMATION AND BROADCASTING	Shri Anil Desai	Report of Shyam Benegal Committee on reforms in Censor Board	COL RAJYAVARDHAN RATHORE (Retd.)	details of the recommendations of the Committee?	The Committee has since submitted its report in two parts. Some of the key recommendations of the Committee are as under:-  i. CBFC not to order excisions, modifications or amendments. The scope of certification process to be limited only to suggest what category of audiences [age groups] can watch a particular film.  ii. Guidelines to be revised for each category of certification in order to empower viewers to make informed viewing choices by specifying the category.  iii. New categories of certification other than 'U', 'A' or 'UA' are proposed.  iv. Films violating the provisions of Section 5B(1) of the Cinematograph Act, i.e. film depicting scenes against the interests of the sovereignty and integrity of India, security of the State, friendly relation with foreign States, public order, decency or morality, defamation or contempt of court, etc. to be refused certification.  v. CBFC Chairperson & Board Members to play a role in guiding the Board at apex level than participating in routine certification process.  vi. Number of members in the Board should be reduced.  vii. Role envisaged for NCW/NCPCR/film professionals in making nominations to Examining Panels.  viii. The Advisory Panel for Revising Committees to be selected from amongst persons of in depth understanding of Indian society, i.e. sociologists, anthropologists or psychologists or persons of eminence. To have 20% representation from film industry at each region.  ix. Out of turn (Tatkal Scheme) film certification.  x. Re-examination of the films by the CBFC on complaints received after certification in certain cases for violation of provisions of Section 5B (1) of the Act.  The recommendations of the Committee requires detailed scrutiny.	A	compliance with COTPA film rules missing



1258	UNSTARRED	7/28/2016	INFORMATION AND BROADCASTING	Shri Javed Ali Khan	Approval of contents of TV programmes	COL RAJYAVARDHAN RATHORE (Retd.)	mandatory for the Television (TV) channels to declare the category of contents of the programmes at the time of applying for registration of approval for telecasting programmes	Ministry issues permission for private satellite TV channels under the provision of Uplinking and Downlinking Guidelines based on applicant company's choice of category in the application form, which can be one of the following two: (i) News & Current Affairs Category (ii) Non-News & Current Affairs Category.	A	Permission to channels could include compliance with COTPA film rules
1261	UNSTARRED	7/28/2016	INFORMATION AND BROADCASTING	Shri Mohd. Ali Khan	Movie ratings through CBFC	COL RAJYAVARDHAN RATHORE (Retd.)	whether Central Board of Film Certification (CBFC) is set to explain movie ratings;	The existing Section 5(A) of the Cinematograph Act prescribes categories of Certification of Films namely 'U', 'UA', 'A' or 'S' duly explaining the suitability for viewing by different age groups.	A	
1854	UNSTARRED	5/10/2016	HEALTH AND FAMILY WELFARE	Shri Mohd. Ali Khan	Action plan for tobacco free States	SHRI SHRIPAD YESSO NAIK	preparing action plan to make all the States tobaccofree. If so progress so far?	NO. But measures taken to discourage tobacco use. COTPA, FCTC, NTCP etc. and rules to regulate depiction of tobacco products or their use in films and TV programmes.	A	
101	STARRED	5/3/2016	INFORMATION AND BROADCASTING	Dr. Vijaylaxmi Sadho	Censorship on TV programmes	SHRI ARUN JAITLEY	whether censorship is proposed to be applied on programmes of television on the lines of the feature films? mandatory to obtain censor certificate, like feature films?	No such proposal is under consideration of the Ministry. Regulated under Programme Code and Advertising Code of the CTNA and rules therein. Ministry of Information and Broadcasting set up a state-of-art Electronic Media Monitoring Centre (EMMC) in 2008. started with 50 pvt TV Channels monitoring. 12th plan (2012-17) sanctioned 90cr to monitor 1500 channels by end of the plan.	A	
155	UNSTARRED	2/24/2015	INFORMATION AND BROADCASTING	Dr. Chandan Mitra	Separate regulator for broadcasting sector	COL RAJYAVARDHAN RATHORE (Retd.)	whether Government plans to have a separate regulator for broadcasting sector	The Broadcasting and Cable services are regulated by the Telecom Regulatory Authority of India (TRAI) under the provisions of the TRAI Act, 1997. The Ministry had formulated a draft Broadcasting Service Regulation Bill for ensuring orderly growth of Broadcasting Services in 2007. concerns expressed by various sections and spectrum of views by stakeholders and self regulatory mechanism by NBA, IBF, BCCC regulation continues under CTNA.	A	
3134	UNSTARRED	8/7/2014	INFORMATION AND BROADCASTING	Shri Mohd. Ali Khan	Movie ratings	SHRI PRAKASH JAVADEKAR	whether Central Board of Film Certification (CBFC) is set to explain rating	Section 5(A) of the Cinematograph Act prescribes categories of Certification of Films and Central Board of Film Certification (CBFC) issues certificates namely 'U', 'UA', 'A' or 'S' as applicable. However Ministry of Information and Broadcasting felt the need to review the Cinematograph Act including categories of Certification in order to bring it up to date and in tune with current requirements. An Empowered Committee under the Chairmanship of Justice Mukul Mudgal retired Chief Justice of High Court of Punjab and Haryana was constituted by the Ministry to look into various aspects of Certification. The Committee inter alia has also recommended revision in classification, strong pictorial representation and color coding of the certificates which easily and clearly communicates the nature of such certification.	A	
723	UNSTARRED	12/11/2013	INFORMATION AND BROADCASTING	Shri A. W. Rabi Bernard	Mudgal Committee Report	SHRI JAI PRAKASH NARAYAN SINGH	whether the Empowered Committee by Justice Mudgal has submitted its report on issues concerning the Cinematograph Act to the Ministry, if so, the details thereof?	Yes sir. The Expert Committee constituted under the Chairmanship of Justice Mukul Mudgal to examine the issues of certification under the Cinematograph Act, 1952 has submitted its report on 28.9.2013. The report submitted by the Committee has been uploaded in the Ministry of Information and Broadcasting's website www.mib.nic.in for seeking comments from the public. The recommendations inter alia are on issues such as advisory panels, guidelines for certification, portrayal of women, obscenity and communal disharmony.	A	
83	STARRED	12/11/2013	INFORMATION AND BROADCASTING	SHRI T.M. SELVAGANAPATHI	Mudgal Committee report on the Cinematograph Act, 1952	SHRI MANISH TEWARI	Mudgal Committee submitted its report? Proposed legal check on states banning films? Submitted model cinematograph bill? View of govt on implementing or not the recommendation?	yes report submitted on 28.09.2013. ordinarily exhibition of film not to be suspended by state govt. if threat to peace law and order can be done by central govt suo moto or at request of state govt after hearing the producer. Bill on MoIB website for public comments.	A	
706	UNSTARRED	3/4/2013	INFORMATION AND BROADCASTING	Shri S. Thangavelu	Statutory regulator for media	SHRI MANISH TEWARI	whether it is a fact that Government is considering to set up a statutory regulator, with punitive powers, one that is more representative for the media	broadcasting regulated under the provisions of the TRAI Act, 1997. Broadcasting Service Regulation Bill introduced in 2007. due to divergent views of stakeholders self regulatory mechanisms continues under NBA, IBF, NBSA, BCCC and with statutory powers under CTNA and rules therein.	A	
4872	UNSTARRED	5/21/2012	INFORMATION AND BROADCASTING	SHRI T.M. SELVAGANAPATHI	Smoking scenes in films	DR. S. JAGATHRAKSHAKAN	if MoIB asked CBFC for status quo as before movie rules 2011. if many health org hv askd govt to ban smoking in movies. Details and steps taken?	several filmmakers highlighted practical difficulties in implementing movie rules [GSR786(E)]. MoIB is in discussion with MoH to revise the notification. Only one representation received from VHAI with respect to GSR786E.	A	Rules revised in September 2012
4091	UNSTARRED	5/14/2012	INFORMATION AND BROADCASTING	Smt. Gundu Sudharani	Smoking in films	DR. S. JAGATHRAKSHAKAN	whether any difference of opinion with MoHFW on movie rules. Any objections received from filmmakers producers of bollywood. Action taken?	several filmmakers highlighted practical difficulties in implementing movie rules [GSR786(E)]. MoIB is in discussion with MoH to revise the notification	A	Rules revised in September 2012.
3321	UNSTARRED	5/7/2012	INFORMATION AND BROADCASTING	SHRI BHAGAT SINGH KOSHYARI	Approval of programmes for Televisionchannels	SHRI C.M. JATUA	any proposal for approval of programmes being telecast on TV	No pre-censor of TV programmes. All channel to comply with Rule 6 of the cable TV network rules 1994.	A	Film Rules not mentioned
836	UNSTARRED	8/8/2011	INFORMATION AND BROADCASTING	SHRI T.M. VENKATACHALAM	FRIVOLOUS COMPLAINTS WITH TELEVISIONREGULATORY BODY	SHRI C.M. JATUA	TV Content regulatory body received 190 complaints 90% frivolous?	No regulatory body for content regulation for TV. Indian Broadcasting Foundation and News Broadcasters Association have set up Broadcast Content Complaints Council (BCCC) and News Broadcasting Standards Authority (NBSA) as part of self regulation. In its first meeting BCCC found 90% complaints frivolous. content related complaints only 44. three complaints upheld. details sought from respective channels. rest disposed off.	A	
97	STARRED	11/15/2010	INFORMATION AND BROADCASTING	DR. YOGENDRA P. TRIVEDI	CENSORSHIP OF TV PROGRAMMES .	SMT. AMBIKA SONI	whether there should be censorship of tv on the lines of feature films? Made compulsory for tv prog to take certification?	no pre censorship for tv. As per the cable tv network rules. Inter ministerial committee looks at violations. 'self-regulation guidelines for broadcasting sector' on MoIB website. Discussions ongoing to arrive at consensus by all.	A	
157	STARRED	11/30/2009	INFORMATION AND BROADCASTING	SHRI MANOHAR JOSHI	REGULATION OF NEWS CONTENT ON TELEVISION .	SMT. AMBIKA SONI	any proposal to regulate the content of television news channels or to create an independent autonomous body	constituted a committee for reviewing the Programme and Advertising Code (Content Code) prescribed under the Cable TV Networks Act and rules. Draft of self regulation guidelines available. Wrt autonomous body draft of the Broadcasting Services Regulation Bill, 2007 available. consultation ongoing with Indian Broadcasting Foundation, Multi System Operator (MSO) Alliance, News Broadcasters Association (NBA), Broadcast Editors Association (BEA) and the Cable Operators Federation of India (COFI).	A	
608	UNSTARRED	2/20/2009	HEALTH AND FAMILY WELFARE	SHRI BALAVANT ALIAS BAL APTE	CAMPAIGN FOR REDUCTION OF TOBACCO CONSUMPTION .	SMT. PANABAKA LAKSHMI	to what extent tobacco control campaign successful. Is film industry not supporting in it. Any help for alternative crops. Details state wise?	Not estimated the reduction due to the tobacco free campaign. Smokefree movie rules challenged in Delhi High Court are quashed. MoH filed appeal against he HC order in the SC. Funded CTRI for pilot project on alternative crops. pilot is being taken up in the States of Andhra Pradesh, Gujarat, Karnataka, Tamil Nadu and West Bengal, at an approved expenditure of Rs.2.17 Crores.	A	

3481	UNSTARRED	4/25/2008	HEALTH AND FAMILY WELFARE	Shri Shantaram Naik	APPEAL OF HEALTH MINISTER TO A FAMOUS FILM PERSONALITY .	SMT. PANABAKA LAKSHMI	whether appeal made by him on smoking to a famous film actor has brought in desire letter. Detail of correspondence? Any further appeals to more personalities? Details?	Studies suggest that tobacco is a menacing health hazard. Robust IEC activities have been undertaken to disseminate the ill effects of tobacco products. As a part of this campaign renowned personalities including film actors have been advised to desist from smoking in public and in movie since evidence based studies exhibit a strong linkage between film personalities and youth behavior with youth admitting that they copy smoking styles of different characters/actors in the movies. In fact health message from famous film personalities are a part of the IEC campaign.	A	
1622	UNSTARRED	3/14/2008	HEALTH AND FAMILY WELFARE	Shri Shantaram Naik	SMOKING HABITS .	SMT. PANABAKA LAKSHMI	whether he has ever advised the Members of Parliament for giving up smoking before he did so in case of a particular film actor	There are studies to indicate a strong linkage between film personalities and their influence on youth. Since a few film personalities have reportedly been violating the provisions of the Act, by smoking at public places, they have been advised time and again to desist from such action(s).	A	
184	STARRED	3/12/2008	INFORMATION AND BROADCASTING	SHRI GIREESH KUMAR SANGHI	DEMAND FOR CENSORING TELEVISION CONTENT	SHRI P.R. DASMUNSI	is there increasing demand from social activists to regulate television content. Should censor board certify TV broadcast? Details? Final decision?	Number of demands made. Specific instances not noted. Committee chaired by secretary I&B reviewing prog and advt code. Report of committee submitted on 05.03.2008	A	
1156	UNSTARRED	8/22/2007	INFORMATION AND BROADCASTING	SHRIMATI SHOBHANA BHARTIA	COMPREHENSIVE TV CODE FOR CONTENT REGULATION .	SHRI P.R. DASMUNSI	Indian television is set to get a comprehensive code for content regulation	Already exist under Rules 6and7 of the Cable TV Rules 1994. Committee constituted to review prog and advt code under Cable TV network act and cinematograph act and drafting a new content code. Draft code posted on the website.	A	
145	STARRED	12/2/2005	HEALTH AND FAMILY WELFARE	SHRI LALIT SURI	BAN ON SMOKING SCENES IN FILMS AND TV SERIALS .	DR. ANBUMANI RAMADOSS	whether Government have imposed a ban on smoking scenes in films and Television serials with effect from 2nd October, 2005. Details? Reaction of film industry? How govt propose to tackle forcing film with smoking scene?	Taking into consideration the technical issues raised by the Ministry of Information & Broadcasting and the difficulties pointed out by the film industry, the Government has notified on 30th November 2005 to provide for certain relaxation / exemptions in the rules. As per these provisions no individual or a person or a character in cinema and television programmes shall display tobacco products or their use. Exemptions to these provisions are:	A	Details of the rule shared. To be enforced from 1st Jan2006
1350	UNSTARRED	8/5/2005	HEALTH AND FAMILY WELFARE	SHRI R. KAMARAJ	. BANNING OF TOBACCO ADVERTISEMENTS ETC. .	SMT. PANABAKA LAKSHMI	whether it is a fact that Government had taken a decision to ban smoking scenes in films and television serials. Details? Government are considering to introduce a total ban on tobacco. Details?	Yes Sir, the Government has prohibited person or character in cinema and television programmes displaying tobacco products or its use vide notification published on 31st May 2005 which will come into effect from 2nd October 2005. In cases of cinema and television programmes produced prior to this date having scenes with smoking situations and use of other forms of tobacco, it shall be mandatory to place a health warning as a prominent scroll at the bottom of the television or cinema screen. At present, there is no proposal to introduce a total ban on tobacco.	A	

**Appendix 4. Results from the [www.smokefreemovies.ucsf.edu](http://www.smokefreemovies.ucsf.edu) database for India-specific information**

<b>Date</b>	<b>Source</b>	<b>Title</b>	<b>Content</b>	<b>URL</b>
27-Jan-05	Movie Buzz, Sify Movies	Stars under fire!	Once again, Indian film heroes have come under fire from World Health Organisation (WHO), whose recent study has revealed that 76 percent movies have portrayed tobacco use.	<a href="https://www.sify.com/movies/stars-under-fire-news-tamil-kkfv96iiaca.html">https://www.sify.com/movies/stars-under-fire-news-tamil-kkfv96iiaca.html</a>
11-Feb-05	Times of India, Smita Deshmukh	Smoke Screen	In Mumbai recently, Glantz met several city NGOs who are also preparing for a similar strategy to influence leading Bollywood stars to give up smoking on screen.	<a href="https://timesofindia.indiatimes.com/city/bombay-times/Smoke-screen/articleshow/1018681.cms?">https://timesofindia.indiatimes.com/city/bombay-times/Smoke-screen/articleshow/1018681.cms?</a>
7-Jan-06	Polansky, Jonathan Glantz, Stanton A., Ph.D	The Ministry of Health's Effort to Regulate Tobacco Use in Movies in India, 2005-6	Failed public policy is a victory for the tobacco industry because it forecloses genuine change. As described in this report, however, it is still possible to implement an effective regime within the boundaries of the policies that were publicly announced in early June 2006.	<a href="https://escholarship.org/uc/item/76v5f4b5">https://escholarship.org/uc/item/76v5f4b5</a>
8-Mar-06	DNA India	Let's kick 'butt'!	The anti-tobacco campaign heats up, with non-governmental organisations Cancer Patients Aid Association (CPAA) deciding to approach Shah Rukh Khan to join the offensive.  In fact, last September, filmmaker Mahesh Bhatt moved the Delhi High Court challenging the government's notification banning smoking scenes in films and TV.	<a href="https://www.dnaindia.com/entertainment/report-let-s-kick-butt-1016941">https://www.dnaindia.com/entertainment/report-let-s-kick-butt-1016941</a>
17-Mar-09	Times of India, Kounteya Sinha	Anti-tobacco campaign must focus on film studios, not stars: US Expert	Dr Glantz told TOI, "Dr Ramadoss should shift his focus and go after the business of making movies with smoking scenes rather than movie stars who just act in them.  Ramadoss should have actually stepped up pressure on Bollywood's biggest film studios that make the movies.	<a href="https://timesofindia.indiatimes.com/india/Anti-tobacco-campaign-must-focus-on-film-studios-not-stars-US-expert/articleshow/4278368.cms?referral=PM">https://timesofindia.indiatimes.com/india/Anti-tobacco-campaign-must-focus-on-film-studios-not-stars-US-expert/articleshow/4278368.cms?referral=PM</a>
29-Jun-10	PLoS One .K. Viswanath,	Movies and TV Influence Tobacco Use in India:	In India, exposure to visual mass media may contribute to increased tobacco consumption in men and women, while newspaper use may suppress the use of tobacco chewing in	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2894069/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2894069/</a>

	1, 2, * Leland K. Ackerson, 3 Glorian Sorensen, 1 , 2 and Prakash C. Gupta 4	Findings from a National Survey	women. Future studies should investigate the role that different types of media content and media play in influencing other health behaviors.	
5-Jul-11	Tobacco Control. Arora M, Mathur N, Gupta VK, Nazar GP, Reddy KS, Sargent JD	Tobacco use in Bollywood movies, tobacco promotional activities and their association with tobacco use among Indian adolescents.	Watching tobacco use in Bollywood movies and receptivity to tobacco promotional activities were both independently associated with ever tobacco use among adolescents in India, with ORs being similar to the studies of adolescents elsewhere.	<a href="https://www.ncbi.nlm.nih.gov/pubmed/21730099">https://www.ncbi.nlm.nih.gov/pubmed/21730099</a>
11-Nov-11	Press Information Bureau	New Notification for Movies, TV Programmes Displaying Tobacco Products Comes into Effect from 14.11.2011	The rules have been notified after consultation and taking into account the views of Ministry of Information and Broadcasting to make is more practical and implementable.	<a href="https://pib.gov.in/newsite/printrelease.aspx?relid=77120">https://pib.gov.in/newsite/printrelease.aspx?relid=77120</a>
27-Jan-12	Times of India, Himanshi Dhawan	'Agneepath' first film to run anti- smoking scroll	CBFC CEO Pankaja Thakur said, "Films that encourage smoking or alcohol consumption will have to run a scroll or accept cuts to get a certificate".  The ban was being implemented as practically as possible rather than in entirety as mandated by the health ministry.	<a href="https://timesofindia.indiatimes.com/india/Agneepath-first-film-to-run-anti-smoking-scroll/articleshow/11656464.cms?referral=PM">https://timesofindia.indiatimes.com/india/Agneepath-first-film-to-run-anti-smoking-scroll/articleshow/11656464.cms?referral=PM</a>
4-Mar-13	Heart Asia.. Nazar GP1, Gupta VK2,	Tobacco imagery in Bollywood films: 2006-2008.	Half the youth-rated Bollywood films contain tobacco imagery resulting in large population level exposure in India, relative to other countries. Measures to reduce youth exposure to tobacco imagery through films, such as	<a href="https://www.ncbi.nlm.nih.gov/pubmed/27326073">https://www.ncbi.nlm.nih.gov/pubmed/27326073</a>

	Millett C3, Arora M4.		restricting access through the rating system, will complement other tobacco control measures.	
30-Sep-13	Press Information Bureau	'Child' and 'Dhuan': Ministry of Health and Family Welfare to release new Anti-Tobacco health spots for "Tobacco-Free Film Rules" under COTPA	Two spots developed by WLF notified wef 02/10/2013 replacing the Mukesh and Sponge spots that was used from 02/10/2012	<a href="https://pib.gov.in/newsite/PrintRelease.aspx?relid=99749">https://pib.gov.in/newsite/PrintRelease.aspx?relid=99749</a>
7-Oct-13	The Wall Street Journal R Jai Krishna and Joanna Sugden	Woody Allen Stubs Out 'Blue Jasmine' in India Over Anti-Smoking Laws	Mr. Allen is not one to compromise his artistic vision. He decided not to show his latest film, "Blue Jasmine," in India rather than add legally required anti-smoking messages to two scenes.	<a href="https://blogs.wsj.com/speakeasy/2013/10/07/woody-allen-stubs-out-blue-jasmine-in-india-over-anti-smoking-laws/">https://blogs.wsj.com/speakeasy/2013/10/07/woody-allen-stubs-out-blue-jasmine-in-india-over-anti-smoking-laws/</a>
7-Oct-13	Times of India, Asha Prakash	Smoking controversies continue	Malyalam Film: Aashiq Abu's latest film has got into trouble for something else altogether. A promotional poster of the film, which shows a caricature of Lord Shiva and Che Guevara smoking pot, went viral a few days back, and it was rumoured that Hindu organisations had come up in protest against the poster.	<a href="https://timesofindia.indiatimes.com/entertainment/malayalam/movies/news/Smoking-controversies-continue/articleshow/23606509.cms?referral=PM">https://timesofindia.indiatimes.com/entertainment/malayalam/movies/news/Smoking-controversies-continue/articleshow/23606509.cms?referral=PM</a>
9-Oct-13	SNIGDHA POONAM	Why Woody Allen's 'Blue Jasmine' Wasn't Released in India	Last Thursday, film fans in India woke up to the news that the next day's planned release of "Blue Jasmine," the latest film from the writer and director Woody Allen, had been canceled. Apparently, Mr. Allen was unwilling to follow the local guidelines for showing people smoking on film.	<a href="https://india.blogs.nytimes.com/2013/10/09/why-woody-allens-blue-jasmine-wasnt-released-in-india/?_r=0">https://india.blogs.nytimes.com/2013/10/09/why-woody-allens-blue-jasmine-wasnt-released-in-india/?_r=0</a>
22-Feb-14	New18	'Om Shanti Oshaana' stubs out onscreen smoking	At a time when onscreen smoking finds place in films under the guise of creative freedom, a Malayalam movie is promoting public health.	<a href="https://www.news18.com/news/india/om-shanti-oshaana-stubs-out-">https://www.news18.com/news/india/om-shanti-oshaana-stubs-out-</a>

				onscreen-smoking-2-670028.html
8-Apr-15	Times of India	Anti-tobacco activists slam Centre's plan to stop no-smoking scroll in films	<p>In response to Govt. indication that the scroll could be replaced with anti tobacco advertisements featuring film stars.</p> <p>Clearly, the interest of Bollywood is in direct conflict with public health said Dr. Pankaj chaturvedi</p>	<a href="https://timesofindia.indiatimes.com/city/mumbai/Anti-tobacco-activists-slam-Centres-plan-to-stop-no-smoking-scroll-in-films/articleshow/46855697.cms">https://timesofindia.indiatimes.com/city/mumbai/Anti-tobacco-activists-slam-Centres-plan-to-stop-no-smoking-scroll-in-films/articleshow/46855697.cms</a>
22-Apr-15	Times of India	Anti-tobacco activists target film poster	<p>Anti-tobacco activists have slammed the makers of Tamil movie 'Kanchana 2' for putting up posters of the hero smoking a cigarette in a promotional campaign across the city.</p> <p>Tamil Nadu People's Forum for Tobacco Control (TNPFTC) sent letter to health department.</p>	<a href="https://timesofindia.indiatimes.com/city/chennai/Anti-tobacco-activists-target-film-poster/articleshow/47007231.cms">https://timesofindia.indiatimes.com/city/chennai/Anti-tobacco-activists-target-film-poster/articleshow/47007231.cms</a>
21-May-15	The Hindu	Dr. Shantha wants PM to ban smoking scenes in movies	<p>In response to the film industry representation to MoIB</p> <p>“In the interest of public health, smoking scenes in the movies as a whole should be banned... Your immediate intervention would save the younger generation from the devastating tobacco. Your support publicly will make all the difference,” the letter says.</p> <p>The letter also says that there are believed to be many violations in movies such as non-display of the warnings. “We earnestly appeal to you to take such action, as will make the I&amp;B Ministry to implement this rule strictly in all the movies immediately.”</p>	<a href="https://www.thehindu.com/news/cities/chennai/dr-shantha-wants-pm-to-ban-smoking-scenes-in-movies/article7229226.ece">https://www.thehindu.com/news/cities/chennai/dr-shantha-wants-pm-to-ban-smoking-scenes-in-movies/article7229226.ece</a>

25-Dec-15	Sushmi Dey. Times of India	Bollywood offers to make anti-tobacco short films to go with their movies	Bollywood, which is opposed to the mandatory showcasing of the anti-smoking film before each screening of a movie in a multiplex, has now proposed to make such film themselves. In a latest proposal to the health ministry, representatives from the health ministry have suggested that every director will produce a new film warning against tobacco consumption which can be shown before the movie, instead of the same one as is shown at present. Filmmakers have proposed self-regulation and voluntary warnings in the past too. Govt. not too convinced about the idea.	<a href="https://timesofindia.indiatimes.com/india/Bollywood-offers-to-make-anti-tobacco-short-films-to-go-with-their-movies/articleshow/50318574.cms">https://timesofindia.indiatimes.com/india/Bollywood-offers-to-make-anti-tobacco-short-films-to-go-with-their-movies/articleshow/50318574.cms</a>
28-Dec-15	S Glantz	Bollywood trying to water down India's rules on smoking in movies; Ministry should keep saying no	There is an important indication that the Government of India's policies designed to get smoking out of movies are having an impact: On December 25, 2015, the Times of India reported that "Bollywood offers to make anti-tobacco short films to go with their movies." This means (1) Bollywood recognizes that the policy is not going away (2) They are highly motivated to keep the smoking in their movies, perhaps to keep the tobacco companies happy. (3) We don't want to turn creation of anti-tobacco messaging to people with a history of working with tobacco	<a href="http://smokefreemovies.ucsf.edu/blog/bollywood-trying-water-down-indias-rules-smoking-movies-ministry-should-keep-saying-no">http://smokefreemovies.ucsf.edu/blog/bollywood-trying-water-down-indias-rules-smoking-movies-ministry-should-keep-saying-no</a>
1-Feb-16	India Today	WHO wants age-wise ratings for films with tobacco imagery	Releasing 3rd edition of the smokefree movies report Dr, Armando Peruga chief coordinator of WHO's TFI said that governments should require age-classification ratings for films with tobacco imagery to reduce the overall exposure of youth.  "Taking advantage of the progress that they (Indian government) have made, I think, the next step for India is certainly to introduce a rating system for not only movies but also TV programmes and other entertainment products,"	<a href="https://www.indiatoday.in/pti-feed/story/who-wants-age-wise-ratings-for-films-with-tobacco-imagery-547146-2016-02-01">https://www.indiatoday.in/pti-feed/story/who-wants-age-wise-ratings-for-films-with-tobacco-imagery-547146-2016-02-01</a>

31-Jul-16	Times of India, Himashi Dhawan	Anti-smoking message only at start of film?	<p>Shyam Benegal Committee recommended scrapping the existing advisory and replacing it with a static visual at the beginning of the film.</p> <p>Also suggested, the producer could make a short film conveying an anti-smoking message by the same actor who is depicted as smoking in the film.</p>	<a href="https://timesofindia.indiatimes.com/india/Anti-smoking-message-only-at-start-of-film/articleshow/53483241.cms">https://timesofindia.indiatimes.com/india/Anti-smoking-message-only-at-start-of-film/articleshow/53483241.cms</a>
4-Aug-16	Deccan Herald	Dishoom poster showing John smoking kicks up a rumpus	Bollywood potboiler Dishoom has violated the anti-tobacco law as it prominently shows the lead actor John Abraham smoking in the poster. Violates COTPA says group of public health specialists	<a href="https://www.deccanherald.com/content/562091/dishoom-poster-showing-john-smoking.html">https://www.deccanherald.com/content/562091/dishoom-poster-showing-john-smoking.html</a>
4-Aug-16	S. Glantz	India's strong policy to protect the public from onscreen smoking is under attack	Post Shyam Benegal Report, the Indian Ministry of Information and Broadcasting has proposed to completely gut the rule governing smoking in the movies, taking it from a highly visible rule that has been praised around the world and replacing it with a proposal that is almost certain to be ineffective.	<a href="http://smokefreemovies.ucsf.edu/blog/india%E2%80%99s-strong-policy-protect-public-onscreen-smoking-under-attack">http://smokefreemovies.ucsf.edu/blog/india%E2%80%99s-strong-policy-protect-public-onscreen-smoking-under-attack</a>
5-Aug-16	S. Glantz	Bollywood just can't stop promoting cigarettes	Posters for the feature film Dishoom show popular actor John Abraham smoking a cigarette.	<a href="http://smokefreemovies.ucsf.edu/blog/bollywood-just-can%E2%80%99t-stop-promoting-cigarettes">http://smokefreemovies.ucsf.edu/blog/bollywood-just-can%E2%80%99t-stop-promoting-cigarettes</a>
10-Feb-17	PTI. India Today	22 pc of TV programmes depict tobacco use: govt study	<p>"During the study period, 22 per cent of TV programmes were found to depict tobacco. Worryingly, 71 per cent of these programmes were broadcast when children and adolescents may have been watching. Implementation of the Film Rule on TV was found to be very low.</p> <p>"Only 4 per cent of these programmes implemented at least two of the three elements of the rules and none carried both of the government approved anti-tobacco spots (Child and Dhan). Static health messages were most likely to be shown, but these were also not implemented fully as per Rules," the study said.</p>	<a href="https://www.indiatoday.in/pti-feed/story/22-pc-of-tv-programmes-depict-tobacco-use-govt-study-873175-2017-02-10">https://www.indiatoday.in/pti-feed/story/22-pc-of-tv-programmes-depict-tobacco-use-govt-study-873175-2017-02-10</a>



25-May-17	Int J Prev Med, Saurabh RamBihariLal Shrivastava, Prateek Saurabh Shrivastava, and Jegadeesh Ramasamy	Discouraging the Practice of Tobacco Initiation among Children and Adolescents through Promoting of Smoke-free Films	a strict restriction of smoking imagery in films will eventually benefit multiple nations owing to the global distribution of films. Hence, a collaborative effort from multiple nations is the critical element to eventually prevent children and adolescents from starting to smoke or use other tobacco products.	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5450455/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5450455/</a>
23-Jul-17	SUBHASH K JHA. The Quint	Beyond Disclaimers, No More Drinking, Smoking In 'UA' Films: CBFC	Says the CBFC chairperson Pahlaj Nihlani, “ Merely putting a ticker warning at some remote corner of the screen whenever there is smoking or drinking shown, is not enough any more. We feel the superstars who are followed by millions and who set an example in societal behaviour must not be shown drinking or smoking on screen unless the provocation for doing so is really strong.”	<a href="https://www.thequint.com/entertainment/cbfc-chief-wants-to-go-beyond-disclaimers-no-drinking-smoking-in-films">https://www.thequint.com/entertainment/cbfc-chief-wants-to-go-beyond-disclaimers-no-drinking-smoking-in-films</a>
26-Jul-17	Rakesh Mehar	Films that show drinking to be certified as 'A': Why the CBFC's move is a terrible idea	It's time the CBFC simply rated films, and let audiences decide what they should and should not watch	<a href="https://www.thenewsminute.com/article/films-show-drinking-be-certified-why-cbfc-s-move-terrible-idea-65762">https://www.thenewsminute.com/article/films-show-drinking-be-certified-why-cbfc-s-move-terrible-idea-65762</a>
2-Oct-17	Millenium Post	Govt wants online movie streaming cos to run anti-tobacco messages	Cracking the whip on video streaming companies for violating anti-tobacco norms, the Health Ministry has asked Telecom Regulatory Authority of India (TRAI) to put a check on the contents provided by online movie broadcasting companies such as Netflix, Amazon Prime, Hotstar, etc.	<a href="http://www.millenniumpost.in/nation/govt-wants-online-movie-streaming-cos-to-run-anti-tobacco-messages-264594">http://www.millenniumpost.in/nation/govt-wants-online-movie-streaming-cos-to-run-anti-tobacco-messages-264594</a>
30-May-18	Dr. Era Dutta Consultant	World No Tobacco Day 2018: Top 5 Reasons Why	Young or old, human minds are impressionable. We easily follow in the footsteps of our role models and pick up any bad habits they may unknowingly endorse. Even though the	<a href="https://www.latestlifestyle.com/world-no-tobacco-day-2018-top-5-reasons-">https://www.latestlifestyle.com/world-no-tobacco-day-2018-top-5-reasons-</a>

	Neuropsychiatrist and Therapist at Mind Wellness & Fortis Healthcare in LATEST-LY	People Smoke According To a Psychiatrist	government tries to regulate the use of smoking on media like movies, a whole lot of actors, sports person and leaders smoke. This is an automatic role identification for many.	why-people-smoke-according-to-a-psychiatrist-189664.html
12-Jul-18	Abantika Ghosh and Krishn Kaushik Indian Express	Govt sees Sacred Games smoke, mulls expanding anti-tobacco	<p>The lack of warnings for online content has left the Union Health Ministry scouting for ways to bring them under the ambit of the anti-tobacco law.</p> <p>In October 2017, the Health Ministry had written to the Telecom Regulatory Authority of India (TRAI) to issue an advisory to platforms such as Netflix, Amazon Prime, Hotstar, Voot and Hungama, which are “not fully compliant” to the rules governing smoking on screen.</p>	<a href="https://indianexpress.com/article/india/govt-sees-sacred-games-smoke-mulls-expanding-anti-tobacco-5255868/">https://indianexpress.com/article/india/govt-sees-sacred-games-smoke-mulls-expanding-anti-tobacco-5255868/</a>
12-Aug-18	PTI, Money Control	Short films be made with actors who smoke on screen to give anti-smoking message: Panel to govt	<p>The government is looking into suggestions by a panel that short films be made to convey anti-smoking messages with those actors who are depicted as smoking on screen, a top official has said.</p> <p>Anurag Srivastava CEO CBFC, was addressing a group of participants during a panel discussion at the five-day India Tobacco Leadership Program in South Goa's Majorda, about 30 km from here, that concluded on Friday.</p> <p>During his presentation, the CBFC CEO said that the Shyam Benegal-led committee had suggested that short films could be made to convey anti-smoking message to viewers by the "same actor who is depicted as smoking on screen".</p>	<a href="https://www.moneycontrol.com/news/india/short-films-be-made-with-actors-who-smoke-on-screen-to-give-anti-smoking-message-panel-to-govt-2834401.html">https://www.moneycontrol.com/news/india/short-films-be-made-with-actors-who-smoke-on-screen-to-give-anti-smoking-message-panel-to-govt-2834401.html</a>

16-Feb-19	Tobacco Control. Muralidhar M Kulkarni1, Veena Ganesh Kamath1, Jo Cranwell2, John Britton3, Gaurang P Nazar4, Monika Arora4,5, Kirthinath Ballal1, Asha Kamath6	Assessment of tobacco imagery and compliance with tobacco-free rules in popular Indian films	Tobacco content was common in films classified as suitable for viewing by children, more among regional than national languages. Compliance with tobacco control laws was low. Stricter enforcement of tobacco-free film rules will protect children and adolescents from exposure to tobacco use on screen.	<a href="https://tobaccocontrol.bmj.com/content/early/2019/03/05/tobaccocontrol-2018-054613">https://tobaccocontrol.bmj.com/content/early/2019/03/05/tobaccocontrol-2018-054613</a>
20-Mar-19	PTI, India Today	No tobacco promotions in Filmfare Awards: Delhi government official to centre	<p>A senior official of the Delhi government has written to the Union Health Ministry, the Maharashtra public health department and the organisers of the Filmfare Awards to "stop the advertisement, promotion and sponsorships" of tobacco brands in the 64th edition of the awards to be held this Saturday in Mumbai.</p> <p>Additional Director in Delhi Health Department Dr S K Arora, who was earlier heading Delhi State Tobacco Control cell, wrote the letters in his personal capacity saying such kind of advertisements and promotions were violation of COTPA (Cigarette and Other Tobacco Products Act) and the Food Safety and Standard Act.</p>	<a href="https://www.indiatoday.in/movies/bollywood/story/stop-tobacco-brands-promotion-in-filmfare-awards-ceremony-delhi-govt-official-to-centre-1482058-2019-03-20">https://www.indiatoday.in/movies/bollywood/story/stop-tobacco-brands-promotion-in-filmfare-awards-ceremony-delhi-govt-official-to-centre-1482058-2019-03-20</a>

8-Apr-19	PTI- Business Standard	Delhi govt official writes to Union Health Ministry to stop promotion of smoking in three web series	SK arora write to Amazon CEO Jeff Bezos and Zoya Akhtar, Farhan Akhtar and Pritish Nandi the producers of the three web series i.e. 'hookah' in the three web series - 'Made in Heaven', 'Mirzapur' and 'Four More Shots Please' being aired on Amazon Prime Video	<a href="https://www.business-standard.com/article/pti-stories/delhi-govt-official-writes-to-union-health-ministry-to-stop-promotion-of-smoking-in-three-web-series-119040800599_1.html">https://www.business-standard.com/article/pti-stories/delhi-govt-official-writes-to-union-health-ministry-to-stop-promotion-of-smoking-in-three-web-series-119040800599_1.html</a>
6-Aug-19	Times of India, Sunayana Suresh	State Tobacco Control Cell cracks down on film poster	The film industry is under the scanner of the State Anti Tobacco Cell, Directorate of Health & Family Welfare, Karnataka. The reason - the poster of the Telugu film iSmart Shankar, which shows Ram Pothineni smoking. Citing this as a violation of COTPA rules.	<a href="https://timesofindia.indiatimes.com/entertainment/kannada/movies/news/state-tobacco-control-cell-cracks-down-on-film-poster/articleshow/70536173.cms">https://timesofindia.indiatimes.com/entertainment/kannada/movies/news/state-tobacco-control-cell-cracks-down-on-film-poster/articleshow/70536173.cms</a>

### Appendix 5. Film industry trade and tobacco industry trade publications

Date	Source	Title	Content	URL
16-Feb-03	The Gaurdian	Bollywood blamed for teenage smoking	<p>Mahesh Bhatt, one of India's leading film-makers, said tobacco companies, not movie stars, were to blame.</p> <p>"If you feel the Indian star smoking on screen is responsible for the consumption of tobacco on the streets of India and south Asia, why don't you go for the jugular and blow off these tobacco manufacturing companies?" he said.</p> <p>"When crime increases, when rape increases, the easiest people to blame are the movie stars. How long can you blame the virtual world for your real problems?"</p>	<a href="https://www.theguardian.com/world/2003/feb/17/india.smoking">https://www.theguardian.com/world/2003/feb/17/india.smoking</a>
25-Jun-05	Ganapati Mudur, BMJ	Indian government bans smoking in new films and TV serials	<p>After weeks of debate over a proposal from the health ministry, the Indian government has decided to ban the portrayal of smoking in new films. Consumer groups and doctors have welcomed the move.</p> <p>The ban on the portrayal of smoking or other uses of tobacco, announced by the information and broadcasting ministry last week, will apply to films and television serials produced after 2 October 2005.</p>	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC558488/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC558488/</a>
28-Jun-05	Leo Juarez for CNN	Bollywood smoking ban sparks controversy	<p>India's recent decision to ban smoking in movies and on television has ignited controversy in the popular Bollywood film industry, despite government officials' claims that such scenes glamorize tobacco use.</p> <p>While some actors have expressed support for the new restrictions, filmmakers claim that the government is infringing on artistic expression. Indian director Shekhar Kapur, who helmed the 1997 Oscar-nominated film "Elizabeth," expressed concerns that the new regulations could lead to further censorship.</p> <p>"The Indian government has always thought themselves able to do whatever they feel is necessary to curtail artistic freedoms," Kapur said.</p>	<a href="http://www.cnn.com/2005/SHOWBIZ/Movies/06/27/bollywood.smoking/index.html">http://www.cnn.com/2005/SHOWBIZ/Movies/06/27/bollywood.smoking/index.html</a>

			"The fear is not that we have to stop showing people smoking. The fear is that this is the beginning of a series of bans."	
10-Jun-11	IANS. Siffy Movies	NGO sends kit to help Shah Rukh quit smoking	HRIDAY sent a set of nicotine replacement therapy (NRTs) patches to Bollywood superstar Shah Rukh Khan to help him quit smoking.	<a href="https://www.sify.com/movies/ngo-sends-kit-to-help-shah-rukh-quit-smoking-news-national-lgkx4ohifgjsi.html">https://www.sify.com/movies/ngo-sends-kit-to-help-shah-rukh-quit-smoking-news-national-lgkx4ohifgjsi.html</a>
29-Sep-11	India Today	Stop showing tobacco on screen, Bollywood urged	Civil society members urged the film industry and censor board to avoid depicting such scenes in movies.  "There are several empirical studies and global evidence which show that depiction of tobacco usage in movies increases the risk of initiation of tobacco use in an indirect manner," Salaam Bombay Foundation Programme Director Devika Chadha said at a workshop.	<a href="https://www.indiatoday.in/movies/bollywood/story/tobacco-salaam-bombay-foundation-programme-devika-chadha-142273-2011-09-29">https://www.indiatoday.in/movies/bollywood/story/tobacco-salaam-bombay-foundation-programme-devika-chadha-142273-2011-09-29</a>
15-May-12	The Fix, Bryan Le	India Fights Smoking With In-Movie PSAs	New laws in the home of Bollywood require warning captions—or even voice-overs—during smoking scenes.  India is taking these drastic measures to curb its immensely high smoking rate (52% of Indians are exposed to smoking at home) and to quell the curiosity of Indian children who might want to do puff like silver screen superstars.	<a href="https://www.thefix.com/content/india-bollywood-anti-smoking90105">https://www.thefix.com/content/india-bollywood-anti-smoking90105</a>
28-Aug-12	India Today	Heroine makers move court on smoking scene rider	The newspaper ads of Madhur Bhandarkar's Heroine had drawn flak for blatant violation of anti-tobacco laws.  The makers of Bollywood film Heroine, starring Kareena Kapoor, Monday moved the Delhi High Court against the information and broadcasting ministry's order to display anti-smoking messages during smoking scenes in the movie.	<a href="https://www.indiatoday.in/movies/bollywood/story/heroine-kareena-kapoor-madhur-bhandarkar-smoking-114498-2012-08-28">https://www.indiatoday.in/movies/bollywood/story/heroine-kareena-kapoor-madhur-bhandarkar-smoking-114498-2012-08-28</a>

			Letter to MoIB by HRIDAY	
7-Sep-12	Screen, By screen correspondent, Pg.6/news	Madhur woos censor board	“Kareena is seen smoking in 50 percent of my film and if we were to put a disclaimer every time she smokes, it would be jarring for the audience. I am trying to meet the censor board and request them to put the warning only at the beginning of the film”	<a href="http://epaper.screenindia.com/55536/Screen/7-13-Sept-2012#dual/6/2">http://epaper.screenindia.com/55536/Screen/7-13-Sept-2012#dual/6/2</a>
14-Sep-12	Screen, By Screen Correspondent, Pg.8/news	Up in Smoke	<p>MoH intimates Supreme Court that a new notification on film rules is being issued.</p> <p>New notification to be an altered version of the instructions issued by the MoIB to CBFC in on 02/08/2012 which read:  “CBFC is requested to advice the filmmakers to ensure the following:</p> <p>i)A 20 sec anti-smoking message as approved by MOH with voice over of one of the actors who is seen smoking in the film to be displayed at the beginning and in middle (After interval) of the film.</p> <p>ii) A static anti-smoking message to be displayed for the duration of the smoking scene in the film.”</p> <p>Commenting on the issue Karan Malhotra,, director of Agneepath said, “I just think that it is sad. That’s all I can say. I think there are better ways of preventing people from turning into smokers”. Kabir Bedi said it was violation of creative rights. Distract the viewers and disrupt the story telling.</p>	<a href="http://epaper.screenindia.com/56844/Screen/14-20-Sept-2012#dual/8/2">http://epaper.screenindia.com/56844/Screen/14-20-Sept-2012#dual/8/2</a>
14-Sep-12	Screen, By Screen Correspondent, Pg-8/News	No disclaimer for Heroine	<p>The Delhi High Court upheld UTV’s appeal against the MoIB order to display an anti-smoking disclaimer whenever any character in Heroine lights up on screen.</p> <p>Kareena Kapoor’s character is seen smoking during 50% of the movie, UTV appealed against MoIB dictate.</p> <p>While Kareena Kapoor’s voiceover will be retained, there will be no anti-smoking disclaimer for any smoking sequences.</p> <p>UTV said they respect the guidelines which can be applicable to movies going into production now but Heroine had completed production.</p>	<a href="http://epaper.screenindia.com/56844/Screen/14-20-Sept-2012#dual/8/2">http://epaper.screenindia.com/56844/Screen/14-20-Sept-2012#dual/8/2</a>

28-Sep-12	Screen, By Asad Khan, Pg.6/news	U/A certification not mandatory for films with smoking scenes	<p>Films with smoking scenes will, henceforth, not be considered for a 'U/A' certificate based only on that criteria. The MoIB and MoHFW have decided to drop the clause that necessitated 'U/A' certification for films in which actors can be seen lighting up cigarettes on screen.</p> <p>So reads a statement from MoIB on Sep 21.</p> <p>Other details of the October 2012 notifications covered.</p> <p>All cost of production of such health sport and disclaimers will be borne by the MoHFW. Provided in digital beta form to CBFC to given to filmmakers at the time of application for certification.</p>	<a href="http://epaper.screenindia.com/59281/Screen/28-Sept-4-Oct-2012#dual/6/2">http://epaper.screenindia.com/59281/Screen/28-Sept-4-Oct-2012#dual/6/2</a>
18-Jan-13	Tobacco Reporter	Russians oppose ban on smoking in public places, want more quit advice	<p>The Duma passed the anti-smoking bill at its first reading last month, but since then Russian lawmakers have proposed adding further restrictions to the bill, in particular to a ban on work-place smoking rooms and on showing cigarettes on television and in films.</p>	<a href="https://www.tobaccoreporter.com/2013/01/russians-oppose-ban-on-smoking-in-public-places-want-more-quit-advice/">https://www.tobaccoreporter.com/2013/01/russians-oppose-ban-on-smoking-in-public-places-want-more-quit-advice/</a>
1-May-13	Tobacco Reporter	India reconsiders filmmakers' smoking disclaimers	<p>In response to the news item in TOI regarding meeting of filmmakers with MoIB officials.</p> <p>Filmmakers and broadcasters said they are not opposed to laws that prevent glorification of smoking, but want a change in the way the disclaimers are displayed in a film.</p> <p>Kulmeet Makkar of Film and Television Producers Guild said anti-smoking messages should be pleasant and aesthetic, without affecting creativity.</p> <p>Makkar said the film industry is opposed to the regulation requiring an editorial justification for including smoking scenes in films, as the rule takes away a filmmaker's "right to express reality."</p>	<a href="https://www.tobaccoreporter.com/2013/05/india-reconsiders-filmmakers-smoking-disclaimers/">https://www.tobaccoreporter.com/2013/05/india-reconsiders-filmmakers-smoking-disclaimers/</a>



18-Aug-13	The Economic Times, Ullekh NP	How the economics & politics of tobacco is killing lakhs every year	<p>Referring to the delay in implementing scrolls warning of the dangers of tobacco consumption in smoking scenes, a government lawyer, who also didn't wish to be identified, notes that it was the information ministry that stood in the way.</p> <p>The response to an RTI plea with the I&amp;B ministry confirms this.</p> <p>The I&amp;B ministry, says the response, made a formal reference to the ministry of health asking them "to keep the notification in abeyance till the time the practical difficulties faced by the film industry in giving effect to the notification are resolved amicably to the satisfaction of all stakeholders".</p> <p>"Till the issue gets resolved amicably, the ministry of information and broadcasting is directing the Central Board of Film Certification [CBFC] to maintain status quo and adhere to the certification process as was being done before the issue of notification dated 27/10/2011," the response to the RTI application on the issue said.</p>	<a href="https://economictimes.indiatimes.com/industry/cons-products/tobacco/how-the-economics-politics-of-tobacco-is-killing-lakhs-every-year/articleshow/21882170.cms?from=md_r">https://economictimes.indiatimes.com/industry/cons-products/tobacco/how-the-economics-politics-of-tobacco-is-killing-lakhs-every-year/articleshow/21882170.cms?from=md_r</a>
18-Dec-13	Stardust, Alice Peter	Anurag Kashyap says smoking not illegal, fights for the release of Ugly	<p>Release of film Ugly has been halted in India due to the objection cited by India's Censor Board as well as the refusal by Anurag to add the anti-smoking disclaimers.</p> <p>The director has filed a writ petition to the Mumbai High Court in order to fight for the release of the film, so that the film can be shown as it is without any notifications running alongside it.</p>	<a href="http://www.stardust.co.in/article/latest-buzz/anurag-kashyap-says-smoking-not-illegal-fights-for-the-release-of-ugly/2490">http://www.stardust.co.in/article/latest-buzz/anurag-kashyap-says-smoking-not-illegal-fights-for-the-release-of-ugly/2490</a>
9-Jul-14	Tobacco Reporter	Ignore the violence, just ban the smoking	<p>Tobacco control campaigners in China on Monday protested against smoking scenes in the movie Transformers, according to a Xinhua Newswire story, which said that the film had broken the country's box office record.</p> <p>In 2011, the administration released a circular on smoking in movies and television plays. Since then, the CATC has made Dirty</p>	<a href="https://www.tobaccoreporter.com/2014/07/ignore-the-violence-just-ban-the-smoking/">https://www.tobaccoreporter.com/2014/07/ignore-the-violence-just-ban-the-smoking/</a>

			Ashtray awards to the movies and television plays featuring the most smoking.	
26-Nov-14	Tobacco Reporter	China mulls tougher tobacco controls	Pending public consultation, the draft also includes plans to ban certain smoking scenes in films and TV shows.	<a href="https://www.tobaccoreporter.com/2014/11/china-mulls-tougher-tobacco-controls/">https://www.tobaccoreporter.com/2014/11/china-mulls-tougher-tobacco-controls/</a>
6-Jan-15	Tobacco Reporter	Anti-smoking campaign starting to work in China	And also in November, China's State Council's legislative affairs office released a draft regulation for public comment.  The regulation would ban smoking in indoor public places and outdoor spaces, including schools and hospitals; it would ban all forms of tobacco advertising, sponsorship and promotion; and it would prohibit smoking scenes involving minors in films and on television.	<a href="https://www.tobaccoreporter.com/2015/01/anti-smoking-campaign-starting-to-work-in-china/">https://www.tobaccoreporter.com/2015/01/anti-smoking-campaign-starting-to-work-in-china/</a>
13-Jan-15	Tobacco Reporter	Italy preparing for further tobacco smoking bans	Italy is making moves to ban tobacco smoking in outdoor areas such as parks, beaches and stadiums, and to stop actors lighting up on film and television sets, according to a story in The Local.	<a href="https://www.tobaccoreporter.com/2015/01/italy-preparing-for-further-tobacco-smoking-bans/">https://www.tobaccoreporter.com/2015/01/italy-preparing-for-further-tobacco-smoking-bans/</a>
19-Jan-15	Tobacco Reporter	Ban on smoking in films would be 'really ridiculous'	Some of the best-known Italian directors, producers and scriptwriters have put their names to a letter opposing a proposal to ban smoking from films and television, according to a Dpa story.  The group of 20 artists, including Oscar-winning directors Paolo Sorrentino and Gabriele Salvatores, wrote a letter to La Repubblica newspaper saying they felt they needed to express their 'astonishment' and 'concern' about the proposal.	<a href="https://www.tobaccoreporter.com/2015/01/ban-on-smoking-in-films-would-be-really-ridiculous/">https://www.tobaccoreporter.com/2015/01/ban-on-smoking-in-films-would-be-really-ridiculous/</a>
22-Jun-15	Tobacco Reporter	Movie smoking scenes to be subject of warnings	Scrolling banners warning about the effects on health of tobacco smoking could be displayed in Bahrain's cinemas during scenes depicting smoking, according to a story in the Gulf Daily News.  The proposed move, which is part of a health ministry plan, is in	<a href="https://www.tobaccoreporter.com/2015/06/movie-smoking-scenes-to-be-subject-of-warnings/">https://www.tobaccoreporter.com/2015/06/movie-smoking-scenes-to-be-subject-of-warnings/</a>

			line with a 2009 anti-smoking law, said smoking cessation program co-ordinator Dr Maha Al Kuwari.	
26-Apr-16	Press Information Bureau	Shyam Benegal Committee submits its report on Cinematograph Act/ Rules to Shri Jaitley	The Committee sought some more time to give recommendations on the certification of films regarding:  Issues relating to depiction of smoking in films wherein films are required to show a disclaimer in every scene that involves smoking, as per a directive from the Ministry of Health and Family Welfare.	<a href="https://pib.gov.in/newsite/PrintRelease.aspx?relid=142288">https://pib.gov.in/newsite/PrintRelease.aspx?relid=142288</a>
11-Feb-17	India Today, Piya Hingorani	Bollywood supports stronger anti-smoking campaigns, but not curbing creative expression	Bollywood will whole-heartedly support stronger anti-smoking campaigns, but static disclaimers where actors are shown smoking in films will have to be removed.  In a meeting between the ministry officials and the members of the film fraternity held in Mumbai, Central Board of Film Certification Chief Pahlaj Nihalani and filmmaker Ashoke Pandit were of the opinion that Bollywood and art cannot be wholly blamed for encouraging the youth to smoke.	<a href="https://www.indiatoday.in/movies/bollywood/story/bollywood-anti-smoking-campaign-no-disclaimer-films-960142-2017-02-11">https://www.indiatoday.in/movies/bollywood/story/bollywood-anti-smoking-campaign-no-disclaimer-films-960142-2017-02-11</a>
22-Mar-17	Hindustan times, Yashika Mathur	No-smoking ads: Bollywood to take charge and add much-needed visual appeal	The I&B Ministry has asked The Film and Television Producers Guild of India to allow its filmmakers to direct anti-smoking ads featuring Bollywood celebs.	<a href="https://www.hindustantimes.com/bollywood/no-smoking-ads-bollywood-to-take-charge-and-add-much-needed-visual-appeal/story-5WL71kLN86zMoIGD2O3RbJ.html">https://www.hindustantimes.com/bollywood/no-smoking-ads-bollywood-to-take-charge-and-add-much-needed-visual-appeal/story-5WL71kLN86zMoIGD2O3RbJ.html</a>
31-May-17	The Better India, Sohini Dey	7 Million Die in Tobacco-Related Deaths Annually. Here's How India Is Tackling the Burning Issue	In India, movies are preceded by public service advertisements and a sign appended along with specific disclaimers proclaiming "smoking kills" or "smoking is injurious to health."  It has also been suggested that the anti-smoking films played before movies are far too gruesome to serve a positive message. The issue	<a href="https://www.thebetterindia.com/102918/world-no-tobacco-day-india-smoking/">https://www.thebetterindia.com/102918/world-no-tobacco-day-india-smoking/</a>

			<p>particularly came to the forefront with Mukesh Harane, who died of oral cancer in 2009, was subsequently featured in an eponymous anti-tobacco campaign movie. More recently, the Ministry of Information &amp; Broadcasting announced that it will approach established film directors like Kiran Rao, Nitesh Tiwari and Neeraj Ghaywan to make aesthetically pleasing anti-tobacco films.</p>	
15-Aug-17	Guy Bentley, Washington Examiner	A myth that won't die: Movies cause teen smoking	<p>Some public health myths, no matter how absurd or consistently refuted, just refuse to die a dignified death.</p> <p>One of the most pervasive is the claim that the more teens see tobacco in movies the more likely they are to pick up smoking. Every time a new study comes out documenting tobacco use on the big screen, a minor panic ensues.</p>	<a href="https://www.washingtonexaminer.com/a-myth-that-wont-die-movies-cause-teen-smoking">https://www.washingtonexaminer.com/a-myth-that-wont-die-movies-cause-teen-smoking</a>
18-Aug-17	Tobacco Reporter	Movie smokescreen	<p>For many people, removing smoking scenes from movies is like removing scenes where people take a bus. Smoking or taking a bus are two of the things that people do and therefore in showing these actions film makers are merely depicting life. The trouble is that the evidence indicates that showing teenagers such scenes makes them start to smoke and, presumably, take buses. But in an opinion piece on the washingtonexaminer.com website, Guy Bentley, who is a consumer freedom research associate at the Reason Foundation, disputes that there is any such evidence.</p>	<a href="https://www.tobaccoreporter.com/2017/08/the-smoking-in-movies-hoax/">https://www.tobaccoreporter.com/2017/08/the-smoking-in-movies-hoax/</a>
2-Oct-17	Dhirendra Kumar	Govt wants online movie streaming cos to run anti-tobacco messages	<p>Cracking the whip on video streaming companies for violating anti-tobacco norms, the Health Ministry has asked Telecom Regulatory Authority of India (TRAI) to put a check on the contents provided by online movie broadcasting companies such as Netflix, Amazon Prime, Hotstar, etc. The Health Ministry has objected that video streaming companies are flouting anti-tobacco norms by not running anti-tobacco messages during smoking scenes in movies and television programmes.</p>	<a href="https://www.tionline.org/wp-content/uploads/Govt-wants-online-movie-streaming-cos-to-run-anti-tobacco-messages-millenniumpost_02102017.pdf">https://www.tionline.org/wp-content/uploads/Govt-wants-online-movie-streaming-cos-to-run-anti-tobacco-messages-millenniumpost_02102017.pdf</a>

22-Dec-17	Tobacco Reporter	Smoke screen	The European Commission has been asked by The French member of the European Parliament, Marie-Christine Arnautu, whether it is officially in favor of banning smoking in films.	<a href="https://www.tobaccoreporter.com/2017/12/smoke-screen/">https://www.tobaccoreporter.com/2017/12/smoke-screen/</a>
11-Jan-18	Tobacco Reporter	Self-censorship suggested	Cigarettes are ‘ubiquitous’ in films and on television, and this is a problem, said Marlene Mortler, Germany’s Federal Drugs Commissioner, in an interview with newspaper and magazine publisher Funke Mediengruppe that was reported by DW World (Deutsche Welle).	<a href="https://www.tobaccoreporter.com/2018/01/self-censorship-suggested/">https://www.tobaccoreporter.com/2018/01/self-censorship-suggested/</a>
31-Jan-18	Tobacco Reporter	And the answer is?	<p>French member of the European Parliament, Marie-Christine Arnautu, who had asked whether the Commission was officially in favor of banning smoking in films.</p> <p>In its written answer, the Commission said the issue of smoking in films was of concern from a public health perspective. ‘Some studies funded by the Commission in the past indicate, for example, that in the EU young people’s exposure to smoking in films is much higher than it is to the same age group in the US,’ it said.</p> <p>‘This is why, as the Commission pointed out in its answer to written question E-000981/2016, tobacco advertising in films is prohibited at EU-level by the Audiovisual Media Services Directive.</p> <p>‘This Directive also prohibits product placement of tobacco products in films and sponsorship by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.</p> <p>‘However, the actual portrayal of smoking in films is not regulated at EU level.’</p>	<a href="https://www.tobaccoreporter.com/2018/01/and-the-answer-is/">https://www.tobaccoreporter.com/2018/01/and-the-answer-is/</a>
16-Apr-18	Tobacco Reporter	Smoke screen	The smokers’ lobby group Forest has said that attempts to reduce the amount of smoking on television and in films would be a ‘gross attack on artistic freedom’ and a ‘worrying attempt to rewrite history’.	<a href="https://www.tobaccoreporter.com/2018/04/smoke-screen-2/">https://www.tobaccoreporter.com/2018/04/smoke-screen-2/</a>

			<p>According to a submission to the UK's Select Committee on Science and Technology, ASH and the UK Centre for Tobacco and Alcohol Studies say that smoking on television and in films encourages children to start smoking.</p>	
29-Jun-19	The Economic Times, PTI	<p>Warning is mandatory: Govt says anti-tobacco messages a must when smoking showcased in films, TV</p>	<p>Doordarshan runs a scroll on the screen showing the statutory warning whenever smoking scenes appear.</p> <p>In a written response to a question in the Lok Sabha, Information and Broadcasting Minister Prakash Javadekar said the Cigarette and other Tobacco products Rules 2004 inter-alia provides that films and television programmes displaying tobacco products should carry anti-tobacco health spots of minimum 30 seconds duration to be screened at the beginning and middle of a film or programme.</p> <p>"Further, anti-tobacco health warnings as a prominent static message is to be displayed at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme," he said.</p> <p>Doordarshan runs a scroll on the screen showing the statutory warning whenever smoking scenes appears on its channels, Javadekar said.</p>	<p><a href="https://economictimes.indiatimes.com/magazines/panache/warnings-is-mandatory-govt-says-anti-tobacco-messages-a-must-when-smoking-showcased-in-films-tv/articleshow/70000286.cms?from=mdr">https://economictimes.indiatimes.com/magazines/panache/warnings-is-mandatory-govt-says-anti-tobacco-messages-a-must-when-smoking-showcased-in-films-tv/articleshow/70000286.cms?from=mdr</a></p>

### Appendix 6: Litigation on depiction of tobacco use in movies, films and television

Sl#	Case Title	Court	Judge	Date	Issue involved	Judgement	Remarks
1	Mr. Mahesh Bhatt And Kasturi And ... vs Union Of India (Uoi) And Anr. <a href="https://indiankanoon.org/doc/1327029/">https://indiankanoon.org/doc/1327029/</a>	High Court of Delhi	Author: Sanjiv Khanna Bench: M Mudgal, S Khanna	7 February, 2008	Petition challenging movie rules of 2005	Central govt competent to make law. Rules not beyond parent law. it cannot be accepted that there is an absolute or a complete bar in display of tobacco use in a new Indian or a foreign film or television programmes. Thus freedom of speech and expression is protected and preserved along with the Right to live a healthy Life.	There was a division of opinion in this judgement and therefore it was sent for review by a single judge  Dissent by Justice Mudgal
2	Mahesh Bhatt vs Union Of India & Anr <a href="https://indiankanoon.org/doc/38142746/">https://indiankanoon.org/doc/38142746/</a>	High Court of Delhi	Sanjay Kishan Kaul	23 January, 2009	Movie rules 2006	The Court struck down the Rule 4(6), 4(6A), 4(6B) & 4(8) and held them to be ultra vires the parent Act as well as violative of Article 19(1)(a) of the Constitution and are accordingly struck down being unconstitutional.	Single judge review of the previous judgement.  Respondent nos.1 and 2 preferred a special leave petition being : SLP 8439/2009. The Supreme Court vide order dated 02.04.2009 stayed the operation of the judgment passed by this court.  On 27.04.2012, the Supreme Court made an order making the interim order absolute.
3	V.Ramesh vs The Director General Of Police	Madurai Bench of Madras		13 October, 2014	Petition seeking ban on exhibition of	As the decision on the movies exhibition was yet not taken by the censor board, the court did not issue	

	<a href="https://indiankanoon.org/doc/168241954/">https://indiankanoon.org/doc/168241954/</a>	High Court			two Tamil movies called "KATHI" and "PULIPAARVAI"	order for ban. only reiterated broader principles for movie makers including "Glamorization of drinking and smoking should be avoided especially by the popular heroes in films, as drinking is a social evil spoiling individuals"	
4	Sivashankari vs The Superintendent Of Police <a href="https://indiankanoon.org/doc/33794483/">https://indiankanoon.org/doc/33794483/</a>	High COURT OF JUDICATURE AT MADRAS	mr.justice s.nagamuthu  And dr.justice anita sumanth	12 April, 2017	Writ petition (Habeas Corpus) as minor girl under the influence of movies marries her stalker	Court direct strict compliance with the provision of cinematograph act and the rules therein including Scenes tending to encourage, justify or glamorize consumption of tobacco or smoking should not be allowed to be shown.	
5	Crossword Entertainment Private ... vs Central Board Of Film <a href="https://indiankanoon.org/doc/63302638/">https://indiankanoon.org/doc/63302638/</a>	HIGH COURT OF DELHI AT	MR JUSTICE SANJEEV SACHDEVA	11 December, 2017	Certification of film "Mohalla Assi"	Court eludes to the guidelines for CBFC for certifying films which inter alia includes that: scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown	
6	Phantom Films Pvt. Ltd. And Anr vs The Central Borad Of Cetification <a href="https://indiankanoon.org/doc/116968980/">https://indiankanoon.org/doc/116968980/</a>	HIGH COURT OF JUDICATURE AT BOMBAY	S.C. Dharmadhikari	13 June, 2016	'A' Certification to movie 'Udta Punjab' Challenged	Court called in for compliance with Section 5B of Cinematograph Act and the guidelines for CBFC which inter alia says, that scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown so that human sensibilities are not affected.	



7	Kerala Voluntary Health Services vs The Union Of India <a href="https://indiankanon.org/doc/136943338/">https://indiankanon.org/doc/136943338/</a>	HIGH COURT OF KERALA AT ERNAKULAM	MRS.MANJULA CHELLUR A.V.RAMA KRISHNA PILLAI	26th day of March, 2012	Implementation of 'COTPA' and its allied Rules	As per Section 5B of Cinematograph Act CBFC to see that "scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown". Called for prevention of indirect advertisement of tobacco products in films. This can be curtailed only by proper enforcement of the provisions of the COTPA and its allied Rules as well as of the Cinematograph Act and the Guidelines issued thereunder. Directed that Respondents 1, 2 and 4 shall ensure that no scenes are depicted in films, tele-serials and other visual media which would violate the provisions of COTPA and its allied Rules.
8	Rakeysh Omprakash Mehra & Anr. vs Govt Of Nct Of Delhi & Anr. <a href="https://indiankanon.org/doc/134958730/">https://indiankanon.org/doc/134958730/</a>	HIGH COURT OF DELHI AT NEW DELHI	MR. JUSTICE MANMOHAN	2 January, 2013	Quashing of FIR under SC ST Act for scene in "Delhi-6"	Court eludes to the guidelines under Section 5B of the Cinematograph Act. i.e. scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown
9	Ms.A.Arulmozhi vs The Government Of India	HIGH COURT OF JUDICAT	MR.JUSTICE M.KARPA GAVINAY AGAM	5 August, 2005	Challenging exhibition of Tamil feature film "New"	The film "New" does not provide a clean and healthy entertainment. The guidelines given in the Cinematograph Act,1952, that the scenes, showing children being

	<a href="https://indiankanoon.org/doc/1269073/">https://indiankanoon.org/doc/1269073/</a>	URE AT MADRAS	MR.JUSTICE S.ASHOK KUMAR		Obscenity and smoking writ large in movie	subjected to any form of child abuse or tending to encourage and justify smoking, are not to be shown and human sensibilities should not be allowed to be offended by vulgarity and obscenity and dual meaning words, obviously catering to the baser instincts of the viewers are not allowed, have not been followed by the Censor Board, even though the film depraves the morality of the audience.	
10	Tamizh Nadu Brahmin Association ... vs Central Board Of Film <a href="https://indiankanoon.org/doc/84149253/">https://indiankanoon.org/doc/84149253/</a>	HIGH COURT OF JUDICATURE AT MADRAS	MR.JUSTICE N.KIRUBAKARAN	27 May, 2013	Request for canceling certification of tamil movie "Madisar Mami"	While granting injunction on the release of the movie, court eluded to the need for compliance with the guidelines under Cinematograph Act inter-alia, that scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown;	
11	Utv Software Communications Pvt. ... vs Union Of India And Ors. <a href="https://indiankanoon.org/doc/68065552/">https://indiankanoon.org/doc/68065552/</a>	HIGH COURT OF DELHI AT NEW DELHI	Justice Rajiv Shakhder	10 September, 2012	writ petition is directed against the letter dated 02.08.2012 issued by MoIB film in question was 'Heroine'	As a substantial part of the movie was complete it directed: (i). respondent no.3 shall certify the film by marrying the decisions taken in the meeting of 29.11.2011 as contained in paragraphs (ii), (iv)(a) & (b), (v) and the directions contained in para 3(i) of the impugned notification dated 02.08.2012;	Supreme Court at the hearing held on 04.09.2012 in SLP No.8429-8431/2009, titled tiled Union of India Vs. Mahesh Bhatt and Another.

12	Shyam Narayan Chouksey vs Union Of India (Uoi) And Ors <a href="https://indiankanoon.org/doc/1836522/">https://indiankanoon.org/doc/1836522/</a>	Madhya Pradesh High Court	D Misra, A Shrivastava	24 July, 2003	Writ petition against disrespect of national anthem in movie 'kabhi khushi kabhi gum'	Court eluded to the guidelines for CBFC for certification of film which inter alia requires that, Scenes tending to encourage, justify or glamorise consumption of tobacco or smoking are not shown.	
13	Anurag Kashyap v. Union of India <a href="https://www.tobaccocontrol.org/litigation/decisions/in-20140507-anurag-kashyap-v.-union-of-india">https://www.tobaccocontrol.org/litigation/decisions/in-20140507-anurag-kashyap-v.-union-of-india</a>	Bombay High Court	Mohit S. Shah, C.J. & M.S.Sanklecha, J.	May 7, 2014	All co-producers of the film 'Ugly', have challenged the constitutional validity of Rules 4(6), 4(7) and Rule 8 of the movie rules as amended in 2012.	In view of the stay on Delhi High Court in Mahesh Bhat v/ s U.O.I. & ors decision by the Supreme Court and its observation in another matter regarding implementation of the Act and the 2003 Rules as amended from time to time the court declined to give any relief.	
14	Union of India v. Mahesh Bhat and Another <a href="https://www.tobaccocontrol.org/litigation/decisions/in-20090202-union-of-india-v.-mahesh-bhatt">https://www.tobaccocontrol.org/litigation/decisions/in-20090202-union-of-india-v.-mahesh-bhatt</a>	Supreme Court of India	K. G. Balakrishnan and P. Sathasivam	02/04/2009	Union of India challenged the judgement of Delhi High Court in Mahesh Bhatt Case	The Apex Court ordered that "There shall be interim stay of the impugned orders until further orders."	Stay made absolute by order dated 27/04/2012 by the Supreme Court
15	Union of India v. Mahesh Bhat and Another <a href="https://sci.gov.in/daily-order">https://sci.gov.in/daily-order</a>	Supreme Court of India	P. Sathasivam and	27/04/2012	Hearing Special Leave to Appeal (Civil) No(s).8429-8431/2009	The Court held, "Since the stay is in force for the last three years, we are not inclined to modify the same. The stay is made absolute."	

			J. Chelameswar		(From the judgement and order dated 07/02/2008 & 23/01/2009 in WP No.18761/2005, WP No.23716/2005, WP No.7410/2006 of The HIGH COURT OF DELHI AT N. DELHI)	
16	Union of India v. Mahesh Bhat and Another <a href="https://sci.gov.in/daily-order">https://sci.gov.in/daily-order</a>	Supreme Court of India	H.L. Dattu and Arun Mishra	14-07-2014	Hearing Special Leave to Appeal (C) Nos. 8429-8431/2009  (Arising out of impugned final judgment and order dated 23.1.2009 and 7.2.2008 in WP No. 18761/2005, 23716/2005, 7410/2006, passed by the	Court ordered as under: “Delay condoned.  Leave granted.  Hearing expedited.  Interim order dated 02.04.2009 shall continue.  I.A. Nos. 13-15 application for impleadment be treated as applications for intervention. I.A. Nos. 13-15, applications for intervention are allowed.”

					High Court Of Delhi At N. Delhi)	
17	Health for Millions v. Union of India & Ors	Supreme Court of India	GS Singhvi And V Gopala Gowda	July 22, 2013	Appeal against the order of the Bombay High Court in Writ Petition Nos.6151 of 2005 titled Sridhar S.Kulkarni and others vs. Union of India and Writ Petition No.8763 of 2005 titled Namdeo Kamathe and others vs. Union of India.	Setting aside the order of the Bombay High Court the Court further held “We also make it clear that as a sequel to setting aside of the interim order passed by the High Court, the Central Government and the Governments of all the States shall be bound to rigorously implement the provisions of the 2003 Act and the 2004 Rules as amended from time to time.”

**Appendix 7. Names of Ministers who replied in Parliament and number of search results yielded for their names in the Truth Tobacco Documents (in parenthesis)**

1. ASHWINI KUMAR CHOUBEY (0)
2. PRAKASH JAVADEKAR (0)
3. RAJYAVARDHAN RATHORE (0)
4. ANUPRIYA PATEL (0)
5. M. VENKAIAH NAIDU (15)
6. ARUN JAITLEY (29)
7. SHRIPAD YESSO NAIK (0)
8. JAGAT PRAKASH NADDA (0)
9. RAM VILAS PASWAN (1)
10. HARSH VARDHAN (66)
11. K. V. THOMAS (5)
12. JAI PRAKASH NARAYAN SINGH (0)
13. MANISH TEWARI (0)
14. GHULAM NABI AZAD (1)
15. C.M. JATUA (0)
16. S. JAGATHRAKSHAKAN (0)
17. AMBIKA SONI (0)
18. PANABAKA LAKSHMI (0)
19. P.R. DASMUNSI (1)
20. ANBUMANI RAMADOSS (40)
21. S. JAIPAL REDDY (14)
22. MANIKRAO HODLYA GAVIT (0)
23. RAVI SHANKAR PRASAD (0)
24. SUSHMA SWARAJ (28)
25. SMRITI ZUBIN IRANI (0)
26. RAOSAHEB PATIL DANVE (0)
27. KIREN RIJJU (0)
28. GANDHISELVAN (0)
29. ANAND SHARMA (0)
30. TASLIMUDDIN (0)
31. GINGEE N. RAMACHANDRAN (0)
32. A. RAJA (31)
33. C.P. THAKUR (15)