The Need for Implementation before Legislation in Tobacco Control Regime of Pakistan

By Wasif Naqvi

Plethora of laws exist in Pakistan targeting multiple aspects of tobacco control including taxation, graphic health warnings, restriction of smoking spaces and advertisement bans. Doubtlessly, tobacco industry in connivance with their international partners, has outsmarted the legislative process. Pakistan has a reasonably long history of laws enacted in order to control the spread of the tobacco and allied products. However, the details of tobacco-industrial out-maneuvering is equally exhaustive.

The “West Pakistan Vend Act” was enacted back in 1958 and the law dealt with the licensing, manufacturing, retailing and dealing with the tobacco products. Pursuant to this, legislation and multiple Statutory Regulatory Orders were issued from time to time, such as 1959 Juvenile smoking Ordinance, 1979 Printing of Warning on Cigarette packing etc. However, in 2002, major revision of tobacco control was undertaken. The Tobacco Control Regime in Pakistan was further strengthened as Pakistan became the party to the Framework Convention on Tobacco Control in 2004. With changing global trends and special emphasis on ill-effects of tobacco products, laws in Pakistan were routinely updated.

The laws did not have a free pass and tobacco industry tried its level best to outwit these laws. Few of the examples are visible in the Rs. 33 Billion loss to the government exchequer through reduced tax collection. While the industry continued making hefty profits, elimination of a tobacco taxation tier was one of the sleaziest move by tobacco industry. Similarly the implementation of SRO 22(KE)/2015 proposing the Graphic Health Warning to be increased to 85%, was initially delayed and eventually manipulated to a much lower 50% and 60% Health Warnings to be implemented in 2018 and 2019.

The point made in here is the focus of the legislative process on the creation of new laws, which certainly is a healthy democratic activity per se, but the absence of implementation component. A tobacco control legislation should be enforceable among the masses, because of their direct involvement. Additionally, the implementing authority should be competent enough to enforce the existing laws and out of the tobacco industrial influence. SRO 654 (I)/2003 authorizes a bus/van conductor and drivers to eject a smoker from the vehicle, how many times have we really seen the manifestation of this order? And what happens if the driver or the conductor are smoking, which is a well pronounced routine on the roads? This reiterates the need to enact the laws which are logically and culturally implementable. The incompetence of the enforcement agency in tobacco control regime results in mockery of the law. The role of mass media campaigns for public and general awareness cannot be overemphasized. Similarly, opinion leaders, legislators and policy makers need to understand the gravity of the problem and certainly need to stay a step ahead of the tobacco industry to safeguard against being ‘under the influence’.

We are lagging on multiple positive indicators globally, yet we are among the top ten countries in tobacco use. A comprehensive tobacco control (and finally elimination) policy can only be based on local scientific research and analysis. The research carried out in any other country may not be and cannot be applicable in Pakistan. Such research needs to include issues of health effects such as mortality rates, tobacco related cancer and hospital admission ratios, deaths, use and presence of over 4000 chemicals in tobacco products, prevalence of pesticides in tobacco and smoke, economic burden at micro and macro levels and other socio-cultural issues such as juvenile tobacco inspiration etc. In Pakistan the potential to control the menace of tobacco is enormous, and it can best be achieved through robust implementation before further legislation.

Wasif Naqvi is a research Associate at Sustainable Development Policy Institute (SDPI). He can be reached at wasif@sdpi.org.