

Proposal to ban vape info online under IT Act is anti-people, say consumers, experts

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New Delhi, Jan 4 () Tobacco harm reduction advocacy group Association of Vapers India (AVI) and experts have criticised the Centre's proposal of amending the Information Technology Act to ban publishing of any information related to electronic nicotine delivery systems (ENDS), stating that it threatens public health and safety.

The amendment is part of the measures proposed by the Centre to curb fake news and includes monitoring the online activity of Indians.

AVI director Samrat Chowdhery said that the proposed amendment to the IT Act is another instance of the government clamping down on safer alternatives to tobacco that kills a million Indians every year.

"The central government claims ENDS are as harmful as cigarettes. This is wholly untrue as vaping is 95 per cent safer than combustible tobacco, a fact endorsed by the governments of 65 nations across the EU, UK, US and Canada, as well as by credible institutions such as the Public Health England, American Cancer Society and the US Food and Drug Administration (FDA)," Chowdhery said.

Moreover, a recent Delhi High Court judgment ruled that the advisory on ENDS issued by the central government is non-binding, and government departments and states acting on these products have to rely on independent application of mind.

The government departments are flouting this order, Chowdhery said, adding that at first the customs issued a circular banning ENDS imports relying solely on the advisory, and now the IT department is acting on it without due justification.

Experts working in the field of tobacco control have also decried the proposed amendment.

Dr R N Sharan, a professor at North-Eastern Hill University who has published over 100 research papers on the subject, said a blanket gag on information flow indirectly supports perpetuation of misinformation, which is highly damaging to any society and any cause.

"The case of lack of sex education in mainstream education in many societies across the globe, including India, and its consequences is a glaring example. Therefore, it is important not to impinge upon the right of the people to correct information, especially in the domain of health and quality of life..."

"Any proposal to amend the IT Act, which otherwise is likely to damage seriously the cause of public health, should be avoided," he said.

Question have also been raised on the legality of the proposed amendment.

"The section 3(2)(J) of the draft amendment bill to the extent of advertisement of ENDS is violative of Article 14, 19 and 21 of the Constitution. The restrictions, as envisaged in the

Constitution, are not absolute in nature but are intended to safeguard the interest of public," said advocate Farrukh Khan.

He said that the use of ENDS by smokers limits their exposure to hazardous substances in comparison to combustible cigarettes, and hence, very helpful to save the public from tobacco-related diseases such as cancer.

The health impact of ENDS is also significantly lower on bystanders. Without complete restrictions on the use of tobacco products, the restrictions imposed on promotion of ENDS would only aggravate the health hazard, he said.

Such bans are anti-people and will lead to many more deaths, AVI said and urged consumers to send comments and suggestions to the proposed bill before the January 15 deadline.

Association of Vapers India (AVI) is a non-profit advocacy group that champions the use of vapour products and electronic cigarettes to help smokers quit.

Source: <https://timesofindia.indiatimes.com/business/india-business/proposal-to-ban-vape-info-online-under-it-act-is-anti-people-say-consumers-experts/articleshow/67384729.cms>