



Pakistan:

Waterpipe Tobacco Smoking (WTS) Regulations & Challenges

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Project Manager
Tobacco Control Cell
Ministry of National Health Services, Regulations and Coordination

Beirut, Lebanon

November 6-7, 2018



Pakistan

- Total **population: 207.77** million

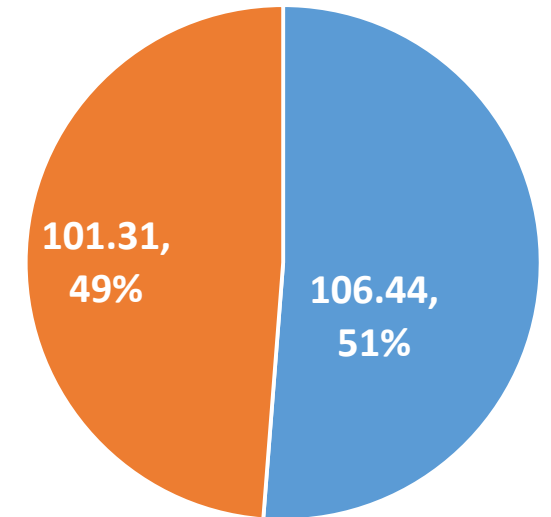
Source: Population and Housing Census, 2017

- Population **under 25: 62.7%**

Source: Population and Housing Census, 2017

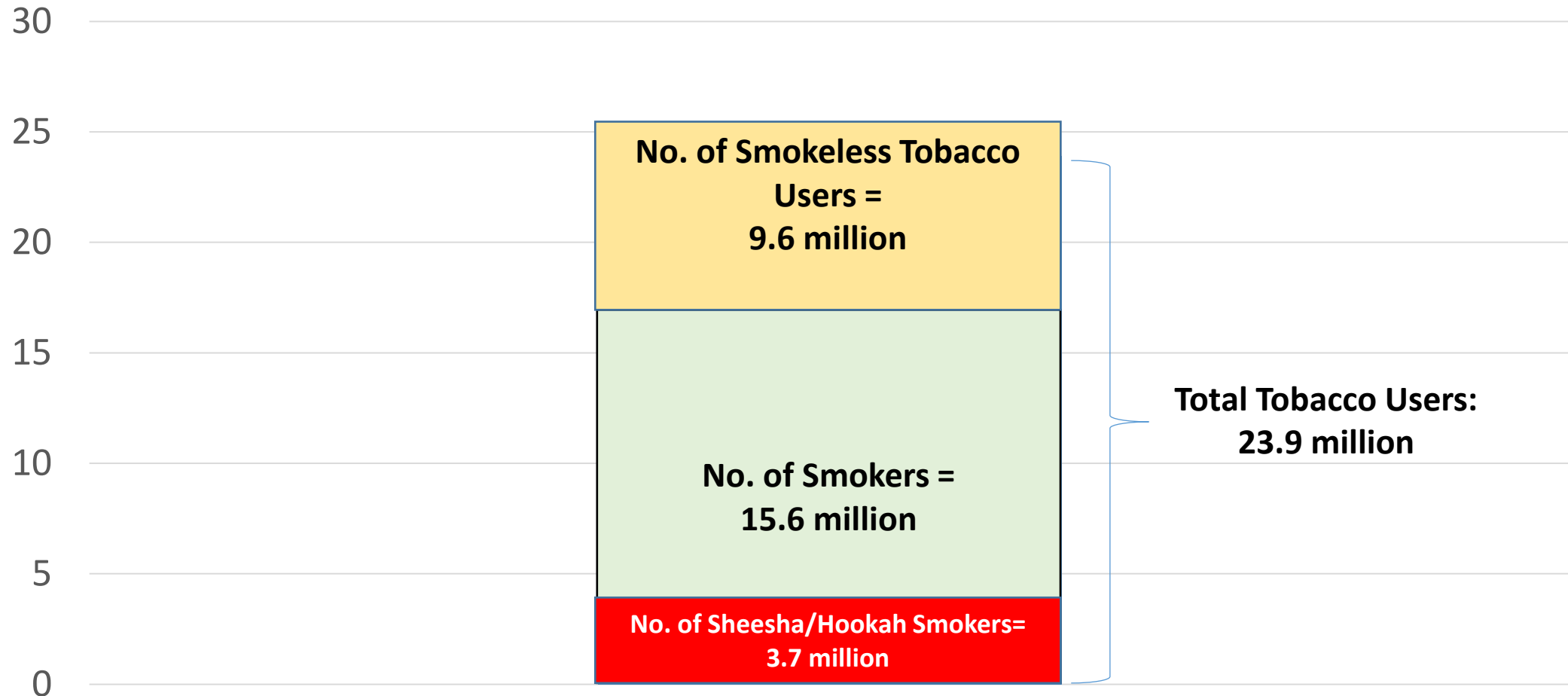
- **Literacy rate: 60%**

Source: Pakistan Social and Living Standards Measurement (PSLM) Survey 2015

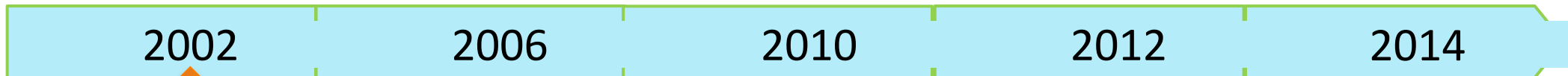


■ Male ■ Female

Burden of Tobacco Use in Pakistan



Milestones in Regulating / Banning Sheesha in Pakistan (2002-2018)

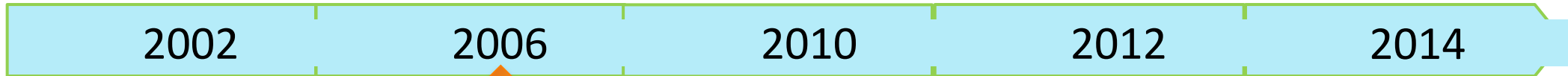


❑ October, 2002

Promulgation of “**Prohibition of Smoking and Protection of Non-Smoker’s Health Ordinance 2002**” – **Section 5** prohibits smoking and other tobacco use at places of public work or use

Section 2(g): “Smoking” means smoking of tobacco in any form whether in the form of cigarettes, cigar or otherwise **with the aid of a pipe, wrapper or other instrument**

Milestones in Banning Sheesha in Pakistan (2002-2018)



☐ September, 2006

Chief Justice, Supreme Court of Pakistan took **Suo Moto Notice on Tobacco Epidemic in Pakistan**

☐ November, 2006

Chief Justice directed the authorities to **enforce tobacco control law**

Milestones in Banning Sheesha in Pakistan (2002-2018)

2002

2006

2010

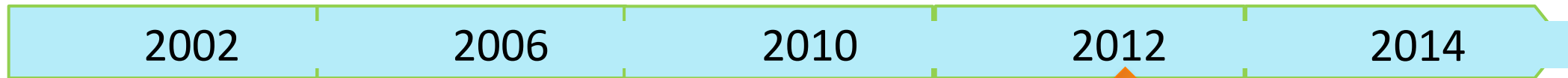
2014

□ 2010

Media reports on **rising trend of sheesha** among youth belonging to various universities



Milestones in Banning Sheesha in Pakistan (2002-2018)



☐ 2011-12

Crackdown by enforcement agencies against sheesha cafes/bars

☐ 2012

M/s Olive Gril Restaurant, Lahore **challenged the enforcement actions** in Lahore High Court, Lahore

Milestones in Banning Sheesha in Pakistan (2002-2018)

2002

2006

2010

2012

2014



2012: Arguments

Offering sheesha at **open places**
(not at enclosed places)

Milestones in Banning Sheesha in Pakistan (2002-2018)

2002

2006

2010

2012

2014



6. According to Section 2(c) of the Ordinance, any place that is open to the sky but is cordoned in a manner to accommodate persons engaging in smoking within the enclosed restricted area cannot be described as an “*open place*”. Therefore, an open place in the present context must necessarily be a place where an individual exercises his preference of smoking individually and not collectively. Consequently, to

■ Aug, 2012: Lahore High Court Decision

Any place that is open to sky but is cordoned in a manner of accommodate persons engaging in smoking within the enclosed restricted area cannot be described as an “**open place**”.

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016

2017

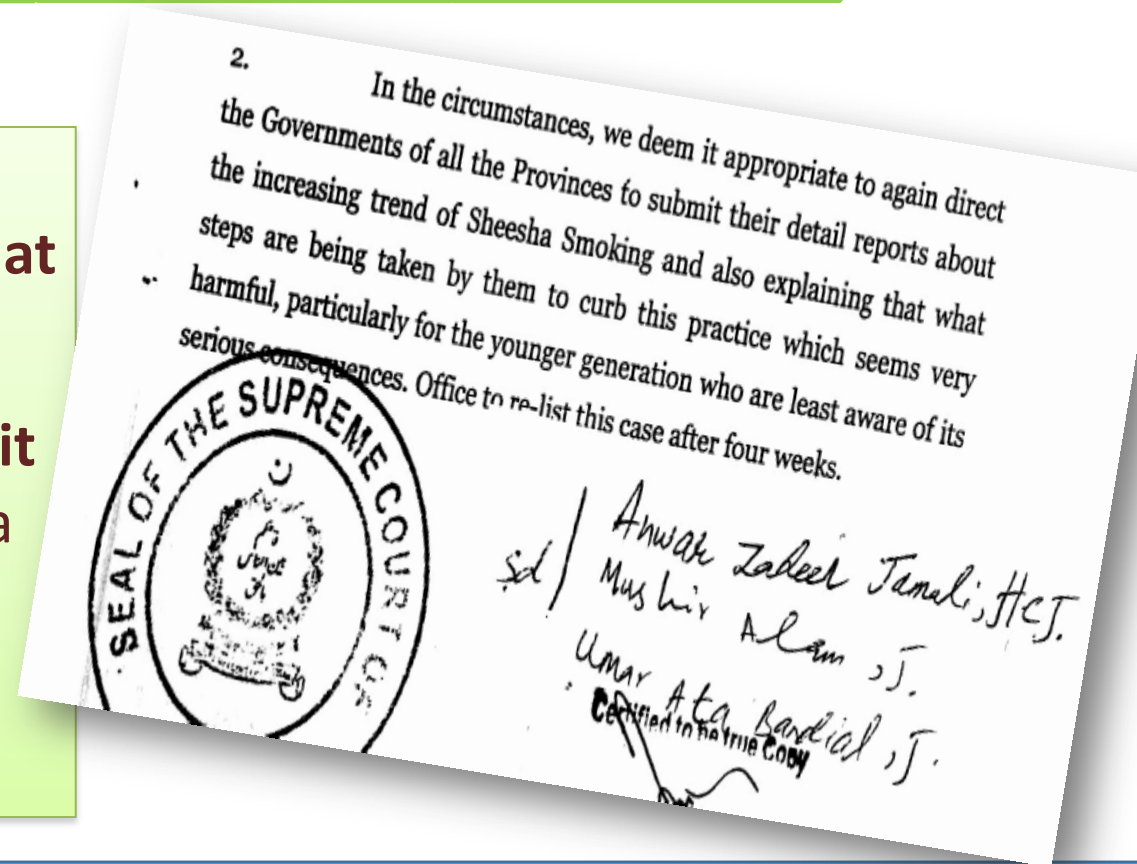
2018



□ September, 2015: Suo Moto Hearing at Supreme Court of Pakistan

Directed the provincial governments to **submit reports** about the increasing trend of sheesha smoking

What **steps** are being taken to **curb** this practice?



Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



☐ February, 2016: Suo Moto Hearing at Supreme Court of Pakistan

All Pakistan Café & Restaurant Association filed a **Petition to become a Party** to the Case

Argued that they are offering “**Tobacco-Free Sheesha**” or “**Herbal Sheesha**”

PRESENT:
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE KHILJI ARIF HUSSAIN

SUO MOTU CASE NO.11 OF 2006
(Regarding Tobacco Epidemic in Pakistan)

In attendance:

Mr. Sohail Mehmood, DAG
Mr. Mudassar Khalid Abbasi, AAG Pb.
Mr. Sheharyar Qazi, Addl. AG Sindh.
Mr. Arshad Jan, Addl. AG KPK
Mr. Muhammad Ayaz Khan Sawati, Addl.A.G Balochistan
Dr. Minhaj Siraj, Project Director CADD
Mr. Muhammad Javed Project Manager M/NHSRC
Syed Zulfiqar Hussain
(In CMA No.8731/15)
Mr. Adnan Iqbal Chaudhry, ASC
Syed Rifaqat Hussain Shah, AOR
(In CMA No.8743/15)

Date of hearing / 03.02.2016

ORDER

CMA No.8731 & CMA No.8743/15. These are applications seeking impleadment of persons interested in the outcome of these proceedings. Notice to the Federal and the Provincial Governments.

Milestones in Banning Sheesha in Pakistan (2002-2018)



☐ May, 2016: Suo Moto Hearing at Supreme Court of Pakistan

Tobacco Control Cell presented the **Report of National Institutes of Health, USA**, on toxicants emissions per waterpipe use session for tobacco and non-tobacco waterpipe preparations

Toxicant	Waterpipe preparation (mean \pm 95% CI)			Ref. Cigarette
	tobacco	non-tobacco	<i>p</i>	
Nicotine, mg	1.04 \pm 0.30	< 0.01	< 0.001	0.73 ^a
Carbon monoxide, mg	155 \pm 49	159 \pm 42	n.s.	12.0 ^a
Nitric oxide, g	437 \pm 207	386 \pm 116	n.s.	218.1 ^c
Tar, mg	464 \pm 159	513 \pm 115	n.s.	9.4 ^a
TPM, mg	770 \pm 228	855 \pm 192	n.s.	11 ^a
Carcinogenic PAH, ng				
Benz (a)anthracene	86.4 \pm 15.2	113 \pm 46	n.s.	14.1 ^b
Chrysene	106 \pm 16	124 \pm 36	n.s.	16.2 ^b
Benzo(b+k)fluoranthenes	64.7 \pm 11.3	72.9 \pm 12.6	n.s.	7.6 ^b
Benzo(a)pyrene	51.8 \pm 12.9	66.1 \pm 17.8	n.s.	6.6 ^b
Indeno(1,2,3-cd)pyrene	47.3 \pm 10.7	44.3 \pm 10.4	n.s.	3.8 ^b
Volatile aldehydes, μg				
Formaldehyde	58.7 \pm 21.6	117.6 \pm 78.7	n.s.	20.6 ^c
Acetaldehyde	383 \pm 121	566 \pm 370	n.s.	587.4 ^c
Acetone	118 \pm 36	163 \pm 68	n.s.	270.4 ^c
Propionaldehyde	51.7 \pm 15.3	98.4 \pm 65.0	n.s.	49.0 ^c
Methacrolein	12.2 \pm 4.4	20.4 \pm 9.7	n.s.	

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



□ **June, 2016: Letter to Ministry of Commerce to ban import of Sheesha (Tobacco & Non-Tobacco)**

Tobacco Control Cell requested the Ministry of Commerce to ban import of Sheesha

Requested the Provincial Governments to stop local production of Sheesha

F. No. 14-01/2015-FCTC
GOVERNMENT OF PAKISTAN
MINISTRY OF NATIONAL HEALTH SERVICES, REGULATIONS & COORDINATION

Islamabad, the 15th June, 2016

SECRETARY

Subject:- **BAN ON IMPORT OF FLAVOURED / NON-FLAVOURED SHEESHA (TOBACCO AND TOBACCO FREE) AND RELATED SUBSTANCE IN COMPLIANCE WITH ORDER PASSED BY THE SUPREME COURT OF PAKISTAN.**

My dear *Azmat Ali Ranjha* *آزمات علی رانجھا*

In continuation of letter of even number dated 1st June, 2016 on the subject cited above [copy enclosed], it is stated that the Honorable Supreme Court of Pakistan, in hearing of Suo Motu Case held on 9th June, 2016 [copy enclosed], has shown dissatisfaction over measures taken by Government of Pakistan to combat the menace of Sheesha and to ban the import of Sheesha. The Honorable Court, upon request of DAG, has granted one month time to Federal Government to ban the import of Sheesha. The Honorable Court has also directed to submit compliance report before the Court duly signed by the relevant Secretary of the Federal Government.

2. This Ministry has already shared its views about the hazardous effects of sheesha smoking. It is reiterated that sheesha tobacco contains cigarette tobacco, so like cigarettes it contains nicotine, tar, carbon monoxide and heavy metals, such as arsenic and lead. As a result, sheesha smokers are at risk of the same kind of diseases as cigarette smokers, such as heart disease, cancer, respiratory disease and problems during pregnancy [copy enclosed]. Even if we use tobacco-free sheesha, we are still at risk from the carbon monoxide and any toxins in the coal or charcoal used to burn the sheesha. According to research study conducted by National Institutes of Health, USA smoke from a non-tobacco waterpipe preparation yields near identical amounts of carbon monoxide (CO) that contributes to cardiovascular disease, polycyclic aromatic hydrocarbons (PAH) that cause cancer, and volatile aldehydes (VA) that cause lung disease [copy enclosed]. Therefore, sheesha smoking in any form is hazardous.

3. Taking the above in view, it is requested that import of flavored/ Non-flavored tobacco and tobacco free sheesha and related substance may be banned at the earliest. Furthermore, a compliance report may also be submitted before the Honorable Court on the issue. A copy of the report may kindly be shared with this Ministry for ready reference.

Kund Regret
your sincerely
Muhammad Ayub Sheikh
(Muhammad Ayub Sheikh)
Secretary

Mr. Azmat Ali Ranjha,
Secretary,
Ministry of Commerce,
Government of Pakistan,
Islamabad.

Copy to:
The Chairman. Federal Board of Revenue. Islamabad.

LG & RD Complex, 2nd Floor, Sector G-5/2, Islamabad. Phone # 92-51-9245811, Fax # 92-51-9245812

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



□ July, 2016: Summary to Economic Coordination Committee (ECC)

On proposal of Ministry of Commerce, Tobacco Control Cell sent a **summary to ECC** for amendments in the Import Policy Order

F. No. 14-01 /2015-FCTC
Government of Pakistan
Ministry of National Health Services, Regulations & Coordination
Islamabad

SUMMARY FOR THE ECONOMIC COORDINATION COMMITTEE (ECC)

Subject: **BAN ON IMPORT OF FLAVORED / NON-FLAVORED SHEESHA (TOBACCO AND TOBACCO FREE) AND RELATED SUBSTANCE IN COMPLIANCE WITH ORDER PASSED BY THE SUPREME COURT OF PAKISTAN**

Tobacco use is single largest preventable cause of death in the world. In Pakistan, tobacco is a cause of death of around 108,800 persons every year. The youth of Pakistan are being targeted through different means entailing enhancement in smoking tendency. Around 1200 Pakistani children between age of 6 & 15 start smoking every day.

2. Smoking tobacco in Pakistan is not limited to cigarettes smoking only but a recently infamous way of smoking tobacco is sheesha. Sheesha smoking is increasing among the youth in Pakistan. The rising trend of Sheesha smoking among the youth could result in exponential increase in the number of diseases caused by tobacco use. According to Advisory Note on Waterpipe tobacco (sheesha) smoking issued by World Health Organization, using a waterpipe to smoke tobacco poses a serious health hazard to smokers and others exposed to the smoke emitted. A typical 1-hour long waterpipe smoking session involves inhaling 100-200 times the volume of smoke inhaled with a single cigarette (**Annex-I**).

3. According to British Heart Foundation, traditionally sheesha tobacco contains cigarette tobacco, so like cigarettes it contains nicotine, tar, carbon monoxide and heavy metals, such as arsenic and lead. As a result, sheesha smokers are at risk of the same kinds of diseases as cigarette smokers, such as heart disease, cancer, respiratory disease and problems during pregnancy. Even if we use tobacco-free sheesha, we're still at risk from the carbon monoxide and any toxins in the coal or charcoal used to burn the sheesha (**Annex-II**). Therefore, sheesha smoking in any form is hazardous.

4. According to research study conducted by National Institutes of Health, USA smoke from a non-tobacco waterpipe preparation yields near identical amounts of carbon monoxide (CO) that contributes to cardiovascular disease, polycyclic aromatic hydrocarbons (PAH) that cause cancer, and volatile aldehydes (VA) that cause lung disease (**Annex-III**).

5. The Supreme Court of Pakistan in Suo Moto Case No. 11 of 2006 vide order dated 4th May, 2016 has shown serious concern over the rampant and continuous use of Sheesha by the young generation and its harmful effect and directed the Federal Government

Milestones in Banning Sheesha in Pakistan (2002-2018)



- ❑ **July, 2016: Economic Coordination Committee (ECC) decision**

ECC directed to **send summary to Federal Cabinet** (Under Prime Minister of Pakistan)

- ❑ **September, 2016: Summary for Cabinet**

Submitted a summary for approval of the Federal Cabinet

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016

2017

2018



☐ September 22, 2016: Notices to Federal Secretaries (Health & Commerce)

Supreme Court of Pakistan summoned Federal Secretary Health and Federal Secretary Commerce in person

☐ September 27, 2016: Suo Moto Hearing

2. The learned DAG has placed on record copy of letter dated 26.9.2016, to show that in view of these Suo Moto Proceedings, relating to the issue of Tobacco Epidemic in Pakistan viz-a-viz import of Sheesha related items, a bill has been placed as Item No.1, of the agenda in the next meeting of Federal Cabinet, which is scheduled on 30th September 2016.

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



□ September 30, 2016: Cabinet Meeting

Federal Cabinet approved ban on import of **flavoured / non-flavoured Sheesha (tobacco and non-tobacco)** and related substance



Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



□ October 10, 2016: Letter to Commerce

NHS Ministry communicated decision of the Federal Cabinet to the Ministry of Commerce and requested to amend "Import Policy Order"



SECRETARY

F. No. 14-01/2015-FCTC
GOVERNMENT OF PAKISTAN
MINISTRY OF NATIONAL HEALTH SERVICES,
REGULATIONS & COORDINATION

Islamabad, the 10th October, 2016

Subject:- BAN ON IMPORT OF FLAVOURED / NON-FLAVOURED SHEESHA (TOBACCO AND TOBACCO FREE) AND RELATED SUBSTANCE IN COMPLIANCE WITH ORDER PASSED BY THE SUPREME COURT OF PAKISTAN.

My dear

Azmat Ali Ranjha Sami

With reference to M/o Commerce letter No. 3(1)2016-RO (TP) (Vol.I) dated 27th June, 2016 on the subject cited above, please find enclosed herewith the approval of the Cabinet to ban the import of sheesha and related substance through appropriate amendment(s) in the Import Policy Order issued vide SRO 345(I)/2016, dated 18th April, 2016.

2. It will be highly appreciated if necessary amendment(s) in the Import Policy Order may be made at the earliest. It is further requested that a copy of the amended SRO may be shared with this Ministry so that a compliance report may be submitted before the Honorable Supreme Court of Pakistan on the issue in the upcoming hearing of Suo Moto Case No. 11/2006 i.e. 19th October, 2016.

Kind regards

Yours sincerely
(Muhammad Ayub Sheikh)
Secretary

Mr. Azmat Ali Ranjha,
Secretary,
Ministry of Commerce,
Government of Pakistan,
Islamabad.

Copy to:

Dr. Iram A. Khan, Joint Secretary to the Cabinet, Cabinet Division,
Islamabad.

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



❑ October 13, 2016: Notification Issued

Ministry of Commerce issued Order to **ban import of Sheesha (tobacco and non-tobacco) and related substances**

GOVERNMENT OF PAKISTAN
MINISTRY OF COMMERCE

Islamabad, the 13th October, 2016

ORDER

S.R.O. 970 (1)/2016. – In exercise of the powers conferred by sub-section (1) of section 3 of the Imports and Exports (Control) Act, 1950 (XXXIX of 1950), the Federal Government is pleased to make the following amendments in the Import Policy Order, 2016 namely: -

In the aforesaid Order, in Appendix- A, in column (1), after serial No. 43 and corresponding entries relating thereto in column (2) and (3), the following new serial No. 44 and corresponding entries relating thereto in columns (2) and (3) shall be added, namely:-

"44.	2403.1100	Sheesha (tobacco and non- tobacco) and related substances"..
	2403.9990	

[F. No. 3(1)2016- RO (TP)]


(Name)
Section Officer

Milestones in Banning Sheesha in Pakistan (2002-2018)

2014

2015

2016



❑ October 14, 2016: Request to ensure enforcement

Ministry of Commerce requested Federal Board of Revenue to direct custom authorities to ensure implementation of the Order

GOVERNMENT OF PAKISTAN
MINISTRY OF COMMERCE

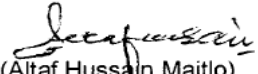
No. F. 3(1)/2016-R.O (TP)

Islamabad, the 14th October, 2016

OFFICE MEMORANDUM

SUBJECT: BAN ON IMPORT OF SHEESHA (TOBACCO AND NON-TOBACCO) AND RELATED SUBSTANCES

The undersigned is directed to enclose herewith a copy of Order bearing SRO No. 970(I)/2016 dated 13th October, 2016 whereby import of sheesha and related substances has been banned and to request that Federal Board of Revenue may direct the customs authorities to ensure implementation of the order.


(Altaf Hussain Maitlo)
Assistant Chief (TP)
Tel: 051-9205737

✓
The Chairman,
Federal Board of Revenue,
Islamabad.

Copy for information to:-

The Secretary,
Ministry of National Health Services,

Challenges

- Tobacco industry **tactics**
 - Manipulation of facts - Mideading
 - Influencing policy matters
- **Lengthy Legislative process** (Principal Legislation Vs Sub-ordinate legislation)
- **Enforcement**

Conclusion

- Clear understanding of the process
- Counter-arguments should be prepared
- Multi-sector coordination for tobacco control
- Litigation may accelerate / support the issue

Q & A

Thank You

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javed.mis@gmail.com