

Malaysia's Generational End Game (GEG) via the Tobacco and Smoking Products Control Bill: An Analysis from Legal Perspective

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As a party to the World Health Organisation's (WHO) Framework Convention on Tobacco Control (FCTC), Malaysia is obliged to fulfill its promise and obligations as stated under the convention. Under the convention, which has been ratified on September 16, 2005, the present and future generations have to be protected from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke. Hence various efforts have been taken by the country to achieve the objective. The most recent is the tabling of the Tobacco and Smoking Products Control Bill 2022. Legal challenge has been brought by some parties to hamper the effort done by the government in enforcing smoke-free zone law, which is part of the measures to protect the public from the harmful effect of smoking. The pro-smoking group lost their case in the High Court. But it seemed they are not prepared to accept the defeat as it has been reported that an appeal has been filed against the decision. With overwhelming support from the public, the government has embarked on another step in the direction by tabling the Tobacco and Smoking Products Control Bill or popularly known as GEG Bill. As expected, the group which opposes measures to control tobacco has made a concerted effort to challenge the Bill via various platforms. The GEG Bill comes under attack not only in the media, but also in parliament. Although most arguments are based on sentiments, legality and constitutionality of the Bill have also been questioned by some lawyers, researchers and even a former head of the judiciary. This paper will analyze the bill and will be focusing on provisions which have become the subject of controversies and dispute. It will also consider the arguments against the Bill and the views in support of it.