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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) (GUJARAT AMENDMENT) BILL, 2017.

GUJARAT BILL NO. 7 OF 2017.

A BILL

further to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Gujarat Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 3 of
Act 34 of
2003.

2. In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as "the principal Act"), in section 3, after clause (e), the following clause shall be inserted, namely:-

"(ee) "hookah bar" means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually;"

Insertion of
new section
4A in Act 34
of 2003.

3. In the principal Act, after section 4, the following section shall be inserted, namely:-

Prohibition
of hookah
bar.

"4A. Notwithstanding anything contained in this Act, no person shall either on his own or on behalf of any other person, open or run any hookah bar in any place including the eating house.

Explanation.- The term "eating house" shall have the same meaning as assigned to it by clause (5A) of section 2 of the Gujarat Police Act, 1951."

Bom. XXII of
1951.

Amendment
of section 12
of Act 34 of
2003.

4. In the principal Act, in section 12, in sub-section (1),-
- (i) in clause (b), the word "or" shall be added at the end;
- (ii) after clause (b), the following clause shall be added, namely:-
- "(c) where any hookah bar is being run."

Insertion of
new section
13A in Act 34
of 2003.

5. In the principal Act, after section 13, the following section shall be inserted, namely:-

Power to
seize.

"13A. If any police officer, not below the rank of a Sub-Inspector, authorised by the State Government, has reason to believe that the provisions of section 4A have been, or are being, contravened, he may seize any material or article used as a subject or means of hookah bar."

6. In the principal Act, after section 21, the following section shall be inserted, namely:-

**Insertion of
new section
21A in Act
34 of 2003.**

**Punishment
for running
hookah bar.**

“21A. Whoever contravenes the provisions of section 4A shall be punishable with imprisonment which may extend to three years but which shall not be less than one year and with fine which may extend to fifty thousand rupees but which shall not be less than twenty thousand rupees.”

7. In the principal Act, after section 27, the following section shall be inserted, namely:-

**Insertion of
new section
27A in Act 34
of 2003.**

**Offence
under
section 4A to
be
cognizable.**

“27A. An offence under section 4A shall be cognizable.”

STATEMENT OF OBJECTS AND REASONS

The Central Government has enacted the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products. The said Act is enacted in terms of the Resolution passed by World Health Organisation on the 15th May, 1986 and the another resolution passed on the 17th May, 1990 urging the Members States *inter alia* to protect children and young people from being addicted to the use of tobacco.

The said Act provides for prohibition of smoking in a public place. It also prohibits the advertisement of cigarettes and other tobacco products. However, a new concept of hookah smoking has been in vogue in recent times and more and more hookah bars are being opened. There is hardly any need to state the ill effects of smoking as the dangers to the human body of smoking are well known. In recent years, there has been an abnormal increase in hookah use in the State, most notably among youth and college students which is, without doubt, a worrisome development for the society as a whole. The youth and the college students get easily addicted to smoking hookah. According to World Health Organisation's study. Smoking a hookah is as toxic as cigarette smoking, if not more. A habitual hookah smoker may breath in much more poisonous fumes during an over long session than a typical cigarette smoker inhales in a few days. In fact, in a sixty-minute hookah session, smokers are exposed to 100 to 200 times the volume of smoke inhale from a single cigarette. A hookah smoking session may expose the smoker to more smoke over a longer period of time than while smoking a cigarette. The charcoal used to heat tobacco in the hookah increases the health risks by producing smoke that contains high level of carbon monoxide, metals and cancer causing chemicals. A typical one-hour-long hookah smoking session involves 200 puffs, while an average cigarette is 20 puffs. The volume of smoke inhaled during a typical hookah session is about 90,000 milliliters, compared with 500-600 milliliters inhaled when smoking a cigarette. Compared to a single cigarette, hookah smoke is known to contain higher levels of arsenic, lead and nickel, 36 times more tar, and 15 times more carbon monoxide than cigarettes.

The State Government is fully conscious of the dangers of the hookah smoking, particularly among the youth and the college students. The State Government can hardly overlook the situation where the people get addicted to the hookah smoking and the far reaching social impact it can have on the society as a whole. The State Government is committed to well-being of the people and therefore, can not allow the people to become prone to the hookah smoking. Easy access to the hookah bars makes the people vulnerable to hookah smoking. People indulge in hookah smoking in groups and as they get addicted to the same, become habitual and as a result come on the verge of ruining their lives. The State Government is, therefore, of the view that the hookah bar should be completely prohibited in public interest, so as to see that people are saved from the dangers of hookah smoking which is much more harmful than smoking a cigarette. It is, therefore, considered necessary to amend the aforesaid Central Act.

This Bill seeks to amend the said Central Act of 2003 to achieve the aforesaid object.

Dated the 14th, February, 2017.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 14th, February, 2017. Legislative and Parliamentary Affairs Department.
