



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक २३(४)]

मंगळवार, मार्च २७, २०१८/चैत्र ६, शके १९४०

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ५२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Maharashtra Amendment) Bill, 2018 (L. A. Bill No. XXX of 2018), introduced in the Maharashtra Legislative Assembly on the 27th March 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXX OF 2018.

A BILL

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 Maharashtra.

34 of
2003.

WHEREAS it is expedient 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 Maharashtra, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

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) (Maharashtra Amendment) Act, 2018. Short title.

Amendment of section 3 of Act 34 of 2003. **2.** In section 3 of 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”), after clause (e), the following clause shall be inserted, namely :—

“(ee) “hookah bar” means an establishment where people gather to smoke tobacco from a community hookah or narghile which is provided individually ;”.

Insertion of new section 4A in Act 34 of 2003. **3.** After section 4 of the principal Act, 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 in clause (5A) of section 2 of the Maharashtra Police Act.”.

Amendment of section 12 of Act 34 of 2003. **4.** In section 12 of the principal Act, in sub-section (1),—
(i) in clause (b), after the word “made” the word “; or” shall be added ;
(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.** After section 13 of the principal Act, the following section shall be inserted, namely :—

Power to seize. **“13A.** If any police officer, not below the rank of Assistant Police Inspector, authorized 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.”.

Insertion of new section 21A in Act 34 of 2003. **6.** After section 21 of the principal Act, the following section shall be inserted, namely :—

Punishment for running hookah bar. **“21A.** Whoever contravenes the provisions of section 4A shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine which may extend to one lakh rupees but which shall not be less than fifty thousand rupees.”.

Insertion of new section 27A in Act 34 of 2003. **7.** After section 27 of the principal Act, the following section shall be inserted, namely :—

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

STATEMENT OF OBJECTS AND REASONS.

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Act 34 of 2003) has been enacted by the Government of India to provide for regulation of trade and commerce and production, supply and distribution of, cigarettes and other tobacco products.

2. It has been observed that, hookah bars have mushroomed on large scale in Mumbai, Thane, Navi Mumbai, Pune, Nagpur and other cities. These bars are being run in public places as well as in restaurants. Minor children and college students are attracted to these hookah bars. At present, there is no law in existence in respect of hookah bars, therefore, no legal action can be taken against such hookah bars. It is, therefore, necessary to regulate hookah bars by law. The Government considers to include hookah bars with in the purview of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and, therefore considers it expedient to amend the said Act, in its application to the State of Maharashtra.

3. The Bill is intended to achieve the above objectives.

Mumbai,
Dated the 26th March 2018.

DEVENDRA FADNAVIS,
Chief Minister.