The Cigarettes and Other Tobacco Products (Prohibition fo Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Gujarat Amendment) Act, 2017

Act 27 of 2017

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Cigarettes, Tobacco Products, Commerce, Distribution
PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th June, 2017 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

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AN ACT

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.

(2) It shall come into force at once.
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;”.

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

“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.”.

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.”.

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

“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:

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:

Offence under section 4A to be cognizable.

"27A. An offence under section 4A shall be cognizable."