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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 219]

भोपाल, शुक्रवार, दिनांक 14 जुलाई 2023—आषाढ़ 23, शक 1945

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 14 जुलाई 2023

क्र. 11662-144-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिषेध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) मध्यप्रदेश संशोधन विधेयक, 2023 (क्रमांक 7 सन् 2023) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH BILL

NO. 7 OF 2023

THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION)

MADHYA PRADESH AMENEDMENT BILL, 2023

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MADHYA PRADESH BILL
NO. OF 2023
THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF
ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION,
SUPPLY AND DISTRIBUTION) MADHYA PRADESH AMENDMENT BILL, 2023

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 Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Seventy-fourth year of the Republic of India as follows :—

Short title and commencement.

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) Madhya Pradesh Amendment Act, 2023.

(2) It shall come into force from the date of its publication in official Gazette.

Amendment of Central Act No. 34 of 2003 in its application to the State of Madhya Pradesh.

2. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (No. 34 of 2003) (hereinafter referred to as the principal Act), in its application to the State of Madhya Pradesh be amended in the manner hereinafter provided.

Amendment of Section 3.

3. In Section 3 of the principal Act,—

(i) after clause (c), the following clause shall be inserted, namely:—

“(ca) “establishment” means a residential hotel, restaurant, eating-house, or other place of public amusement or entertainment and includes such other establishment of like nature as the State Government may, by notification, declare;”;

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ea) “hookah bar” means an establishment where people gather to smoke tobacco or other similar products from a communal hookah or narghile which is provided individually or jointly;”.

Insertion of Section 4A.

4. 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.—For the purpose of this Section, the term “eating house” means any place where food or refreshment of any kind is provided for visitors or sold for consumption therein.”.

Amendment of Section 12.

5. In Section 12 of the principal Act, in sub-section (1), in clause (b), for full stop, semi colon and word “or” shall be substituted and thereafter the following new clause shall be inserted, namely:—

“(c) where any hookah bar is being run.”.

6. After section 13 of the principal Act, the following section shall be inserted, namely :— **Insertion of Section 13A.**
- "13A. If any police officer, not below the rank of Sub-Inspector or officer of any rank 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." **Power to seize material or article of hookah bar.**
7. After section 21 of the principal Act, the following section shall be inserted, namely :— **Insertion of Section 21A.**
- "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." **Punishment for running hookah bar.**
8. After section 27 of the principal Act, the following section shall be inserted, namely :— **Insertion of Section 27A.**
- "27A. An offence under section 4A shall be cognizable." **Offence under Section 4A to be cognizable.**

STATEMENT OF OBJECTS AND REASONS

Hookahs are filled with tobacco and other substances which produces many harmful substances, which are consumed by people, which is very dangerous for health. Apart from this, it has been found in some cases that minor boys and girls are also present in hookah bars and consume hookahs. It has also been experienced that various types of disputes take place due to intoxication in hookah bars. Apart from this, hookah bars have also been found to be centers of criminal activities in some cases. Therefore, it has become necessary that hookah bars should be banned in Madhya Pradesh.

2. An attempt was made to close the hookah bars in the year 2021 by order under section 144 of the Code of Criminal Procedure, 1973 (No. 2 of 1974). In this manner it is not possible to ban hookah bars for a long time. Therefore, in order to ban hookah bars in Madhya Pradesh, it has become necessary to make amendments in the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (No. 34 of 2003) in its application to the State of Madhya Pradesh. Hence the following provisions are proposed in the Bill:—

- (1) Hookah bar should be banned.
- (2) Imprisonment and fine for operating a hookah bar.
- (3) The offence shall be cognizable.

3. Hence this Bill.

BHOPAL :
Dated, the 12th June, 2023.

DR. NAROTTAM MISHRA
Member-in-Charge.