

## **Goa Prohibition Of Smoking And Spitting Act, 1997**

**5 of 1999**

**[18 August 1999]**

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## **Goa Prohibition Of Smoking And Spitting Act, 1997**

**5 of 1999**

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An Act to provide for prohibiting use of tobacco in any form and spitting in places of public work or use and in public service vehicles in the State of Goa and to make provision for other matters connected therewith. Be it enacted by the Legislative Assembly of the State of Goa in the Forty-eight Year of the Republic of India as follows:-

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Goa Prohibition of Smoking and

Spitting Act, 1997.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

## **2. Definition :-**

In this Act, unless the context otherwise requires, -

(a) "advertisement" means and includes any notice, circular, wall paper, pamphlets, display on hoardings or any visible representation made by means of any light, sound, smoke, gas, writing instruments, stickers, symbol, colours, logo, trade mark/ symbol, display on articles like T-shirts, shoes, sportswear, sport gears, caps, carry bags, telephone booths, etc., or any other means which has direct or indirect effect of promoting smoking and or tobacco chewing and the expression 'advertise' shall be construed accordingly;

(b) "authorized officer" means a person authorized under section 4 of this Act;

(c) "chewing" means chewing of tobacco, gul (tobacco), use of tobacco paste, supari with tobacco, pan masala, zarda, ghutka and the like;

(d) "Goa" means the State of Goa;

(e) "Official Gazette" means the Goa Government Gazette;

(f) "Place of public work or use: means a place declared as such under section 3 of this Act, and includes auditoria, cinema/conference/seminar halls, hospital buildings, health institutions, amusement centres, restaurants, eating houses, hotel lounges, other waiting lounges, public offices, court buildings, educational institutions, libraries, bus station/stands, ferry boats, places of worship, beaches, sports stadia and the like which are visited by the general public but does not include other open places;

(g) "public service vehicle" means a vehicle as defined under clause (35) of section 2 of the Motor Vehicle Act, 1998 (Central Act 59 of 1988);

(h) "smoking" means smoking of tobacco in any form, whether in the form of cigarette, cigar, beedies or otherwise with the aid of pipe, wrapper, or any other instruments;

(i) "spitting" means voluntary ejection of saliva from the mouth after chewing or without ejection of mucus from the nose after inhaling snuff or without inhaling.

### **3. Declaration Of Places Of Public Work Or Use :-**

As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification in the Official Gazette, declare any place to be a place of public work or use in Goa for the purposes of this Act.

### **4. Power Of Government To Authorise Officers To Act Under This Act :-**

(1) The Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act.

(2) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

### **5. Prohibition Of Smoking And Spitting In Places Of Public Work Or Use :-**

No. person shall smoke or spit in any place of public work or use.

### **6. Prohibition Of Smoking And Spitting In Public Service Vehicles :-**

Without prejudice to the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), no person shall smoke or spit while travelling in or using a public service vehicle.

### **7. Prohibition Of Advertisement Of Smoking And Chewing :-**

Notwithstanding anything contained in any other law for the time being in force, no person shall advertise or cause to advertise in any place and on any public service any material which may directly or indirectly promote smoking or chewing of tobacco even if classified by any other name.

### **8. Prohibition Of Sale Of Cigarettes, Etc. To Minors :-**

No person shall sell cigarettes, beedies, tobacco, gul (tobacco), tobacco paste, including tobacco based tooth paste, supari with tobacco, pan masala, zarda, snuff, ghutka or any other such smoking and/or chewing substance containing nicotine and/or tobacco to any person who is below the age of twenty one years.

## **9. Prohibition Of Storage And Sale And Distribution Of Cigarettes, Etc. :-**

No person shall himself or by any person on his behalf, store, sell or distribute cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste, supari with tobacco, pan-masala, zarda, snuff, ghutka or any other such smoking substance or substances containing tobacco within an area of 100 metres around place of worship or any college, school or other educational institutions.

## **10. Display And Exhibition Of Boards :-**

The owner or manager or incharge of affairs of every place of public work or use shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by the general public prominently stating that the place is a "No Amoking and No Spitting Zone" and that "Smoking/Spitting is an Offence".

## **11. Any Person Who Contravenes The Provisions Of :-**

(1) Sections 5, 6, 9 or 10 shall be punishable with fine which may extend to one thousand rupees and in the case of second or subsequent offence, shall be punishable with a minimum fine of two thousand rupees, but which may extend to five thousand rupees.

(2) Sections 7 and 8 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with a minimum fine of five thousand rupees which may may extend to ten thousand rupees, or with both.

## **12. Power To Eject Violators :-**

Any authorised officer or any police officer, not below the rank of a sub-inspector, may eject any person who contravenes any provisions of this Act, from the place of public work or use, and any driver/conductor of a public service vehicle may eject any person who contravenes any provisions of this Act in the public service vehicles, from the public service vehicle.

## **13. Court Competent To Take Cognizance And Try Offences :-**

(1) No court other than the Court of a Judicial Magistrate First Class

shall take cognizance of, and try an offence under this Act.

(2) No court shall take cognizance of any offence except on a complaint in writing of an authorised officer or an authorised representative of a recognised non-Government organisation devoted to the cause of controlling tobacco use spitting with respect to offences under sections 5, 6, and 9 and on a report in writing of a police officer not below the rank of sub-inspector, or an authorised representative of a recognised non-government organisation devoted to the cause of controlling tobacco use/spitting with respect to the offences under sections 7, 8, 9 and 10.

#### **14. Certain Offences To Be Cognizable And Bailable :-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), offences under sections 5, 6, 7, 8 and 9 of this Act shall be cognizable and bailable.

#### **15. Summary Trial Of Offences :-**

All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

#### **16. Power To Delegate :-**

The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act, may also be exercised by such officer and subject to such conditions, if any, as may be specified therein.

#### **17. Composition Of Offences :-**

(1) The Government may, by notification in the Official gazette, empower the authorised officer or a police officer not below the rank of sub-inspector to compound any offence committed under this Act on payment of a sum not less than rupees one thousand which may extend upto rupees five thousand by way of composition for the offence which such person is suspected to have committed.

(2) On payment of such sum to such Officer, the offender if in custody, shall be released and no further proceedings shall be taken against such offender.