The Goa Prohibition of Smoking and Spitting Act, 1997

The Goa Prohibition of Smoking and Spitting Act, 1997

1. **The Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act No. 5 of 1999) [18-8-1999]** published in the Official Gazette, Series I No. 22 (Extraordinary) dated 27th August, 1999 and came into force w.e.f. 2nd October, 1999.

2. **The Goa Prohibition of Smoking and Spitting (Amendment) Act, 2000 (Goa Act No. 27 of 2000) [25-9-2000]** published in the Official Gazette, Series I No. 26 (Extraordinary) dated 29th September, 2000 and came into force at once.

3. **The Goa Prohibition of Smoking and Spitting (Amendment) Act, 2001 (Goa Act No. 44 of 2001) [29-05-2001]** published in the Official Gazette, Series I No. 9 (Extraordinary No. 3) dated 4th June, 2001 and came into force at once.

Arrangement of Sections

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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

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Notification

7-21-97/LA

The Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act 5 of 1999), which has been passed by the Legislative Assembly of Goa on 31-7-1997 and assented to by the President of India on 18-8-1999, is hereby published for general information of the Public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 27th August, 1999.

The Goa Prohibition of Smoking and Spitting Act, 1997

(Goa Act No. 5 of 1999) [18-8-1999]

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-eighthYear 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. Definitions.— 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) "authorised officer" means a person authorised 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 stations/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 Vehicles Act, 1988 (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 chewing and 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 vehicle any material which may directly or indirectly promote smoking or chewing of tobacco or any tobacco product or products containing tobacco even if classified by any other name.

8. Prohibition of sale of cigarettes, etc. to minors.— No person shall sell cigarettes, beedies, chewing 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.

[1][Provided that the Government may, by notification in the Official Gazette, specify the tobacco products and words/localities within the limits of municipal councils, for which, the aforesaid prohibition shall not apply.].

10. Display and exhibition of board.— 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 Smoking 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 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 imprisonment which may extend to three months, or with a minimum fine of five thousand rupees which 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.

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[1] Inserted by the Amendment Act 44 of 2001.

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 [2][rupees one hundred which may extend upto rupees five hundred] 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.

Secretariat Annexe,
Panaji,
Dated, 27th August, 1999.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs)

[2] Substituted in place of words "Rupees one thousand which may extend upto rupees five thousand" by the Amendment Act 27 of 2000.

Department of Environment
Office of the Commissioner & Secretary

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Order

No. 13-28-97-STE-DIR

With the issue of Notification of the Goa Prohibition of Smoking and Spitting Act, 1997 with effect from 2nd October, 1999, it has become necessary to take measures for the effective implementation of the Act. As there are a number of issues that have to be considered relating to the administrative, educational, communication and motivational aspects of its implementation, it has been decided that a period of 3 months would be treated as the implementation phase within which no legal action shall be resorted to under the penal provisions of the Act upto 31-12-1999.

2. In order to finalise the implementation arrangements, a High Power Committee is hereby constituted with immediate effect consisting of the following:

1. Chief Secretary, Goa — Chairman.
2. Environment Secretary — Member.
3. Health Secretary — Member.
4. Dr. Sharad G. Vaidya — Chairman, NOTE INDIA.
5. Director of Health Services — Member.
6. Director Environment — Member.
7. Smt. Victoria Fernandes, M.L.A. — Member.
8. Leader of Opposition — Member.
9. Shri Isidore Fernandes, M.L.A. — Member.
10. Dr. B. S. Sonde, Vice-Chancellor, Goa University — Member.
11. Mr. Subhash Velingkar, Vice-President, All Goa School Complexes — Member.
12. Dr. Sekhar Salkar, Caner Surgeon — Member.
13. President, Chamber of Commence — Member.
14. Dr. Pramod Salgaonkar, Chairperson, Women Commission — Member.
15. Director of Information and Publicity — Member Secretary.

3. The Committee shall examine all the aspects required to ensure the effective implementation of the Act. This includes media campaign, preventive aspects, policing aspects, notification of public places, educational, health, motivational and awareness creation. The Committee shall recommend to the Government the administrative arrangements required to ensure that the Act can be effectively and fully implemented by 1st January, 2000.

Rakesh Mehta, Secretary (Environment).

Panaji, 1st October, 1999.

Department of Science & Technology

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Notification

13-28-97-STE-DIR/899

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act 5 of 1999) (hereinafter called the "said Act"), the Government of Goa hereby appoints the 2nd October, 1999, as the date on which the provisions of the said Act shall come into force.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (S.T.E.).

Panaji, 1st October, 1990.

Department of Science & Technology

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Notification

No. 13-28-97-STE-DIR/047

In exercise of the powers conferred by section 3 of the Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act 5 of 1999) (hereinafter referred to as the "said Act"), the Government of Goa hereby declares the following places as places of public work or use in Goa for the purposes of the said Act.

(a) Auditoria;
(b) Cinema/Conference/Seminar halls;
(c) Hospital buildings;
(d) Health institutions;
(e) Court buildings;
(f) Educational institutions;
(g) Libraries;
(h) Places of worship;
(i) Airports, except in designated areas;
(j) Buses;
(k) Waiting rooms at railway stations;
(l) Restaurants, except in designated areas;
(m) Eating house/lounges in hotels, except in designated areas;
(n) Public offices where the general public have free access.

This Notification shall come into force with effect from 26th Janaury, 2000.

By order and in the name of the Governor of Goa.

Dr. *N. P. S. Varde,* Director/Joint Secretary (S.T.E.).

Panaji, 20th January, 2000.

Department of Science & Technology

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Notification

13-28-97-STE-DIR/299

In exercise of the powers conferred by sub-section (1) of section 4 of the Goa Prohibition of Smoking and spitting Act, 1997 (Goa Act 5 of 1999) (hereinafter referred to as the "said Act") the Government of Goa, hereby authorizes the Collectors, Deputy Collectors and Mamlatdars to act under the said Act, with immediate effect.

Further, in exercise of the powers conferred by section 17 of the said Act, the Government of Goa hereby empowers the above cited officers and also police officer, not below the rank of sub-inspector to compound any offence committed under the said Act, with immediate effect.

By order and in the name of the Governor of Goa.

Dr. *N. P. S. Varde,* Director/Joint Secretary (S.T.E.).

Panaji, 5th April, 2001.

Department of Science & Technology

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Notification

No. 13-28-97-STE-DIR/235

In exercise of the powers conferred by sub-section (1) of section 4 of the Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act 5 of 1999) (hereinafter referred to as the "said Act"), the Government of Goa, hereby authorizes the Joint Mamalatdars in the State of Goa, to act under the said Act, with immediate effect.

Further, in exercise of the powers conferred by section 17 of the said Act, the Government of Goa hereby empowers the Joint Mamlatdars to compound any offence committed under the said Act, with immediate effect.

By order and in the name of the Governor of Goa.

Dr. *N. P. S. Varde,* Director/Joint Secretary (S.T.E.).

Saligao, 29th May, 2003.

Department of Science, Technology & Environment

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Notification

No. 13-28-97-STE-DIR/685

Read: Notification No. 13-28-97-STE-DIR/047 dated 20-01-2000, published in the Official Gazettee, (Extraordinary) Series II No. 43 dated 24-01-2000.

In exercise of the powers conferred by Section 3 of the Goa Prohibition of Smoking and Spitting Act, 1997 (Goa Act 5 of 1999) (hereinafter called the "said Act"), the Government of Goa hereby also declares the following places as places of public work or use in Goa for the purposes of the said Act.

(a) Railway platforms
(b) Sports stadia
(c) Ferry boats
(d) Amusement centres
(e) Bus stations/stands
(f) Beaches
(g) Other waiting lounges

This Notification shall come into force from the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

Dr. *N. P. S. Varde,* Director/Joint Secretary (S.T.E.).

Saligao, 10th October, 2003.