




Legislative Assembly of Goa

**The Goa Prohibition of Smoking
and Spitting (Amendment)
Bill 2001**

(Bill No. 44 of 2001)

(By Shri Shaikh Hassan Haroon)

Minister for Environment

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(To be introduced in the Legislative Assembly of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PANAJI
MARCH, 2001.**

The Goa Prohibition of Smoking and
Spitting (Amendment) Bill 2001

(Bill No. 44 of 2001)

A

BILL

*To amend the Goa Prohibition of Smoking and
Spitting Act, 1997.*

Be it enacted by the Legislative Assembly of
the State of Goa in the Fifty-second Year of the
Republic of India as follows:—

Short title and commencement.— (1) This Act
may be called the Goa Prohibition of Smoking
and Spitting (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of section 9.*— In section 9 of
the Goa Prohibition of Smoking and Spitting Act,
1997 (Goa Act No. 5 of 1999), the following
proviso shall be added.

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

The Statement of Objects and Reasons

Section 9 of the Goa Prohibition of Smoking and Spitting Act, 1997 (Act 5 of 1999) prohibits the storage, sale, or distribution of tobacco products such as cigarettes, beedies, ghutka, snuff, etc. within 100 meters around the place of worship, or any college, school or other educational institutions.

It is now apparent that in certain municipal areas, the implementation of the provision of said section 9 of the Act, 1997, is not practicable due to the following reasons:—

(a) Several gadas (within municipal limits) which were ordered to be removed by the Honourable High Court of Bombay (Goa Bench) have been recently rehabilitated, by the municipalities in designated hawking zones identified with much difficulty after looking into various options. Coincidentally, these hawking zones are also close to educational institutions and places of worship and no alternate sites are available for the said purpose.

(b) Most of our cities/towns are very small in size and have a number of temples/churches and educational institutions spread all over, within municipal limits. As such, if any gada is relocated beyond 100 meters of one particular educational institution/place of worship, in all probability may come within 100 meters of another such entity.

(c) In municipal areas, most of gada owners, who are located in the 100 metres exclusion zone, earn their daily bread due to incidental sale of tobacco products such as cigarettes and beedies, which is prohibited, under section 9, alongwith the sale of other more addictive/harmful but cheaper products, such as ghutka, chewing tobacco, zarda etc.

Further, section 8 of the Act, 1997, prohibits the sale of tobacco products to persons below the age of twenty-one years and hence the objective of keeping the tobacco products beyond the reach of a majority of school/college students who are below the said age limit is achieved.

This Bill, therefore, seeks to suitably amend section 9 of the said Act, 1997, so as to enable the Government to specify the tobacco products and wards/localities, within the limits of Municipal Councils, in respect of which the prohibition on storage, distribution and sale as provided under section 9 of the said Act, 1997, shall not apply.

Financial Memorandum

No Financial implications are involved in the proposed Amendment Bill.

Memorandum Regarding Delegated Legislation

Proposed proviso to section 9 of the Goa Prohibition of Smoking and Spitting Act, 1997

(Act 5 of 1999), empowers the Government to specify the tobacco products and wards/localities within the limits of a Municipal Council, in respect of which, the prohibition as specified in said section 9 of the said Act shall not apply.

Porvorim-Goa. SHAIKH HASSAN HAROON,
19 March, 2001. Minister for Environment.

Assembly Hall, R. KOTHANDARAMAN,
Porvorim-Goa. Secretary to the Legislative
19 March 2001. Assembly of Goa.

ANNEXURE

Extracts of the Goa Prohibition of Smoking and Spitting Act, 1997.

(Goa Act No. 5 of 1999)

SECTION 9:

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.

Assembly Hall,
Porvorim-Goa.
19 March 2001.

R. KOTHANDARAMAN,
Secretary to the Legislative
Assembly of Goa.