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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN
LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

Gilgit, the 22nd June, 2020

GILGIT-BALTISTAN TOBACCO CONTROL ACT, 2020

(ACT NO. VII OF 2020)

An Act to provide for regulatory measures on the sale, production, manufacture or consumption of tobacco and tobacco related products deemed harmful to society and individuals.

WHEREAS use of tobacco is posing a serious threat to the health of people and the environment it is expedient to provide for regulatory measures on the sale, importation, exportation, production, manufacture or consumption of tobacco and tobacco related products deemed harmful to society and individuals.

Price: Rs. 20.00

[5701(2020)/Ex. Gaz.].

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It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act shall be called The Gilgit-Baltistan Tobacco Control Act, 2020.

(2) It shall extend to the whole of Gilgit-Baltistan.

(3) It shall be deemed to have come into force from the day of month, 2020.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Act" means The Gilgit-Baltistan Tobacco Control Act, 2020;

(b) "advertisement" means and includes any notice, circular, wall paper, pamphlet, displayed either inside or outside of point of sale, on any board or hoarding, through internet, or any visible representation made by any form of media whether mechanical, electronic, audio, visual or any other technological means of any light, sound, smoke, gas, writing instruments, stickers, symbol, color, logo, trademarks, display on articles like T-shirts, shoes, sportswear, sports gears, caps, carry bags, telephone booths or by any other mean, direct or indirect, which have the effect of promoting smoking and other tobacco use and the expression "advertise" shall be construed accordingly;

(c) "authorized officer" means a person authorized under section 5;

(d) "Commissioner" means a person appointed by Government to exercise the functions and perform the duties of Commissioner under this Act;

(e) "container" means a box of shape and size specified in Schedule-I of this Act and comprises of a lid, a base and side walls for packaging of smokeless tobacco (Naswar).

(f) "dealer's license" means a license authorizing a person to whom it is granted to possess tobacco or tobacco products for the purpose of manufacturing, distributing or selling;

(g) "distributor" means a person appointed by a manufacturer, importer or any other person for a specified area to purchase goods from him for further supply and includes a person who in addition to being a distributor is also engaged in supply of goods as an exporter, importer, a wholesaler or a retailer;

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(h) "educational institutions" means a place, public or private, where people of different ages gain an education, including preschools, childcare, primary-elementary schools, secondary-high schools, and universities.

(i) "Government" means Government of Gilgit Baltistan.

(j) "health institutions" means an institution, public or private, by or at which health services or health support services are provided.

(k) "health warning" means health warning specified in section 2;

(l) "plastic" means any of numerous organic, synthetic or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and that can be made into objects, films, or filaments.

(m) "prescribed" means prescribed by rules made under this Act;

(n) "place of public work or use" means any place declared as such by the government and includes spaces prescribed in schedule-II of this Act.

(o) "promotion" includes sponsorship, sampling, display and uses of tobacco brand names, logos and colors on non-tobacco merchandise which has the effect of promoting smoking and other tobacco use;

(p) "retailer" means a person supplying goods to general public for the purpose of consumption.

(q) "rules" means the rules made under this Act;

(r) "tobacco product" means a product, extract or by-product made entirely or partly of the leaves, stalks and/or stem of the tobacco plant (inicotianarustica and nicotianatobacum), which is processed or manufactured to be used for smoking, sucking, chewing, inhaling or snuffing smokeless tobacco (Naswar), or consuming by any other means; and includes any devise used for such purpose;

(s) "Tobacco Vendor" means Manufacturer, Importer, Distributor, Retailer or any person who possess tobacco or tobacco product for the purpose of manufacturing, distributing or selling.

3. **Packaging of tobacco products.**—(1) No retailer or distributor shall sell any tobacco product, other than cigarettes, unless they are packed in a container.

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(2) No packet or container shall be made of plastic or covered by a layer of plastic or consists of plastic as one of the ingredient.

4. **Health Warnings.**—(1) Every tobacco vendor shall ensure that the following statement (in clear Urdu font) is legibly printed in black color on the side walls of the container.

تمباکو کا استعمال کینسر کا باعث بنتا ہے

(2) For the purpose of printing on the containers, the Government shall, by notification, prescribe a Pictorial Health warning, for a period specified in the notification.

(3) Tobacco vendor shall ensure that each container of a tobacco product bears;

(a) Pictorial Health warning, as prescribed by the government, covering 100% of the top side (lid) of the container;

(b) manufacturer name and address and Vendors license number, legibly printed in English or Urdu font in black ink,at the base of the container.

(4) Tobacco vendor shall ensure that:—

(a) none of the elements of the Health warnings are covered or hidden in any manner.

(b) no messages shall be printed that directly or indirectly promote a specific tobacco brand or tobacco usage on the container.

5. **Prohibition to sell.**—No person shall—

(a) manufacture any container of tobacco product, or

(b) possess, distribute, sell or offer for sale, container of tobacco product, which is made in contravention of provisions under sections 1 and 2 of this Act.

6. **Prohibition on advertisement or promotion of tobacco products.**—(1) Notwithstanding anything contained in any other law for the time being in force, no advertisement, in whatsoever manner, of tobacco product shall be allowed;

(a) In print media, including a newspaper, magazine, book, periodical, or any such printed publication, except as provided by Federal Excise Rules 2005;

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(b) In cinema or theatre including mobile or mini cinema or theatre;

(c) On television, radio or any other electronic media;

(d) through any social media platform or internet-advertisement, either directly or indirectly;

(e) Through branding on clothes or garments or any other apparels;

(f) through a backdrop, billboard, specially designed or painted objects or paint at places of public view, roadsides, parks, educational institutions, hospitals, hospitality venues, point of sale- either inside or outside or any other place which is deemed to be a public place;

(g) by display of tobacco products at, either inside or outside of, a mobile or fixed, retail outlet, venue or an event;

(h) on tobacco product vending machines;

(i) by direct targeting of individuals through promotional or informational material, direct mail (electronic or postal), phone calls or any other method of un-solicited marketing;

(j) through sale or supply of toys or sweets that resemble tobacco products;

(2) The Government may further prohibit, by notification in the official Gazette, any mean of promoting or advertising a tobacco product not mentioned in sub-section (1) above.

7. **Prohibition against dealing in tobacco products without dealer's license.**—No tobacco vendor shall possess tobacco or tobacco products for the purpose of manufacturing, distributing, selling or offering for sale,without a dealer's license.

8. **Tobacco Vendor License Fee.**—(1) Any person authorized by the government in this behalf may issue a dealer's license.

(2) Every such license shall be granted—

(a) On payment of such fees and for such period as provided in Schedule-III of this Act; and

(b) Subject to such conditions and in such form and containing such particulars as may be prescribed by the Government.

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9. **Registration of tobacco Vendors.**—Any person authorized by the government in this behalf shall keep a record, in a prescribed manner, of all Tobacco venders whom license under section 5 of this Act, has been issued.

10. **Officers of the Excise and Taxation Department to have powers of investigation.**—Every officer of the Excise and Taxation Department not below such rank as Government may prescribe shall have the powers of a police officer in charge of a police station and may investigate offences under this Act without the order of a magistrate and exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case.

11. **Powers to enter and inspect.**—Any officer of the Excise and Taxation Department not below such rank as Government may prescribe may—

(a) enter and inspect at any time within the hours during which sale is permitted or at any other time during which the same may be open, any place in which tobacco products are kept for manufacture, distribution or sale by any person holding a license under this Act; and

(b) examine accounts maintained in such place.

12. **Display and exhibition of board.**—The owner or manager or incharge of the affairs of every place of public work or use shall displayed exhibit a board at each conspicuous place in and outside the premises visited or used by general public prominently stating that the place is a "Tobacco product prohibited-Zone" and that "Use of tobacco product is an Offence", or any other statement or signage as notified by the government in the official gazette.

13. **Prohibition of storage, sale and distribution of tobacco product, in the immediate vicinity of educational and health institutions.**—Notwithstanding any law, for the time being in force, no person shall himself or by any person on his behalf, store, sell or distribute, tobacco product within 200 (two hundred) meters radius from any educational or health institution.

14. **Responsibility of tobacco vendors.**—(1) Every tobacco vendor, shall ensure that, within his or her premises, neither a person under the age of eighteen years is permitted to sell or offer for sale tobacco products, nor shall the tobacco products be sold to a person who is under the age of eighteen years.

(2) The tobacco vendor may, in case of doubt about the age of the consumer of tobacco product, ask the consumer to provide National Identification Card or any other evidence of having reached eighteen years of age.

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15. **Penalties.**—(1) Whoever contravenes any of the provisions of this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to a hundred thousand rupees, or with both;

(2) Where a court convicts a person of an offence punishable under section 5, it shall direct that the tobacco product in respect of which the offence has been committed, to be forfeited to the Government.

(3) if the person contravening any provision of section 5 or 6, be a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless proves that the contravention took place without his or her knowledge or that due diligence to prevent such contravention was exercised by such person, be deemed to be guilty of such contravention.

(4) When any person who does not hold a dealer's license is convicted of an offence under section 7, the magistrate may direct that such person shall pay, in addition to the fine imposed on him, the fees payable for a dealer's license.

(5) When any person is convicted under section 8, of a breach of any of the conditions of his license, the Collector may suspend or cancel his license.

(6) Whoever contravenes any of the provisions of sections 13 or 14 for a second or subsequent time, shall be punishable with imprisonment which may extend to one year, or with a fine which shall not be less than two hundred thousand rupees, or with both, for each such contravention.

16. **Cognizance of offences.**—(1) No court inferior to the court of a Magistrate of the first class shall try any offence punishable under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), No court shall take cognizance of any offence punishable under this Act except on a complaint made in writing by a police officer not below the rank of an Assistant Sub-Inspector or an Excise officer not below the rank of a Sub-Inspector or any other office authorized in this behalf by the government.

17. **Establishment of task force for monitoring and implementation of tobacco control laws.**—(1) The government shall, by notification, establish a task force, each at the following administrative levels:

(a) Provincial task force at provincial center;

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(b) District Task force at each district; and

(c) Sub-District Task Force at each sub-district.

(2) The task force shall have members and shall hold meetings at regular intervals, as provided in schedule-V of this Act and upon arising of any need.

18. **Power to make rules.**—(1) Government may, by a notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, Government may make rules for the following matters, namely:—

(a) modifying, adding or removing of members of any task force;

(b) Notify power and functions of any task force;

(c) Modifying the nature and amount of fees prescribed in this Act;

(d) Notifying schemes, programs, activities and/or researches designed for the improvement of general health of the people of Pakistan;

(e) Modifying the nature and amount of penalty for the violation of any of the provisions of this Act;

SCHEDULE-I

[*See* Section 2 (e)]

(Shape and Size of container)

Material:

The container shall not be made of plastic or of material that contains plastic as an ingredient.

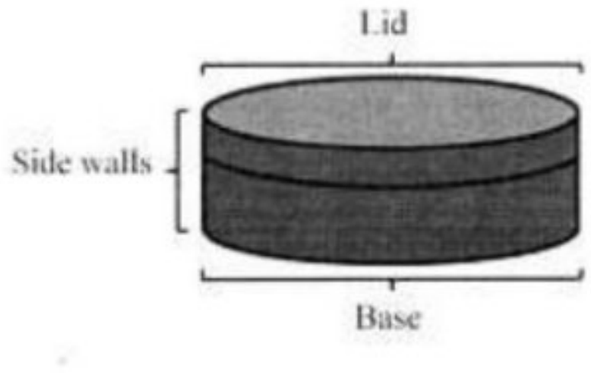
Shape:

The container shall only be in the shape of a Cylinder, Cube or cuboid, as illustrated below:

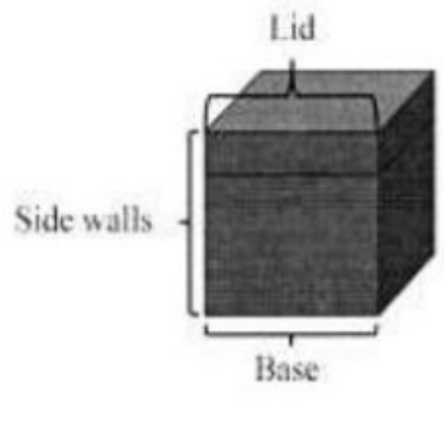
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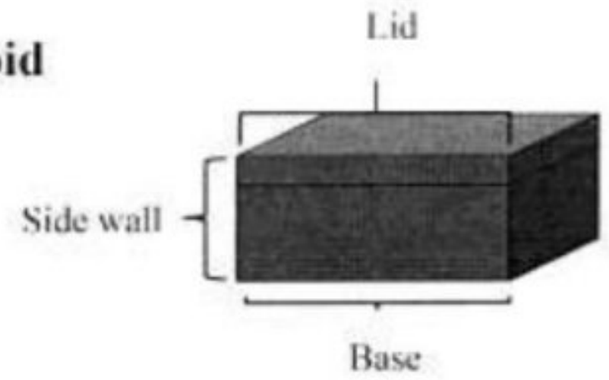
Cylinder



Cube



Cuboid



Size:

In case the container is cylindrical:

- The lid and base of the container shall be equal in size and shall not be less than 3 inches in diameter; and

- The side walls of the container shall not be more than half of the diameter of its base.

In case the container is cube:

- The side walls, lid and base of the container shall be equal in size and shall not be less than 3 inches in width.

In case the container is cuboid:

- The lid and base of the container shall be equal in size.

- width or length of the container, whichever is smaller, shall not be less than 3 inches; and

- The side walls of the container shall not be more than half of the its width or length, whichever is smaller.

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SCHEDULE-II
[*See* Section 2 (n)]

(Place of public work or use)

(1) auditoriums,
(2) buildings,
(3) education institutions
(4) health institutions,
(5) amusement centers,
(6) restaurants,
(7) public offices,
(8) court buildings,
(9) cinema halls,
(10) conference or seminar halls,
(11) eating houses,
(12) hotel lounges,
(13) other waiting lounges
(14) libraries,
(15) bus stations or stands,
(16) sports stadiums,
(17) educational institutions,
(18) libraries
(19) any open place which is visited by general public;

SCHEDULE-III
[*See* Section 8(2 a)]

Table-1
(Vendor License Fees)

S.No	Description	Term of License	Amount
(1)	(2)	(3)	(4)
1.	Retailer	One Year	6,000/- Rupees
2.	Distributer	One Year	10,000/- Rupees
3.	Tobacco product Manufacturers (other than Cigarette manufacturers)	One Year	10,000/- Rupees

SCHEDULE-IV
[*See* Section 9]

Form-1
(Registration of Tobacco Vendors)

S.No	Name	Address of Business place	License No.	Date of Issuance
(1)	(2)	(3)	(4)	(5)

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SCHEDULE-V
[*See* Section 17]

(Task Force)

S.No.	Task Force	Members	Meetings
(1)	(2)	(3)	(4)
1.	Provincial task force	1. Secretary Information (Chairperson) 2. Secretary Health (Member) 3. Deputy Director Excise and Taxation (Member) 4. All Divisional Commissioners (Members) 5. Two representatives from civil society	Bi-annual
2.	District Task force	1. Deputy Commissioner (Chairperson) 2. District Police Office, District Health Officer and Assistant Commissioners of all sub-districts of such district (Members) 3. District Excise and Taxation Officer (Member) 4. Two members from civil society	Quarterly
3.	Sub-District Task Force	1. Assistant Commissioner (Chairperson) 2. Station House Incharge of all police stations within such Sub-District (Members) 3. Two members from Civil Society	Monthly

FIDA MUHAMMAD NASHAD,
Speaker,
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor,
Gilgit-Baltistan.

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