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F. No. 01-21/2014-FCTC
Government of Pakistan
Ministry of National Health Services, Regulations & Coordination
LG& RD Complex G-5/2, Islamabad

Islamabad, the 6th November, 2017

SUBJECT: ENFORCEMENT OF TOBACCO CONTROL LAWS

The Senate Standing Committee on National Health Services, Regulations and Coordination (NHSRC), in its meeting held on 31st October, 2017, has directed to ensure enforcement of tobacco control laws. It has also been directed to nominate and make public the name and phone numbers of focal persons from each Ministry/Departments who could take action on a complaint. It may be recalled that Federal Cabinet, in its meeting held on 30th September 2016 under the chair of Prime Minister, had directed to ensure strict compliance with the existing anti- smoking laws (Annex-I).

2. It is pertinent to mention that Section-5 of "The Prohibition of Smoking and Protection of Non-Smoker's Health Ordinance, 2002" bans smoking and use of tobacco in any form at all places of public work or use and public service vehicles. Section-8 prohibits sale of cigarettes and other smoking substance to persons under age of 18 years. Section-9 bans sale, storage and distribution of tobacco products within and 50 meter of the educational institutions. According to Section-10, it is obligatory to display no smoking signs at all places of public use or work (Annex-II).

3. According to S.R.O. 654 (I)/2003 and S.R.O. 277 (I)/2011, all officers in BPS 20 and above, in the relevant Ministries/Departments are authorized persons to take action against the violators. In addition to this, all Police officers (ASI and above), heads of the educational institutions and hospitals, managers of public places etc. are authorized persons (Annex-III). The authorized person(s) may eject the violator(s) from any place of public work or use or may send a complaint in writing to the First Class Magistrate.

4. It will be highly appreciated if necessary directions are issued to the relevant authorities to ensure compliance with the tobacco control laws. Moreover, please nominate and make public the name and phone number(s) of focal person(s) from your Ministry who could take action on a complaint, intimating this Ministry for submission of report to the Senate Standing Committee on NHSRC.

Distribution:

✓ To all Federal Secretaries

Copy to:

Chief Commissioner, Islamabad Capital Territory, Islamabad.


(Naveed Kamran Baloch)
Secretary

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SECRET

Case No.168/07/2016 Dated: 30.09.2016	Ban on Import of Flavored / Non-Flavored Sheesha (Tobacco and Tobacco Free) and related Substance in Compliance with Order Passed by the Supreme Court of Pakistan
Presented by: National Health Services, Regulations & Coordination Division	

DECISION

The Cabinet considered the Summary dated 23rd September, 2016 submitted by National Health Services, Regulations & Coordination Division for imposing **Ban on Import of Flavored /Non-Flavored Sheesha (Tobacco and Tobacco Free) and related Substance in Compliance with the Order Passed by the Supreme Court of Pakistan**, and

- a) accorded approval to ban the import of *Sheesha* and related substance through appropriate amendment(s) in the Import Policy Order issued vide SRO 345(1)/2016 dated 18th April, 2016,
- b) directed the Minister of State for National Health Services, Regulations & Coordination Division that strict compliance with the existing anti-smoking laws should be ensured.





Ministry of Health
Government of Pakistan

**Prohibition of Smoking
and
Protection of Non-smokers
Health Ordinance
2002**

Islamabad, the 15th October, 2002

F. No. 2(1)/2002-Pnb. -- The following Ordinance promulgated by the President is hereby published for general information:-

ORDINANCE NO. LXXIV OF 2002
AN
ORDINANCE

to provide for prohibition of smoking and other tobacco uses in places of public work or use and public service vehicles and to protect the health of non-smokers

WHEREAS smoking and other tobacco uses is posing a serious threat to the health of people and the environment it is expedient to provide for prohibition of smoking and other tobacco uses in places of public work or use and in public service vehicles and to protect the health of non-smokers and for matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**-(1) This Ordinance may be called the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force on such date as the Federal Government may, by notification in the official Gazette, specify.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject of the context,-
 - (a) "advertisement" means and includes any notice, circular, wall paper, pamphlet, display 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, trade marks, display on articles like T-shirts, shoes, sports wear, sports gears, caps, carry bags, telephone booths or by any other mean, direct or

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indirect, which have the effect of promoting smoking and other tobacco use and the expression "advertise" shall be construed accordingly;

- (b) "authorized officer" means a person authorized under section 4;
- (c) "place of public work or use" means any place declared as such under section 3 and includes auditoriums, buildings, health institutions, amusement centers, restaurants, public offices, court buildings, cinema halls, conference or seminar halls, eating houses, hotel lounges, other waiting lounges, libraries, bus stations or stands, sports stadiums, educational institutions, libraries and the like which are visited by general public but does not include any open place;
- (d) "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;
- (e) "public service vehicle" means a vehicle as defined in the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), and includes railway train and aeroplanes.
- (f) "rule" means the rule made under this Ordinance; and
- (g) "smoking" means smoking of tobacco in any form whether in the form of cigarettes, cigar or otherwise with the aid of a pipe, wrapper or any other instrument.

3. **Powers to declare no-smoking places of public work of use:-** As soon as may be after the commencement of this Ordinance the Federal Government may from time to time, by notification in the official Gazette, declare any place of public work or use to be a no-smoking and no-tobacco use place for the purposes of this Ordinance.

4. **Power to authorize.** - (1) The Federal Government may, by notification in the official Gazette, authorize one or more persons who shall be competent to act under this Ordinance.

(2) Every person authorized under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

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5. **Prohibition of smoking and other tobacco use.**- No person shall smoke or use tobacco in any other form in any place of public work or use. The Federal Government may however issue guidelines for permitting designated smoking areas in premises or places where adequate arrangements are made to protect the health of non-smokers.

6. **Prohibition of smoking in public service vehicles.**-Without prejudice to the provisions of the Provincial Motor vehicles Ordinance, 1965 (W. P. Ordinance XIX of 1965), no person shall smoke or use tobacco in any other form in a public service vehicle.

7. **Prohibition on advertisement of cigarettes, etc.**- Notwithstanding anything contained in any other law for the time being in force, no person or company shall advertise tobacco and tobacco product on any medial or in any place and any public service vehicle, if such advertisement is not in accordance with guidelines prescribed for this purpose by a committee which the Federal Government may, by notification in the official Gazette, constitute.

8. **Prohibition of sale of cigarettes, etc., to minors.**- No person shall sell cigarettes or any other smoking substance to any person who is below the age of eighteen years.

9. **Prohibition of storage, sale and distribution of cigarettes, etc., in the immediate vicinity of educational institutions.**- No person shall himself or by any person on his behalf, store, sell or distribute cigarettes or any other smoking substance or any other tobacco product within 50 (fifty) meters from any college, school or educational institution.

10. **Display and exhibition of board.** - the owner or manager or incharge of the affairs of every place of public work or use shall display and 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 "No Smoking Zone" and that "Smoking is an Offence."

11. **Penalties.** - Any person, who contravenes the provisions of-

- (a) section 5, 6 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 fine which shall not be less then one thousand rupees, and may extend to one hundred thousand rupees; and

- (b) Section 7, 8 or 9 shall be punishable with fine which may extend to five thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a fine which shall not be less than one hundred thousand rupees, or with both.

12. **Ejection of violators from any place of public work or use.**- Any authorized officer or a police officer not below the rank of sub-inspector may eject any person from any place of public work or use who contravenes the provisions of this Ordinance.

13. **Cognizance of offences.** - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no court shall take cognizance of any offence under this Ordinance except on a complaint in writing by an authorized officer with respect to an offence under section 5, 6 and 10 and on a report in writing by a police officer, not below the rank of sub-inspector, with respect to an offence under sections 7, 8 and 9.

14. **Procedures.**- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898),

(a) an offence under section 7, 8 and 9 shall be cognizable and bailable;

(b) no court other than Magistrate of the first class shall try an offence under this Ordinance;

(c) a Magistrate trying an offence under this ordinance shall have the power to try such offence summarily in accordance with the procedure laid down for summary trial in the said code; and

(d) it shall be lawful for the Magistrate of the first class to pass any sentence authorized by this ordinance.

15. **Power to delegate.** - The Federal Government may, by notification in the official Gazette, direct that all or any of its powers under this Ordinance or the rules shall, subject to such conditions, if any, as may be specified therein, be exercisable also by any officer or authority subordinate to the Federal Government or Provincial Government.

16. **Application of other laws passed.**- The provisions of this Ordinance shall be in addition to, and not in derogation of, any law for the time being in force.

17. **Power to make rules.**- (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) The power to make rules conferred by this section shall, except for the first occasion of the exercise thereof, be subject to the condition of previous publication.

GENERAL
PERVEZ MUSHARRAF,
President

MR. JUSTICE
MASNOOR AHMED,
Secretary,

S.R.O. 654 (I)/2003. In exercise of the powers conferred by subsection (1) of section 4 of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV of 2002), the Federal Government is pleased to authorize and declare,

- (a) all members of the Majlis-e-Shora (Parliament) and Provincial Assemblies in respect of sections 5, 6, 10, 12 and 13;
- (b) all District, Tehsil and Union Council Nazims and Deputy Nazims and councilors in respect of sections 5, 6, 10, 12 and 13;
- (c) all officers in BPS 20 and above, in the places under their jurisdiction in respect of sections 5, 6, 10, 12 and 13;
- (d) all police officers of the rank of Sub-Inspector and above, in respect of sections 5, 6, 7, 8, 9, 10, 12 and 13;
- (e) heads of the educational institutions, in respect of the school or the institution, he or she is head in respect of sections 5, 9, 10, 12 and 13;
- (f) public transport, bus and wagon drivers and conductors, in respect of the violators in the vessel in respect of Sections 6, 12 and 13;
- (g) train driver and conductor guards, in respect of the train, he is driver and conductor, guard in respect of sections 6, 12 and 13;
- (h) managers of airport lounges, waiting rooms at railway stations and bus stops, in respect of sections 5, 10, 12 and 13;
- (i) all crew members aboard an aeroplane, in respect of sections 5, 6, 12 and 13;
- (j) managers of establishments where services are provided to the public whether for a charge or free including the sale of goods, in respect of their own establishments, in respect of sections 5, 10, 12 and 13;
- (k) heads of hospital and other health care establishments in respect of their own establishments in respect of sections 5, 10, 12 and 13;
- (l) managers of restaurants, entertainment houses including cinemas,

theaters, studios of TV, radio, etc in respect of their own establishment, in respect of sections 5,10,12 and 13,

to be persons competent to act under the aforesaid ordinance.

S.R.O. 655 (I)/2003. In exercise of the powers conferred by section 7 of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV of 2002), the Federal Government is pleased to constitute the Committee on Tobacco Advertisements Guidelines, consisting of the following members, namely:

Director General Health	<i>Chairperson, ex-officio.</i>
One representative of tobacco industry	<i>Member</i>
One representative of Consumer Association	<i>Member</i>
Two representatives representing public and private sector media	<i>Members</i>
One representative of Cardiac Association	<i>Member</i>
Health Education Adviser, Ministry of Health	<i>Member ex-officio</i>
Health Education Consultant, Ministry of Health	<i>Member; ex-officio</i>
Representatives of UNICEF and WHO	<i>(to be co-opted on invitation)</i>

2. The Health Education Consultant shall act as Secretary of the Committee on Tobacco Advertisements Guidelines.

3.Functions:

The Committee on Tobacco Advertisements Guidelines shall—

- (a) prepare, plan and implement guidelines for the advertisements of tobacco and tobacco products;
 - (b) monitor the implementation of the guidelines; and
 - (c) evaluate effectiveness and in the light of data so collected improve upon the guidelines from time to time.
4. The Committee shall conduct proceedings under procedures to be established with the approval of the Federal Government.

[F. 12-2/2002 HE.]

MUHAMMAD DIN,
Deputy Secretary (Admn)

REGISTERED No. M-302
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The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MARCH 29, 2011

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF HEALTH

NOTIFICATION

Islamabad, the 29th March, 2011

S.R.O. 277(I)/2011.—In exercise of the powers conferred by sub-section (1) of section 4 of the Prohibition of Smoking and Protection of Non-Smokers (Health) Ordinance, 2002 (LXXIV of 2002), the Federal Government is pleased to direct that the following amendments shall be made in its Notification No. S.R.O. 654(I)/2003 dated the 30th June, 2003, namely:—

In the aforesaid Notification,—

(i) in clause (d) for the words "Sub-Inspector" the words "Assistant Sub-Inspector" shall be added; and

(ii) in paragraph (1), the following new paragraphs shall be added namely:—

(989)

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- (m) all Executive District Officers (Health), all District Health Officers, two or more Sanitary/Food Inspectors nominated from time to time by EDO (Health) in respect of their own establishments and hotel/restaurants/cafeterias in their districts, in respect of sections 5, 8, 10, 12 and 13;
- (n) all Executive District Officers (Education), all District Officers Education (DOE), all Assistant Education Officers (AEO) and two or more officers nominated from time to time by the Executive District Officer (Education) in respect of their own establishments and schools/colleges in their districts, in respect of sections 5, 8, 9, 12 and 13; and
- (o) all EAC/Magistrates of the first class, Deputy District Officer (Revenue) of their districts and two or more officers nominated from time to time by the DCO/Deputy Commissioner or the head of district administration of their districts, in respect of sections 5, 6, 7, 8, 9, 10, 12 and 13.

FF No. 41-06/2011-FCO/1

MUHAMMADIQBAL,
Deputy Secretary (Admin)

118. The Secretary, Ministry of National Health Services, Regulations & Coordination vide their letter dated 6th November, 2017 has informed that during a meeting of Senate Standing Committee on National Health Services, Regulations & Coordination (NHSRC) it has been decided to ensure enforcement of tobacco control laws and to nominate and make public the name and phone numbers of focal persons from each Ministry/Departments who could take action on a complaint. He has further stated that Federal Cabinet, in its meeting held on 30th September, 2017 under the chairmanship of Hon'ble Prime Minister, had directed to ensure strict compliance with the existing anti-smoking laws. Moreover, the Secretary Ministry of National Health Services, Regulations & Coordination has stated that according to S.R.O. 654 (I)/2003 and S.R.O. 277 (I)/2012, all officers in BPS 20 and above, in the relevant Ministries/Departments are authorized persons to take action against the violators. In addition to this, all Police Officers (ASI and above), heads of the educational institutions and hospitals, managers of public places etc, are authorize persons. The authorized person(s) may eject the violator4(s) from any place of public work or use or may send a complaint in writing to the First Class Magistrate.

119. In this connection, it is stated that in pursuance of "Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002" smoking is prohibited in Government and Public Offices. In compliance of above ordinance, we have been issuing instructions to all concerned for strict compliance to ensure no smoking in the Parliament House.

120. In view of the position stated above, it is proposed that one of the officer in BPS-20 may be nominated as Focal Person of this Secretariat, please.

Khalil
21/11/17
Khalil Ahmed
Supdt (A)

So (A)

D.S (A)

J.S (A)

Muhammad Israr
21/11/17
Muhammad Israr
Section Officer (A)

M. A. DANERI
21/11/17
Deputy Secretary (A)

OFFICE OF THE
Joint Secretary (Admin)
Diary No. 2362 Date: 21/11/17

Joint Secy (Admin)

J.S (Litigation)

Sampling

J.S (A)

J.S (A)

23/11

M. A. DANERI

M. A. DANERI

Khalil
23/11/17