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PART - I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS**

(Law, Justice and Human Rights Division)

Islamabad, the 15th October 2002

F. No. 2(1)/ 2002-pub. - 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 health or 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 Provisional constitution (Amendment) Order No. 9 of 1999 and in exercise of all the powers enabling him in that behalf, President of the Islamic Republic of Pakistan in pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement. - (1) This Ordinance may be called the Prohibition of Smoking in Enclosed Places 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 boards, 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, sticker, symbol, color, logo trade marks, display on articles like shirt, shoes, sports wear, 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;

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

(c) "Government" means the Government of Pakistan;

(d) "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;

(e) "Official Gazette" means the Gazette issued by the government from time to time.

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

(g) "public service vehicle" means a vehicle as defined in the provincial the Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), and includes railway train and aeroplanes, ships etc.

(h) "rule" means the rule made under this Ordinance; and

(i) "smoking" means smoking of tobacco in any form whether in the form of cigarette, cigar or otherwise with the aid of a pipe, wrapper or any other instrument.

3. Powers to Declare no-smoking places of public work or 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 no-smoking place for the purpose 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).

5. Prohibition of smoking and other tobacco use. - No person shall smoke or use tobacco in any place of public work or use. The Federal Government may however issue guidelines for the permitting designed 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 Vehicle Ordinance, 1965 (W.P. Ordinance XIX of 1965), no person shall smoke or use tobacco in any other form in any public service vehicle.

7. Prohibition on advertisement of cigarette etc. - Notwithstanding anything contained in any other law for the time being in force, no person/ companies shall advertise tobacco and tobacco products on any media 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 such smoking substance to any 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 such smoking substance within an area of 50 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 a 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:-

(i) 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 than one hundred thousand rupees; and

(ii) 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, 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 sections 5,6 and 10 and on a report in writing by a police officer, not below the rank of sub -inspector, with respect to the offences 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 sections 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 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 rule 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

Government of Pakistan

Ministry of Health

Islamabad, the July 3, 2003

NOTIFICATION

SRO 652 (I) / 2003- In exercise of the powers conferred by sub-section (3) of section 1 of the Prohibition of Smoking and Protection of Non- Smokers Health Ordinance, 2002 (LXXIV of 2002), the Federal Government is pleased to specify the 30th day of June , 2003, to be the date on which the said Ordinance shall come into force.

(F. 12-2/2002 HE)

Muhammad Din
Deputy Secretary (Admn)

Government of Pakistan

Ministry of Health

Islamabad, the July 3, 2003

NOTIFICATION

SRO 653 (I)/ 2003.- In exercise of the powers conferred by section 3 of the Prohibition of Smoking and Protection of Non- Smokers Health Ordinance, 2002 (LXXIV of 2002), the Federal Government is pleased to declare,

Hospitals, dispensaries and the other health care establishments, educational institutions, offices, conference rooms, all domestic flights, restaurants, buses, wagons, trains, indoor stadiums, gymnasiums, clubs, lounges of airports, waiting rooms at railway stations, waiting rooms at bus stations and addas to be places of the public work or use to be no smoking and no tobacco use places.

(F. 12-2/2002 HE)

Muhammad Din
Deputy Secretary (Admn)

Government of Pakistan
Ministry of Health

Islamabad, the July 3, 2003.

NOTIFICATION.

SRO 654/(I)/2003. 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), Federal Government is pleased to authorize and declare,

- a. All members of 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 section 6,12 and 13;
- g. Train driver and conductor, guards in respect of sections 6,12and 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 respects 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, theatres, 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.

(F.12-2/2002 HE)

Muhammad Din.
Deputy Secretary (Admin)

Government of Pakistan

Ministry of Health

Islamabad, the 30, June, 2003.

NOTIFICATION.

SRO 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 | Chairperson, ex-officio, |
| One representative of tobacco industry | Member |
| One representative of Consumer Association | Member |
| Two representatives representing public and private sector media | Members |
| One representative of Cardiac Association | Member |
| Health Education Adviser, Ministry of Health | Member, ex officio |
| Health Education Consultant, Ministry of Health | Member, ex officio |
| Representatives of UNICEF and WHO | (to be co-opted on invitation) |

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.

Government of Pakistan
Ministry of Health

Islamabad, the October 27 , 2003.

NOTIFICATION

SRO 1001 (1) / 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 Committee on Tobacco Advertisement Guidelines notified under SRO 655 Guidelines for the tobacco abs tobacco product advertisements which will come into force on the dates specified below.

Guidelines for Tobacco Advertisements on electronic media:

1. Advertising on television and radio will be allowed only between 12.00 midnight to 6AM.
2. No Tobacco advertising will be presented in theaters, cinemas in which persons under 18 are allowed.
3. No incidental advertising of tobacco such as smoking in TV programs/ dramas, showing banners, billboards, and other paraphernalia that advertise tobacco products during sports and in sports coverage will be allowed.
4. Health warning will be required on tobacco advertisements on all channels/ electronic media. The size and the time of this healthy warning will be proportionate to the as but not less than 1/5th of the total ad and / or time. It will be conspicuous and easily readable/ audible.
5. Tobacco products will not be presented as prizes or gifts for the television and radio contests.

Guidelines for Tobacco Advertisements on bill boards, wall murals, transport:

6. No advertisement shall be placed on any bill board, wall murals, or transport stop or station that either individually or in deliberate combination with other such advertisements exceeds 35 square meters in total size.
7. Health Warning will be required on tobacco advertisements on all channels/ media i.e. news papers, electronic media, magazines, cinemas, billboards, handbills. The size of this health warning will be proportionate to the ad but not less than 1/5th of the total ad. It will be conspicuous and easily readable.

Guidelines to protect children from the tobacco promotion:

8. No reference to children will be made and the advertising must not be addressed to them.
9. Tobacco will not be advertised in or within 50 meters of the registered schools, on buses, in sports centers, or in comic books.
10. Tobacco advertising is prohibited in publication intended for young people.
11. Advertising directed at young people is prohibited.

Guidelines for promotion of Tobacco through samples:

12. No promotion of tobacco products through the distribution of free samples at public events.
13. The distribution of samples of cigarettes to minors will be prohibited.
14. Distribution and promotion of samples of cigarettes at colleges, universities and education institutions will be prohibited.

Guidelines on use of celebrities for tobacco promotion:

15. Sports stars and young artists will not be depicted using or smoking cigarettes in posters, films or on records albums. A similar ban applies to the use of historical figures and members of the learned professions.
16. Young people (under 40 years of age) may not be used as models in advertisements for tobacco.

General Guidelines

17. Health Warning will be required on tobacco advertisements on all other channels / media i.e. news papers, magazines, cinemas, handbills, and give away materials. The size of the health warning will be proportionate to the ad but not less than 1/5th of the total ad. It will be conspicuous and easily readable.
18. Association of tobacco advertising with sports, adventure, sex and success in life will be prohibited.
19. Encouraging smoking as a means of improving concentration or performance will be prohibited.
20. Sponsorship of any type of events whereby tobacco is promoted will not be permitted.

The Guidelines for Tobacco Advertisements will be implemented as per schedule given below:

| S. No. | Type of advertisements | Date when the New Guidelines will come into force |
|---------------|---|---|
| 1 | All ads on electronic and print media | One month after the notification of the Guidelines by MOH |
| 2 | All ads on Bill boards, neon signs on shops, hangings, on the counter materials and give away materials | No bill boards, neon signs on the shops, hangings, on the counter advertisement materials and give away materials without new Health Warning after 7 months of the notification of the Guidelines by the Ministry of Health |

(F.13-5/2003 HE)

Muhammad Din
Deputy Secretary (Admn)