

Bill No. 22 of 2020

THE GUTKA AND PANMASALA (PROHIBITION) BILL, 2020

By

DR. KIRIT PREMJBHAI SOLANKI, M.P.

to prohibit the production, promotion and sale of gutka and pan masala.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gutka and Pan Masala (Prohibition) Act, 2020. Short title,
extent and
commencement.
- (2) It extends to the whole of India.
- 5 (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (i) “gutka” includes combination of tobacco containing arecanut, synthetic *katha*, lead, arsenic, magnesium carbonate, and any other substance causing injury to health on consumption; and

(ii) “pan masala” includes,—

(a) *Khaini, jarda* or any preparation containing betel nuts, lime, *katha* (catechu) and tobacco whether or not containing other ingredients such as cardamom, copra or menthol; and

(b) any flavouring material containing tobacco, chemical ingredients or carcinogenic elements which are hazardous to human consumption. 5

Prohibition of pan masala and gutka. 3. Manufacturing, promotion or selling of pan masala and gutka is hereby prohibited.

Explanation.—For the purpose of this section the expression "selling" includes selling of *pan masala* and *gutka* online. 10

Punishment. 4. Any person who contravenes the provisions of section 3 shall be punished with imprisonment for a term which may extend to ten years or with a fine which may extend to rupees five lakhs or with both.

Court empowered to try offences. 5. No Court inferior to that of a Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall try any offence punishable under this Act. 15

Offences to be cognizable. 6. All Offences punishable under the Act shall be cognizable.

Act to have overriding effect. 7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

AMENDMENT TO INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951

Amendment of the Industries (Development and Regulation) Act, 1951. 8. In the Industries (Development and Regulation) Act, 1951, in the First Schedule, in Entry 38, in item (1), for the word, “Cigarettes” the words “Cigarettes, including Gutka and Pan Masala” shall be substituted. 20 65 of 1951.

Power to make rules. 9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 25 30

STATEMENT OF OBJECTS AND REASONS

A large number of children, youngsters and adults are getting habituated towards the use of Pan Masala and Gutka which is proving to be very hazardous to their health. The number and frequency of Pan Masala and Gutka users are increasing day by day and this naturally causes damage to their health and threatens their very existence.

All the above mentioned substances can cause severe damage to one's health by leading to deadly diseases like cancer. Teenagers habituated to regular consumption of all these substances will suffer from problems in brain development, thereby leading to learning and anxiety disorders.

In fact recent studies by the Mumbai based Tata Institute for Fundamental Research and Rajiv Gandhi Cancer Institute, Delhi, Gujarat Cancer Research Society, Ahmedabad have proved the deadly effects of using pan masala and gutka. Various States including the State of Gujarat have banned the sale of gutka and pan masala.

In spite of such State level prohibition, a national level prohibition is the need of the hour.

This Bill seeks to prohibit the production, promotion and sale of pan masala and gutka.

NEW DELHI;
October 24, 2019.

KIRIT PREMJI BHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

ANNEXURE

THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951

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THE FIRST SCHEDULE

[See section 2 and 3 (i)]

Any industry engaged in the manufacture or production of any of the articles mentioned under each of the following headings or sub-headings, namely:—

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38. MISCELLANEOUS INDUSTRIES:

(1) Cigarettes.

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(Dr. Kirit Premjibhai Solanki, M.P.)