

ADMINISTRATION OF
DADRA & NAGAR HAVELI
DIRECTOR OF MEDICAL & HEALTH SERVICES
SILVASSA

No. DMHS/DNH/FSSA/2020/590

Dtd. 15/01/2020

NOTIFICATION

Whereas the U.T. Administration has already prohibited and imposed complete Ban on Manufacture, Storage, Distribution and/or sale of Chewing Tobacco with whatever names it may be known, such as Zarda, Gutkha or Pan Masala known by any names, containing tobacco and/or nicotine as an ingredient as Gutkha as Pan Masala has been prohibited in the whole Union Territory of Dadra and Nagar Haveli vide notification no.DMHS/DNH/FSSA/2012/363/8840 dtd.27/11/2018 in the UT of Dadra & Nagar Haveli.

Whereas nicotine is prohibited as an ingredient in any food item under the Food Safety and Standards (Prohibition and Restrictions on sales) Regulation 2011 of the Food Safety and Standard Act, 2006 and listed as hazardous chemical in the manufacture, storage and Import of Hazardous chemical Rules, 1989, also listed as an insecticide under the insecticide Act, 1968.

“Hookah Bar” means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually.

Whereas, whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

Whereas, whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

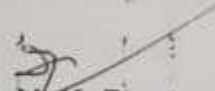
Whereas, any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force.

Whereas, all offences under this Act shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of criminal Procedure, 1973.

Whereas, an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Whereas, notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.


Dr. V. K. Das

Designated Officer
Director Medical Health Service
Dadra and Nagar Haveli
Silvassa

Copy to:

1. All Heads of Offices D&NH, Silvassa for information & action and for wide Publicity.
2. Copy to all the Owner / Partners of Hotels and Dhabas of D&NH.
3. Copy to Superintendent of Police, D&NH, Silvassa [to authorize any Police Officer not below the rank of Sub-Inspector as per provision of Section 4 A & 13 A of the acts].
4. Copy to Chief Publicity Officer, D&NH for wide publicity.
5. Copy to Incharge Govt. Printing Press, D&NH for necessary action.