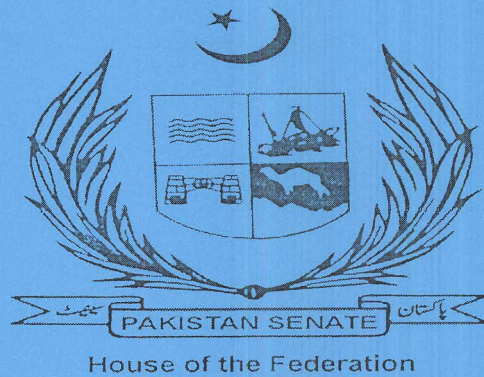


SENATE OF PAKISTAN



FOURTEENTH PARLIAMENTARY YEAR 2016-2017

REPORT NO. 07 of 2016

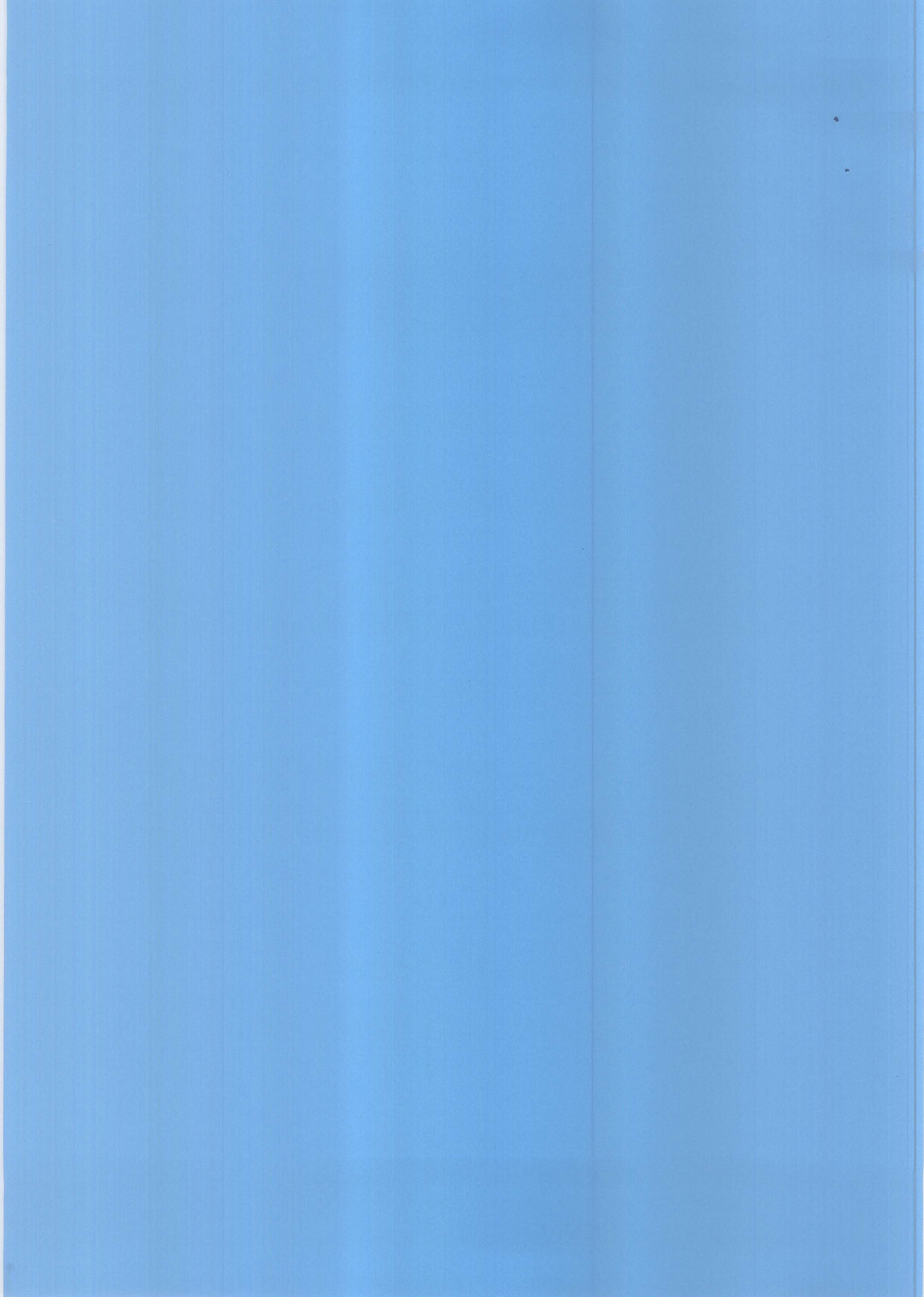
**REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL
HEALTH SERVICES, REGULATIONS AND COORDINATION**

ON

**"THE ISLAMABAD PROHIBITION OF SHEESHA SMOKING BILL, 2016",
INTRODUCED BY SENATOR MUHAMMAD AZAM KHAN SWATI, IN THE
SENATE DURING ITS SITTING HELD ON 26TH SEPTEMBER, 2016**

PRESENTED BY

SENATOR SAJJAD HUSSAIN TURI



SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON 'THE ISLAMABAD PROHIBITION OF SHEESHA SMOKING BILL, 2016.

I, Senator Sajjad Hussain Turi, Chairman Standing Committee on National Health Services, Regulations and Coordination have the honor to present on behalf of the Committee, this report on "The Islamabad Prohibition of Sheesha Smoking Bill, 2016" introduced by Senator Muhammad Azam Khan Swati in the House during its sitting held on 26th September, 2016 and referred to the Standing Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Sajjad Hussain Turi	Chairman
2.	Senator Naseema Ehsan	Member
3.	Senator Mian Muhammad Ateeq Shaikh	Member
4.	Senator Dr. Ashok Kumar	Member
5.	Senator Hamza	Member
6.	Senator Ayesha Raza Farooq	Member
7.	Senator Kalsoom Perveen	Member
8.	Senator Ghous Muhammad Khan Niazi	Member
9.	Senator Kamran Michael	Member
10.	Senator Khalida Parveen	Member
11.	Senator Hilal-ur-Rehman	Member
12.	Senator Nauman Wazir Khattak	Member
13.	Mrs. Saira Afzal Tarar, Minister of State for National Health Services, Regulations and Coordination.	Ex-officio Member

3. The Committee took up the bill during its meeting held on 25th October 2016. The meeting was attended by the following members:

1.	Senator Sajjad Hussain Turi	Chairman
2.	Senator Hamza	Member
3.	Senator Dr. Ashok Kumar	Member
4.	Senator Ayesha Raza Farooq	Member
5.	Senator Mian Muhammad Ateeq Shaikh	Member
6.	Senator Ghous Muhammad Khan Niazi	Member
7.	Senator Khalida Parveen	Member
8.	Mrs. Saira Afzal Tarar, MOS for National Health Services, Regulations & Coordination.	Ex-officio Member

4. The Secretary and other representatives of the M/O National Health Services, Regulations and Coordination briefed the Committee about the issue of sheesha smoking. They informed that the Ministry has to fulfill the requirements of rule 28 of the Rules of Business, 1973 according to which the Ministry has to consult the Finance, Revenue and Law and Justice Divisions about the bill and to get approval from the Prime Minister for supporting or opposing the Bill accordingly. He requested the Committee to defer it till next meeting to enable the Ministry to fulfil the requirements of the said rule.

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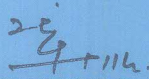
The Committee, accordingly deferred consideration of the Bill till its next meeting with direction to fulfill the requirement by that time.

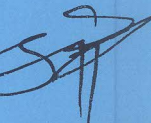
5. The Committee again took up the Bill during its meeting held on 16th November, 2016 which was attended by the following Members:

1.	Senator Sajjad Hussain Turi	Chairman
2.	Senator Dr. Ashok Kumar	Member
3.	Senator Ayesha Raza Farooq	Member
4.	Senator Nauman Wazir Khattak	Member
5.	Senator Mian Muhammad Ateeq Shaikh	Member
6.	Senator Khalida Parveen	Member

6. During the meeting, the Additional Secretary, M/O National Health Services, Regulations and Coordination informed the Committee that the process of fulfilling the requirements under rule 28 have been initiated but the same has not been completed so far and the Ministry will give its opinion on the Bill only after completion of the process. The Director Tobacco Control Cell, of the Ministry informed the Committee that provisions of clauses 2(g), 5, 7, 8, 9 and 10 of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002) cover the tobacco related part of the Bill. He stated that the said Ordinance prohibits tobacco smoking by various means in all public places and Hotels, Restaurants & Cafes constitute public places. Thus the said provisions of the Ordinance are applicable to sheesha smoking in these places. The Legislative Advisor of the Law and Justice Division was of the opinion that the Ordinance, 2002 may not fully cover the purpose of the Bill as the term "other" used in clause 2(g) of the Ordinance is liable to interpretation by the Courts.

7. The Committee observed that since the provisions of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002) are applicable to Sheesha smoking in Hotels, Restaurants and Cafes, and if required, minor amendments can be made in the said Ordinance and rules made thereunder to serve the purpose of the Bill, therefore, there is no need for new legislation on the subject. The Committee directed the Ministry of National Health Services, Regulations and Coordination to make necessary amendments in the rules made under the said Ordinance to achieve the purpose of the Bill. Thereafter, the Committee unanimously decided to dispose of the Bill, which is placed at Annex-I.


(RAFIULLAH)
Secretary Committee


(SENATOR SAJJAD HUSSAIN TURI)
Chairman Committee

Islamabad, the
8th December, 2016.

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BILL

to provide for the prohibition of sheesha smoking in the Islamabad Capital Territory

Whereas it is expedient in the public interest to provide for the prevention of sheesha smoking in the Islamabad Capital Territory in order to save human life, public, youth and students and to provide for matters connected therewith and incidental there to;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Islamabad Prohibition of Sheesha Smoking Act, 2016.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the subject or context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them-

(a) "chemical/drug" means any controlled drug declared under any law as such and used in sheesha smoking;

(b) "flavor/tobacco" means a mixture of the different chemicals or any other injurious and dangerous material, mixed in tobacco for the purpose of sheesha smoking;

(c) "Government" means the Federal Government;

(d) "place" means a street, road, park, garden, play ground, graveyard, hotel, restaurant, motel, mess, club, house, building, tent, vessel, any restaurant or hotel roof and open space; and

(e) "sheesha smoking" means the act of inhaling, exhaling, or burning tobacco with or without different flavors, by means of a pipe or any other instrument.

3. Prohibition of sheesha smoking.- No person, individually or collectively, shall manufacture, sell, use or import or in any manner engage himself in sheesha smoking.

4. Offence non-bailable and non-cognizable.- Any offence committed under this Act shall be non-bailable and non-cognizable.

5. Summary trial of offence.- Notwithstanding anything contained in any other law for the time being in force, the act of sheesha smoking shall be tried summarily under Chapter XXII of the Code of Criminal Procedure 1898 (V of 1898).

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6. Punishment.- Whoever-

- (a) commits or abets to commit an act of sheesha smoking; or
- (b) manufactures, sells or offers for sale sheesha like (glass hooka); or
- (c) manufactures, stores, sells or offers for sale material like different flavors, sheesha (glass hooka); or
- (d) imports sheesha (glass hooka) and other related material like different flavors etc.;

shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or with both.

7. Provisions of the Act in addition to and not in derogation of any other law.- The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

8. Power to make rules.- The Government may make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There has been an alarming rise in sheesha smoking in the country and Sheesha Cafe's are also present in various parts of the Federal Capital. The popularity of sheesha smoking in our youth is making them addicted to this bad habit. This smoking is a serious threat to the health of the smokers. Many researches show that smoke from sheesha contains many harmful and carcinogenic components. It appears that there is no strategy to counter the ill-effects of this menace. The owners of Sheesha cafes are facilitating our youth in soft drug addiction in a very comfortable and friendly atmosphere. This trend is not good for the young generation of this country. The Supreme Court of Pakistan has also directed the Federal and Provincial Governments to pass legislation for banning the Sheesha smoking. Sheesha Café's can not prevent drug use rather they are encouraging the youth to become addicts. This Bill strives to put a ban on sheesha smoking. Hence this Bill.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-In-Charge

