

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,

MUZAFFARABAD.

Dated the 2nd October, 1985.

No. LD/Leg (A)/2147/85, The following Act approved by the Azad Jammu and Kashmir Legislative Assembly at its meeting held on 2nd October, 1985 and assented by the President on 21st October, 1985, is hereby published for general information:--

AN
ACT

(ACT I OF 1985)

to provide for printing of a health warning on packets of cigarettes.

WHEREAS it is expedient to provide for printing of a health warning on packets of cigarettes and for matters connected therewith;

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Short title and Commencement.- (1) This Act may be called the Cigarettes (Printing of Warning) Act, 1985.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the 2nd day of October, 1985.

Definitions.- In this Act, unless there is anything repugnant in the subject or context:-

(a) 'Cigarette' includes Biri;

(b) 'Government' means the Azad Government of the State of Jammu and Kashmir;

(c) 'Health warning' means health warning specified in section 3; and

(d) 'Packet' includes a wrapper or other container.

Printing of health warning.- There shall be printed legibly and prominently, both in English and Urdu, on every packet of cigarettes the following health warning namely:-

"WARNING: Smoking is injurious to health.

Ministry of Health"

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Prohibition of sell etc.- No person shall,-

(a) manufacture packets of cigarettes; or

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(b) sell or offer for sale cigarettes from packets of cigarettes; or

(c) Import or possess or sell or offer for sale packets of cigarettes, on which the health warning is not printed as required by section 3.

Penalties.- (1) Whoever contravenes any provision of section 4 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) Where a Court convicts a person of an offence punishable under sub-section (1) it shall direct that the packets of cigarettes and the cigarettes in respect of which the offence has been committed be forfeited to the Government.

Offences _by companies.- If the person contravening any provision of section 4 be a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognizance of offence.- (1) No Court inferior to that of Magistrates of the first class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of any offence punishable under this Act except on a complaint made in writing by a Police Officer not below the rank of an Assistant Sub-Inspector or an Excise Officer not below the rank of a sub-Inspector or any other officer authorized in this behalf by the Government.

Power to make rules. - The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Savings. - Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or power exercised under the provisions of the Cigarettes (Printing of Warning) Ordinance, 1980 (Ordinance CXCI of 1980) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made initiated or exercised under this Act.

Repeal. - The Cigarettes (Printing of Warning) Ordinance, 1985 (Ordinance CLXII of 1985) is hereby repealed.

Sd/-

(Syed Atta Mohy-ud-Din Qadri)

Deputy Secretary Law