

PROHIBITION OF SMOKING IN PUBLIC PLACES RULES, 2009

Rae-33004/99 REGD. NO. D. L.-33CC499 Che Gazette of India 5371 No. 5371 EXTRAORDINARY PART II—Section (i) PUBLISHED BY AUTHORITY 15, 1931 NEW DELHI, TUESDAY, SEPTEMBER 18, 2009. (1) 15 17 18 20 21 (2) IF; Aft- (3) (1) 15 2009 2003 (2003 34) 3k 2008 2009 I (ii) I (2) 2008 Zi 12 111 (2) (3) " 13 14 3386 GI/2009 fi. 30 2008 'THE GAZETTE OF INDIA : EXTRAORDINARY MINISTRY OF HEALTH AND FAMILY WELFARE (Department of Health and Family Welfare) NOIFICATION New Delhi, the 15th September, 2009 G.S.R. 680 F) — (1) in exercise of the powers conferred by Section 3 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003) the Central Government hereby amends the Prohibition of Smoking in Public Places Rules, 2008, namely: (i) These rules may be called the Prohibition of Smoking in Public Places (Amendment) Rules, 2009. (ii) They shall come into force on the date of their publication in the Official Gazette. (2) In Schedule II to the Prohibition of Smoking in Public Places Rules, 2008, after serial number 12 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:— Schedule II (1) 15 16 17 18 19 21 Note: (2) Representatives of Panchayati Raj Institutions (Sarpanch/Panchayat Secretary) District Program Manager/ Finance Manager-District Health Society (National Rural Health Mission) Civil Surgeon/Chief Medical Officer (CMO) at District Hospital/ Medical Officer at Primary Health Centre (PHC) Registrar/Deputy Registrar/Public Prosecutors/ Government Counsels. Inspector of Schools/ District Education Officer Traffic Superintendents/ Asst Traffic Superintendents: Bus Station Officer Ticket Collector or Conductor. Travelling ticket examiner/ Chief Ticket inspectors] Ticket Collectors* Officers IP No. All Public Places within their jurisdiction. All Public Places within their jurisdiction. Hospital Buildings/ Health Institutions/ dispensaries Court Buildings Educational Institutions Public Conveyances Railways" No. 14 Persons authorized to take action. (2) Police Officers not below the rank of Sub-Inspector of Police Officers of State Food and Drug Administration not below the rank of Sub-Inspector of Police Description of Public Places (3) All Public Places within their jurisdiction. All Public Places within their jurisdiction. not below the rank of ticket collector or equivalent rank not below the rank of Asst. Sub-inspector of Railway Protection Force. [F. No. P. 16015/20/2007-PH] B. K. PRASAD. Jt. secy. The Principal rules were notified vide No. G.S.R. 417 (E) the dated 30th May, 2008. Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054 REGD. NO. D. Che Gazette of India EXTRAORDINARY PART II—Section (i) PUBLISHED BY AUTHORITY 21, NEW DELHI, FRIDAY, SEPTEMBER 21, 2012/BHADRA 30, 1934 21 2012 3-121 mazraa 2003 (2003 34) fi 31 \$, 3-ra: r afirszr, 2004 G.rãT8r t, afirar, qa•ra 2012 (2) n 2 2012 I a21T 2004 (Qi) 3ia: 3TQ7iT, 312ã•«:- 7.üTQ sarra üQT.- () 312.1a•r 3613 GI/2012 (2) 304 aprã 3+2rZIT (1) sca•ia (3) 3-T2.EIT æfta) aprã fifi Gi) G.j3fi 3t:rqia ßFiRa liii (iii) qvx -Ä A*TãT fi (q-aTOT7) *983 .3ifãiz-& (RfizrB7) 8 312fia:- 312.ra•r fô&QPf 3-TGATã t- aft 3R.fiX RITF2..zr fi EIT-2..u w:rrz qama a-Éi (1) -q•tg (T) (m (2) 3RrdT fQ-ex 3-T2.raT (1) 3r.lã&fi QiT t, R-v üsz:rr t; vra OT Off. - (i) fa-ã (ii) wal 312.RT -kit-a, (iii) (5) æ:iüQr Off, 3-•rqqr t, 3-pra•r fi æi-€..llfã-a (i) 31Ria (ii) 3TVTfi lit-1 6012/1 : 25 2004 ÉÆftÄiT.fi.137 ava 31 2005 345(3), 30 at-arc, 2005 698 (30. 20 2006 É. 27 2011 æi. 786(3) ava 2.111 of Health and Family NOTIFICATION Delhi. the Septeilluu•. _ G.,ike "'Vik* F. i. — in exercise the powers conferred by Section 3 of the Cigarettes and Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act. (34 of the Central Government hereby makes the rules to further amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules. - (1) "[these rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules. 2012 (2) 'They shall come into force on the 2nd Day of October, 2012 in the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004.- (a) for rule 7 the following rule shall be substituted, namely.- "7. Health Spot and Message in Old Films and Television Programmes, displaying Tobacco Products or their use.- (1) The owner or manager of a cinema hall or theatre screening old films (Indian and foreign) which display tobacco products or their use. shall ensure

that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning and middle of the film: Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India. (2) If the owner or manager of cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure. (3) The broadcaster of old television programmes (including old Indian and foreign films) displaying tobacco products or their use, shall ensure that, - (a) anti-tobacco health spots, of minimum thirty seconds duration each are screened at the beginning and middle of the television programme: Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India; (b) anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of the tobacco products or their use in the television programmes: 3-13 -Z \ IRA(R Y Provided that the anti-tobacco health warning shall be in black colour on white background, and, (i) with the warnings "Smoking causes cancer" "Smoking kills" for smoking forms of tobacco use; chewing and (ii) 'With the warnings of Tobacco causes cancer" or "Tobacco kills" other smokeless forms of tobacco: (iii) or with such other warnings as may be specified by the Central Government from time to time: Provided that the anti-tobacco health warning message or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or sub-title. (4) If the broadcaster of old television programmes fails to comply with the provisions of sub-rule (3), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure. Explanation :- For the purpose of this rule, - (i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films"; (ii) all television programmes produced prior to coming into force of this notification shall be categorized as "Old Television Programme". (iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983: (iv) the expression "television programmes" implies "programme" as defined in the Cable Television Networks (Regulation) Act, 1995" (b) for rule 8 the following rule shall be substituted, namely "8. Health Spots, Message and Disclaimer in New Films and Television Programmes.- (1) All new Indian or foreign films and television programmes displaying tobacco products or their use shall have.- (a) a strong editorial justification explaining the necessity of the display of the tobacco products or their use in the film, to the Central Board of Film Certification: (b) anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the films and television programmes; (c) anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme: (d.) an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the film and television programme; health spots and disclaimer shall be in black colour on white background. Provided further that no film displaying tobacco products or their use shall be certified for public exhibition by the Central Board of Film unless the conditions specified in clauses (a) to (d) sub-rule (1) are fulfilled. (2) If the owner or manager of a cinema hall or theatre fails to comply with the provisions of sub-rule (1) the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure: (3) If the broadcaster of the television programmes fails to comply with the provisions of clauses (a) to (d) of sub-rule (1), the competent authority in the Ministry of Information and Broadcasting- Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure. (4) The anti-tobacco health warning message as specified in clause (c) of sub-rule (1) shall be legible and readable, with font in black colour on white background, and, (i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use; (ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco: (iii) or with such other warnings as may be specified by the Central Government from time to time. (5) The anti-tobacco health warning messages or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or

television programmes, the messages or spots shall be carried in the language of dubbing or sub-title. Explanation. - For the purpose of this rule,- (i) all films that receive Central Board of Film certification after the effective date of this notification shall be categorized as "New Films" (iii) all television programmes produced after the effective date of this notification shall be categorized as "New Television Programme". [F. No. P-16012/1/200S-PHl Smt. 1). GAM(tN. -n. secv. Note: The principal rules were published in the Gazette of vide notification nurnber G.S.R. 137 dated the 25th February. 2()04, and were subsequently amended vide notification number G.S.R. 345(E) dated the _31st May. 2005, vide G.S.R. 698(E) dated 30th November. 2005, vide G.S.R. 656(E). dated 20th October. 2006 and vide G.S.R 786 dated 27th October. 20] l. Printed hy 'he Ntanager. (iovermnent of India Press, Ring Rnud_ N13yap11!i, New Delhi-I *0064 and Published by the PEihlicaaiions, Dcihi-i

