

DELHI PROHIBITION OF SMOKING AND NON-SMOKERS HEALTH PROTECTION ACT, 1996

PRS The Delhi Prohibition of Smoking and Non-Smokers Health Protection Act, 1996 of 1997
 Keyword(s): Advertisement, Competent Place of Public Work or Use, Public Service Vehicle, Smoking
 DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or in some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may not include subsequent. For authoritative Lexis, please consult the relevant State Department concerned or refer to the State Government publication or the Gazette. No liability. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage or distress to any person on account of any action taken or not taken on the basis of this document. RTI Act, PART DELHI GAZETTE : EXTRAORDINARY 3 (2) 12

13. AfGz 14.197-4 ('1974 2) 7, 8 i 1974 17. 18. 1 DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS NOTIFICATION Delhi, the, January, 1997 No. F. following Act Of Legislative Assembly received the assent of the Lt. Governor on September, 1996 and is hereby published for general information "The Delhi Prohibition of Smoking and Non-smokers Health Protection Act, 1996" (Delhi Act NO. of 1997) passed by the Legislative Assembly of the National Capital Territory of Delhi) 'AN ACT prohibiting of smoking in places of public work or use and in public service vehicles in the National Capital Territory of Delhi' in the Forty Seventh Year of as follows 4 DELHI GAZETTE : EXTRAORDINARY 1. Short title, extent and commencement—(1) This Act may be called the Delhi Prohibition of Smoking and Non-smokers Health Protection Act, 1996. (2) It extends to the whole of the National Capital Territory of Delhi. (3) It shall come into force on such date as the Government may by notification in the Official Gazette appoint. Provide that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definition.—In this Act, unless the context otherwise requires:— "advertisement" means and includes any notice, circular, wall paper, pamphlet, display on hoardings, or, any (a) visible representation made by means of any other means of any light, sound, smoke, gas or any other means which has the effect of promoting smoking; and the expression 'advertise' shall be construed accordingly; 'authorised officer' means a person authorised under section 4; (b) "Delhi" means the Capital Territory of Delhi; (c) "Government" means the Government of the National Capital Territory of Delhi; (d) "Legislative Assembly" means the Legislative Assembly for Delhi; (e) "place of public work or use" means a place declared as such under section 3 and includes auditoria, hospitals (f) buildings, health institutions, amusement public offices, court buildings, libraries and the like which are visited by general public but does not include any open place; "Official Gazette" means the Delhi Gazette; (g) "public service vehicle" means a vehicle as defined under clause (25) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988); (h) "rule" means the rule made under this Act; "smoking" means smoking in any form whether in the form of cigarette, cigar, beedi or otherwise with the aid of a pipe, wrapper or any other instruments.

3. Declaration of smoking-free places of public work or use from time to time, the Government may; by notification in the Official Gazette; declare any place of public work or use in the Delhi to be no-smoking place for the purpose of this Act

4. Power of Government to authorise officers to act under this Act.—The Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under

this Act. (2) Every person authoriséd under sub-section (1) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code 1860 (45 of 1860)

5. Prohibition of smoking in places of public work or use.—No person smoke in any of public work or use. 6. Prohibition of smoking in public service vehicles.—Without prejudice to the provisions of the Motor Vehicles Act, 1988 (59 of 1988) no person shall smoke in a public service vehicle

7. Prohibition of advertisement of cigarettes etc.—Notwithstanding anything contained in any other law for the time being in force, no person shall advertise in any place and any public service vehicle which may promote smoking, or the sale of cigarettes and beedis etc

8. Prohibition of sale of cigarettes, etc. to minors.—No person shall sell cigarettes, beedis or any other such smoking substance to any who is below, the age of eighteen years

9. Prohibition of storage, sale and distribution of cigarettes; etc. in the vicinity of educational institutions.—No person shall himself or by any person on his behalf, store, sell or distribute cigarettes or beedis or any other such smoking substance within an area of one-hundred metre around any college, school or educational institution. 10. Display and Exhibition of Board.—The owner or manager or incharge of affairs of every place of public work shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by general public prominently stating that the place is a "No Smoking Zone" and that "Smoking is an Offence". 11. Penalties.—Any person, who contravenes the provisions of : (i) section 5, 6 or 10 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five hundred rupees, but which may extend to five hundred rupees; DELHI GAZETTE : EXTRAORDINARY 5 (ii) section 7, 8 or 9 shall be punishable with fine which may be extended to five hundred rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five hundred rupees, but which may extend to one thousand rupees, or with both, 12. Ejection of violators of this Act from the place of public work or use.—Any authorised officer or any police officer, not below the rank of sub-inspector, may eject any person from the place of public work or use who contravenes the provisions of this Act. 13. Court competent to try offences under this Act, and take cognizance of offences.—No court other than the Metropolitan Magistrate shall take cognizance of an offence under this Act. (C) No court shall take cognizance of any offence under this Act except on a complaint in writing of an authorised officer or police officer, not below the rank of sub-inspector, with respect to the offences under sections 7, 8 and 9. 14. Certain offences to be cognizable and bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) offences under sections 7, 8, and 9 shall be cognizable and bailable. 15. Offences under this Act to be tried summarily.—All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1933 (2 of 1974). 16. Power to delegate.—The Government may, by notification in the official Gazette, direct that any power exercisable under this Act, may also be exercised by such officer as may be mentioned therein, subject to such conditions, if any, as may be specified therein. 17. Composition of Government or any person authorised by it by general or special order in this behalf before or after the institution of the proceedings compoundable offences made punishable by or under this Act.—The Government may make rules to provide for or regulate any matter in respect of which this Act makes no provision or makes insufficient provision and provision is, in its opinion, necessary. (2) Any rules made by the Government shall be subject to previous publication thereof in the official Gazette, (3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly and the House agrees in making any modification in the rule or the House agrees 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.. R-TL. D'SOUZA, Under secy. (LA). Printed by the Government of India Press, Ring Road Mayapuri, New Delhi-110064 and by the Controller — 1996