

Rajasthan Prohibition of Smoking and Non-Smokers Health Protection Act, 1999

RAJASTHAN

India

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Act 14 of 2000

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Rajasthan Prohibition of Smoking and Non-Smokers Health Protection Act, 1999 Act No. 14 of 2000 [Received the assent of the Governor on the 11th day of May, 2000] An Act to provide for prohibition of smoking in places of public work or use and in public service vehicles in the territory of the State of Rajasthan and to make provision for other matters connected therewith Be it enacted by the Rajasthan State Legislature in the Fifty first year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Prohibition of smoking and Non-smokers Health Protection Act, 1999. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint: Provided 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. Definitions.

- In this Act, unless the context otherwise requires, - (a) "advertisement" means and includes any Notice, Circular, Wall Paper, Pamphlet display on hoardings, or any visible representation made by 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; (b) "authorised officer" means a person authorised under Section 4; (c) "place of public work or use" means a place declared as such under Section 3 and includes auditoria, hospital buildings, health institutions, amusement centres, restaurants, public offices, court buildings, educational institutions, libraries and the like which are visited by general public but does not include any open place; (d) "public service vehicle"

means a vehicle as defined under clause (35) of Section 2 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988):(e)"rule" means the rule made under this Act: and(f)"smoking" means smoking of tobacco in any form whether in the form of cigarette, cigar, beedis or otherwise with the aid of a pipe, wrapper or any other instruments.

3. Declaration of no-smoking place of public work or use.

- As soon as may be after the commencement of this Act and thereafter from time to time, the State Government may by notification in the Official Gazette, declare any place or public work or use in the State of Rajasthan to be a no-smoking place for the purpose of this Act.

4. Power of the State Government to authorise officers to act under this Act.

(1)The State 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 authorised under sub-section (1) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

5. Prohibition of smoking in places of public work or use.

- No person shall smoke in any place of public work or use.

6. Prohibition of smoking in public service vehicle.

- Without prejudice to the provisions of Motor Vehicles Act, 1988 (Central Act No. 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, beedis etc. to minors.

- No person shall sell cigarettes, beedis or any other such smoking substance to any person who is below the age of eighteen years.

9. Prohibition or 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 meters around any college,

school or other educational institution.

10. Display and exhibition of board.

- The owner or manager or incharge of affairs of every place of public work or use shall display and exhibit a board at a conspicuous place or places 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) Sections 5, 6 or 10 shall be punishable with fine which may extend to one hundred rupees and in case of second or subsequent offence, shall be punishable with a minimum fine of two hundred rupees but which may extend to five hundred rupees: (ii) Sections 7, 8 or 9 shall be punishable with fine which may extend 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 the provisions 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.

(1) No court other than the court of Judicial Magistrate shall take cognizance of and try an offence under this Act. (2) No court shall take cognizance of any offence under this Act except on a complaint in writing made by an authorised officer with respect to offences under Sections 5, 6 and 10 and on a report in writing made by a 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 (Central Act No. 2 of 1974) offences under 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, 1973 (Central Act No. 2 of 1974).

16. Power to delegate.

- The State Government may by notification in the Official Gazette direct that any power exercisable by it 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 offences.

- The State Government or any person authorised by it by general or special order in this behalf, may either before or after the institution of the proceedings, compound any offences made punishable by or under this Act.

18. Power to make rules.

(1)The State Government may make rules for carrying out the purposes of this Act.(2)All rules made under this Act shall be laid, as soon as may be after they are made, before the House of the State Legislature while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the house of the State Legislature makes any modification in any of such rules, or resolves that any such rules should not be made, such 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 thereunder. Notifications [Notification No. F. (29) M&H/Gr. 3/96 dated 17-7-2000, Published in Rajasthan Gazette Extraordinary Part IV-C(II). dated 19-7-2000, P. 161.] S. O. 136.- In exercise of powers conferred by Section 3 of the Rajasthan Prohibition of Smoking and Non-Smokers Health Protection Act, 1999 (Act No. 14 of 2000), the State Government hereby declare the following places as "places of public work or use" and to be "Non-Smoking Places" for the purpose of the said Act: namely:-

1. All places of public work or use as define in clause (c) of Section 2 of the Rajasthan Prohibition of Smoking and Non-Smokers Health Protection Act, 1999 (Act No. 14 of 2000) and Banquet Halls, Monuments, Cinema Halls and Stadia excluding open area.

The notification shall be come into force from 1st August, 2000. [Notification No. F. (29) M&H/Gr. 3/96 dated 17-7-2000, Published in Rajasthan Gazette Extraordinary Part IV-C(II), dated 19-7-2000, P. 162.] S. O. 137.- In exercise of powers conferred by sub-section (3) of Section 1 of the Rajasthan Prohibition of Smoking and on-Smokers Health Protection Act, 1999 (Act No. 14 of 2000), the State Government hereby appoints the 1st day of August. 2000 as the date on which the said Act shall come into force. [Notification No. F. (29) M&H/Gr. 3/96 dated 17-7-2000, Published in Rajasthan Gazette Extraordinary Part IV-C(II), dated 19-7-2000, P. 163(2).] S. O. 138- In exercise of powers conferred by Section 4 of the Rajasthan Prohibition of Smoking and Non-Smokers Health Protection Act, 1999 (Act No. 14 of 2000), the State Government hereby authorises the

persons mention in column 2 of the "Table" given below who shall be competent to act under the said Act in respect of the places of public work or use and public service vehicles, mentioned against them in column 3 of the said "Table".-Table

S. No.	Persons authorised	Place of public works or use and public service vehicles.
1.	All Gazetted Officers of Government/Central Government/Incharge of places of public work or use.	For places of public work or use as define din clause (c) ofSection 2 of the Rajasthan Prohibition of Smoking and Non-SmokersHealth Protection Act, 1999 (Act No. 14 of 2000) and banquethalls, monuments, cinema halls and stadia excluding open area,which are under their respective control and superintendence.
2.	Incharge Officers of the Offices of Autonomous Corporation /Board and Local Bodies.	For their respective officers/places under their control andsuperintendence.
3.	Managers/Asstt. Managers of Cinema.	Respective cinema halls and restaurants.
4.	Drivers/Conductors of Public Service Vehicles	Respective public service vehicles.

This notification shall come into force with effect from 1st August, 2000.Prosecution of Criminal Cases-Rules ForA- At the instance of Departmental Officers

1. Scope of the Rules

2. Expediency of consulting District Magistrate in all cases

3. Report to Police in cognizable cases

4. District Magistrate to be consulted in non-cognizable cases

5. Complaint in cases requiring sanction of the Government

6. Procedure in cases requiring sanction

7. Appointment of prosecutor in simple cases

8. Engagement of Public Prosecutor in complicated cases

9. District Magistrate to assist Railway authorities

10. Intimation to Railway or departmental officers of the filing of appeal

11. Procedure in cases involving loss mentioned in rule 12

12. Submission of report on defalcation and losses of public funds

B- At the instance of Courts-civil, Criminal or Revenue

1. Scope of the Rules

2. Trial of cases

3. Intimation to the District Magistrate

4. Arrangement for the conduct of cases

5. Fee of counsel in cases

6. Report of result in cases