

Andhra Pradesh Prohibition of Smoking and Health Protection Rules, 2002

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-PROHIBITION-OF-SMOKING-AND-HEALTH-PROTECTION RULES, 2002

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Andhra Pradesh Prohibition of Smoking and Health Protection Rules, 2002Published vide Notification No. G.O.Ms.No. 267, Health, Medical and Family Welfare (J1), dated 29.6.2002Last Updated 20th August, 2019G.O.Ms.No. 267. - In exercise of the powers conferred by sub-section (1) of Section 19 of the Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002 (Act No. 14 of 2002), the Governor of Andhra Pradesh hereby makes the following rules in respect of Prohibition of Smoking in places of public work or use and in public service vehicles in the State:

1. Short Title and extent.

- 1. (i) These rules may be called "The Andhra Pradesh Prohibition of Smoking and Health Protection Rules, 2002";(ii)These rules shall extend to whole of the State of Andhra Pradesh;

2. Definitions.

- In these rules, unless, the context otherwise requires:(i)"Act" means The Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002, (Act No. 14 of 2002).(ii)"Smoking" means smoking of tobacco in any form whether in the form of cigarettes, cigar, beedies or otherwise with the aid of a pipe, wrapper or any other instruments.(iii)"Public Service Vehicle" means a vehicle as defined under clause (35) of Section 2 of the Motor Vehicles Act, 1988.(iv)"Authorised Officer" means a person authorised under Section 4 of the Act.(v)"Place of public work or use" means a place declared as such as per Sections 2 (e) and 3 of the Act.(vi)Non-Smoking places: The following places have been declared as nonsmoking places under Section 3 of the Act:(1)Auditoria;(2)Hospital

Buildings:(3)Health Institutions:(4)Educational Institutions:(5)Libraries:(6)Court Buildings:(7)Public Offices;(8)Public Conveyances including Railways:(9)Amusement Centres:(10)Restaurants and Hotels including Pubs:(11)Function Halls;(12)Monuments and Stadia:(13)Shops and Shopping Complexes(14)Cinema Halls.

3.

No person shall smoke in any of the non-smoking places of public work or use as declare under rule 2(vi) of these rules.

4. Authorised persons.

- The officer or person shown against the places mentioned below shall act as the Authorised Officer or Person to exercise any of the powers vested in them by this Act and to impose penalty on any person who contravenes the provisions of the Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002: (Act No. 14 of 2002).

| SI.No. | Name of Place of Public work or use | Authorised Officer or Person |
|--------|--|---|
| (1) | (2) | (3) |
| (a) | Auditoria, Amusement Centres, Cinema Halls, Restaurants/Hotels/Pubs, Function Halls, Monuments and Stadia, Shops and Shopping Complexes. | Manager/Assistant Manager/ In-charge person of the concerned establishment. |
| (b) | Hospital Buildings and Health Institutions. | Principal/Superintendent/Resident Medical Officer/Medical Officer of the concerned establishment. |
| (c) | Educational Institutions | Head of the institution/Principal /Head of the concerned Department/ Teachers. |
| (d) | Libraries | Concerned Librarian/Assistant Librarian |
| (e) | Court Buildings | Registrar/Assistant Registrar of the concerned Court. |
| (f) | Public Offices | Gazetted Officers of the Central/State/ Central Public Sector Undertaking/ State Public Sector Undertaking. |
| (g) | Public Service vehicles | Driver and Conductor. |

5.

The owner or manager or the person in charge of affairs of every place of public work or public use shall display and exhibit a notice board stating that "Smoking is Strictly Prohibited" and Smoking is an offence at a conspicuous place or places both inside and outside the non-smoking places declared under rule 2(vi) of these rules.

6.

(1) No person or agency shall advertise in any place and any public service vehicle which may promote smoking, or the sale of cigarettes, cigar or beedies or other such smoking substances. No person or agency shall advertise in any print, media by way of any notice, circular, wall paper painting, pamphlet, display or hoardings or through any visible representation made by means of any light, sound, smoke, gas or through electronic media or radio or any other audio means, or any other means to promote the smoking or sale of cigarettes, cigar and beedies. No advertisement or promotion of smoking shall be made in public transportation vehicles or any other public carriers or trains.

7.

No person shall sell cigars, beedies or any other such smoking substance to any person who is below the age of eighteen years;

8.

No person shall himself or by person on his behalf store, sell or distribute cigarettes or beedies or any other such smoking substance within the area of one hundred metres around any college, school or other educational institutions.

9. Penalties.

- (i) Any one who contravenes the provisions of Sections, 5,6, and 10 of the Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002 in the non-smoking places declared in rule under Sections 2(e) and 3 of the Act shall be punishable with a fine of Rs.100/- (Rupees One hundred only) for that time and for second or subsequent offence shall be punishable with a minimum of Rs. 200/- (Rupees two hundred only) but which may extend to Rs. 500/- (Rupees five hundred only). (ii) Any one who contravenes the provisions of Sections 7,8 and 9 of the Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002 in the non-smoking places, declared under Section 2(e) and 3 of the Act shall be punishable with a fine which may extend to Rs. 500/- (Rupees five hundred) for the first time 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 Rs. 500/- (Rupees five hundred) but which may extend to Rs. 1000/- (Rupees one thousand) or with both.

10.

The authorised persons who were declared by notification in G.O.Ms.No. 265, Health, Medical and Family Welfare (J1) Department, dated 29th June, 2002 shall impose the punishment for violation of the said provisions, fine the offender and remit the amount in the Government Treasury by way of challan. The Authorised Officer shall be responsible for maintenance of proper account of the money

so collected by way of penalties and for remittance of the same into the Government Treasury.

11.

The Director of Health shall arrange for the printing of receipt books or challan books and furnish the same to the District Collectors, who will in turn distribute the same to the concerned authorised persons to free of cost within their districts.

12.

If any person contravene the provision of Sections 7, 8 and 9 of the Act, the authorised officer shall file a complaint with the Station House Officer of the Police Station concerned. On such complaint being filed the Station House Officer shall file the same before the 1st Class Magistrate or Metropolitan Magistrate as the case may be to take action under sub-section (2) of Section 14 of the Act.

13.

Any Police Officer, not below the rank of Sub-Inspector, may eject any person from the place of public work or public use who contravenes the provision of the Act and the rules.

14. Interpretation.

- If there is any doubt or dispute regarding the application or interpretation of these rules, the decision of the Government thereon shall be final.

15.

For effective implementation of the Act and the rules it shall be competent for the Government to constitute a Regulatory Body headed by the District Collector with the district level Officers from regulatory Departments like Revenue, Police and Forest Departments.