

# The Orissa Prohibition Of Smoking (In Show Houses) Act, 1961

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### Act 21 of 1961

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The Orissa Prohibition Of Smoking (In Show Houses) Act, 1961 ACT NO 21 OF 1961 An Act to prohibit smoking in show houses in the State of Orissa. BE it enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows:-

### 1. Short title, extent and commencement.

(1) This Act may be called the Orissa Prohibition of Smoking (in Show Houses) Act, 1961. (2) It extends to the whole of the State of Orissa. (3) This section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall come into force on such date or dates as the State Government may from time to time by notification specify.

### 2. Definitions

In this Act unless the context otherwise requires:- (1) "auditorium" means that portion of the show house where accommodation is provided for the public to witness any show given in such show house; (2) "prohibited period" means so much of the period commencing thirty minutes before the time announced for the beginning of the show in the show house and ending with the termination thereof; (3) "show house" means any building or other enclosed and roofed place to which members of the public are admitted whether on payment or otherwise to witness any show of cinematographic film, dance, dramatic performance or any other form of show for purposes of entertainment.

### 3. Prohibition of smoking in the auditorium.

No person shall during the prohibited period smoke inside any auditorium.

#### **4. Management to post notices and exhibit slides.**

(1) Every person responsible for the management of demonstration or exhibition in a show house shall bring to the notice of the audience by posting notices prominently, and in the case of any show of cinematographic film also by exhibiting slides that any person smoking in the auditorium during the period shall be liable to be removed from the show house and for prosecution. (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend, for a first offence to fifty rupees and for a second or subsequent offence to two hundred rupees.

#### **5. Penalty for smoking in the auditorium.**

(1) Any Magistrate or any Police Officer not below the rank of a Sub-Inspector or any person specially authorised by notification, by the State Government in this behalf, may—(a) remove summarily from the auditorium a person who is found smoking therein during the prohibited period; and (b) arrest such person without warrant if he—(i) fails to desist from smoking when directed by such authority not to smoke; or (ii) refuses or fails to declare his identity when required by such authority; or (iii) is reasonably suspected by such authority of giving a false identity. (2) Notwithstanding anything contained in sub-section (1), any person who contravenes the provisions of section 3 shall be punishable with fine which may extend for a first offence to twenty-five rupees and for a second or subsequent offence to one hundred rupees.

#### **6. Persons removed not entitled to refund or compensation.**

A person removed under sub-section (1) of section 5, shall not be entitled to get refund of any payment made by him for admission into the show house or to any other compensation.

#### **7. Power to make rules.**

The State Government may make rules to carry out the purposes of this Act.