

# The Prohibition of Smoking In Public Places Rules, 2008

UNION OF INDIA

India

## The Prohibition of Smoking In Public Places Rules, 2008

### Rule

### THE-PROHIBITION-OF-SMOKING-IN-PUBLIC-PLACES-RULES-2008 of 2008

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The Prohibition of Smoking In Public Places Rules, 2008 Published vide Notification in Gazette of India, Extra, Part 2, Section 3(i) dated 30.5.2008, pp.3-4, No 304 vide GSR 417(E), Dated 30.5.2008.

### 166.

G.S.R. 417 (E), dated 30th May, 2008- In exercise of the powers conferred by section 31 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 makes the following rules, in supersession to rule 3 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely:-

### 1. Short title, extent and commencement

(1) These rules may be called The Prohibition of Smoking in Public Places Rules, 2008. (2) They shall come into force on the 2nd October, 2008.

### 2. Definitions

.In these rules, unless the context otherwise requires, -(a) hotel shall mean a building or a part of a building where lodging, with or without board or other services, is provided by way of business for consideration monetary or otherwise and includes boarding house and guest house; (b) restaurant

shall mean any place to which the public has access and where any kind of food or drink is supplied for consumption on the premises by any person by way of business for consideration monetary or otherwise and shall include the open space surrounding such premises and includes-(i)refreshment rooms, banquet halls, discotheques, canteen, coffee house, pubs, bars, airport lounge, and the like;(c)open space mentioned in section 3(1) of the Act shall not include any place visited by the public such as open auditorium, stadium, railway station, bus stop/stand and other such places;(d)public place defined in section 3(1) of the Act shall also include work places, shopping malls, and cinema halls;(e)smoking area or space mentioned in the proviso to section 4 of the Act shall means a separately ventilated smoking room that:(i)is physically separated and surrounded by full height walls on all four sides;(ii)has an entrance with an automatically closing door normally kept in closed position;(iii)has an air flow system, as specified in Schedule I;(iv)has negative air pressure in comparison with the remainder of the building;(f)Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

### **3. Prohibition of smoking in a public place**

(1)The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall ensure that:(a)No person smokes in the public place (under his jurisdiction/implied).(b)The board as specified in Schedule II is displayed prominently at the entrance of the public place, in case there are more than one entrance at each such entrance and conspicuous place(s) inside. In case if there are more than one floor, at each floor including the staircase and entrance to the lift/s at each floor.(c)No ashtrays, matches, lighters or other things designed to facilitate smoking are provided in the public place.(2)The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall notify and cause to be displayed prominently the name of the person(s) to whom a complaint may be made by a person(s) who observes any person violating the provisions of these rules.(3)If the owner, proprietor, manager, supervisor or the authorised officer of a public place fails to act on report of such violation, the owner, proprietor, manager, supervisor or the authorised officer shall be liable to pay fine equivalent to the number of individual offences.Explanation. For the purpose of these rules the word offence means a person found violating any provision of the rules.

### **4. Hotels, restaurants and airports**

(1)The owner, proprietor, manager, supervisor or in charge of the affairs of a hotel having thirty or more rooms or restaurant having seating capacity of thirty persons or more and the manager of the airport may provide for a smoking area or space as defined in rule 2(e).(2)Smoking area or space shall not be established at the entrance or exit of the hotel, restaurant and the airport and shall be distinctively marked as Smoking Area in English and one Indian language, as applicable.(3)[ No service shall be allowed in any smoking area or space provided for smoking.(3A)The owner, proprietor, manager, supervisor or in charge of the affairs of the hotel, restaurant or airport, shall display a board at the entrance of the smoking area or space of minimum size of 60×30 cm with a white background and having the message in English and one Indian language as applicable in black colour that-(i)tobacco smoking is harmful to your health and the health of non-smokers;

and(ii)entry of person below the age of eighteen years is prohibited.](4)The owner, proprietor, manager, supervisor or in charge of the affairs of a hotel having thirty or more rooms may designate separate smoking rooms in the manner prescribed as under:(a)all the rooms so designated shall form a separate section in the same floor or wing, as the case may be. In case of more than one floors/wings the room shall be in one floor/wing as the case may be;(b)all such rooms shall be distinctively marked as Smoking rooms in English and one Indian language, as applicable;(c)the smoke from such room shall be ventilated outside and does not infiltrate/permeate into the non-smoking areas of the hotel including lobbies and the corridors.

## **5. Recovery of fine by authorised officers**

(1)The authorised officers mentioned in Schedule III shall be competent to act under and compound the offences committed in violation of section 4 of the Act.

I

[(See rule 2(e)(iii)](i)That is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building; and(ii)It is fitted with a non re-circulating exhaust ventilation system or an air cleaning system, or by a combination of the two, to ensure that the air discharges only in a manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas.

II

Seerule 3(b)

**1. The board shall be of a minimum size of 60 cm by 30 cm of white background.**

**2. It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band.**

**3. The width of the red band across the cigarette shall equal the width of the red perimeter.**

**4. The board shall contain the warning No Smoking Area Smoking Here is an Offence, in English or one Indian language, as applicable.**

## III

(See rule 5) Authorised officers. Following persons shall be authorised to impose and collect the fine against the violation of section 4.

Sl.No.	Person authorised to take action	Description of Pubic Place
1	Inspectors of Central Excise/Income-tax Customs/SalesTax/Health/transport and above	All Public Place Within their Jurisdiction
2	Station Master/Asstt. Station Master/Station Head/Station incharge	Railway and all its Premises
3	All Gazetted Officers of State/Central Government orequivalent rank and above in Autonomous Organisations/PSU	Government/premises and officers of the autonomous bodies andcorporations
4	Director/Medical Superintendent/Hospital Administrator	Government and Private Hospital
5	Post Master and above	Respective Post office in their jurisdiction
6	Head of the Institution/HR Manager/Head of Administration	Private Office/Workplaces
7	College/School/Headmaster Principal/Teacher	Respective Educational Institutions
8	Librarian/Asstt. Librarian/Library in charge/ otheradministrative staff in library	Libraries/Reading rooms
9	Airport Manager/Officers of Airport Authority of India andOfficers of all schedule Airlines	Airports
10	Director Public Health/Director Health Services	All Public Place
11	In charge Administration in Central/State Government	All Public Place
12	Nodal Officers/Focal Points of Anti-Tobacco Cell at Districtand State level	All Public Place
[13 [Inserted by Notification No. G.S.R. 680 (E) dated 15.9.2009 (w.e.f. 30.5.2008)]		
	Police Officers not below the rank of Sub-Inspector of Police	All Public Places within their Jurisdiction
14	Officers of State Food and Drug Administration not below therank of Sub-Inspector of Police	All Public Places within their Jurisdiction
15	Representatives of Panchyati Raj Institutions (Sarpanch/Panchayat Secetary)	All Public Places within their Jurisdiction
16	District Program Manager/Finance Manager-District HealthSociety (National Rural	All Public Places within their Jurisdiction

	Health Mission)	
17	Civil Surgeon/Chief Medical Officer (CMO) at District Hospital/ Medical Officer at Primary Health Centre (PHC)	Hospital Buildings/ Health Institutions/ dispensaries
18	Registrar/ Deputy Registrar/ Public Prosecutors/ Government Counsels	Court Buildings
19	Inspector of Schools/ District Education officer	Educational Institutions
20	Traffic Superintendents/ Asst Traffic Superintendents/ Bus Station Officer/ Ticket Collector or Conductor	Public Conveyance
21	Travelling ticket examiner/ Chief Ticket Inspectors/ Ticket Collectors/ Officers not below the rank of ticket collector or equivalent rank not below the rank of Asst Sub-Inspector of Railway Protection Force.	Railways]

[Substituted 'A smoking area or space shall be used only for the purpose of smoking and no other service(s) shall be allowed.' by Notification No. G.S.R. 500(E), dated 23.5.2017 (w.e.f. 30.5.2008).]