

The Delhi Prohibition of Smoking and Non-Smokers Health Protection Act, 1996

DELHI

India

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Act 1 of 1997

- Published on 25 September 1996
- Commenced on 25 September 1996
- [This is the version of this document from 25 September 1996.]
- [Note: The original publication document is not available and this content could not be verified.]

The Delhi Prohibition of Smoking and Non-Smokers Health Protection Act, 1996 Delhi Act No. 1 of 1997 [Dated 25th September, 1996] Published in the Delhi Gazette Extraordinary, Part IV, dated 1st January, 1997. An Act to provide for prohibiting of smoking in places of public work or use and in public service vehicles in the National Capital Territory of Delhi and to make provision for other matters connected therewith. Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-Seventh Year of the Republic of India as follows: -

1. Short title, extend 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] [26th January, 1997, except the provisions of Sections 8 and 9.] as the 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 require- (a) "Advertisement" means and includes any notice, circular, wall paper, pamphlet, display on hoarding, or any visible representation made by means of any other means of any light, sound, smoke, gas or any other mean which has the effect of promoting smoking and the expression 'advertise' shall be construed accordingly. (b) "Authorised officer" mean a person authorised under section 4. (c) "Delhi" means the National Capital Territory of Delhi. (d) "Government" means the Government of the National Capital Territory of Delhi. (e) "Legislative Assembly" means, the Legislative Assembly for Delhi. (f) "Place of public work or

use" means a place declared as such under section 3 and includes auditoria, hospital building, 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,(g)"Official Gazette" means the Delhi Gazette:(h)"Public service vehicle" means a vehicle as defined under clause (35) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988),(i)"Rule" means the rule made under this Act,(j)"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 no-smoking places of public work or use.

- As soon as may be after the commencement of this Act and thereafter 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.

(1)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 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 (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 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 on advertisement of cigarettes etc.

- Notwithstanding anything contained in any other law for the time being 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 institution.

- No person shall himself or by any person on this behalf, store, sell or distribute cigarettes or beedis or any other such smoking substance within an area of one hundred metre around by college, school or educational institution.

10. Display and Exhibition of Board.

- The owner or manager or in charge of affairs of every place of public work or use 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 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)Section 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 this Act from the place of public work or use.

- Any authorise offence 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 offence.

(1)No court other than the court a Metropolitan Magistrate shall take cognizance of, any try an offence under this Act.

14. Certain offences to be cognizable and bailable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) offences under section 7, 8 and 9 shall be cognizable and bailable.

15. Offences under the 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 (2 of 1974).

16. Power to delegate.

- The 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 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 Government may make rule to provide for or regulate any matter in respect of which this Act makes no provision or makes insufficient provisions and provision is, in its opinion, necessary.(2)Any rule 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 if 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 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.