

(TO BE PUBLISHED IN PART IV DELHI GAZETTE (THIRD PART))

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPT. OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)

No. F.13(1)/97-12/604

Dated, the 1st January, 1997.

The following Act of Legislative Assembly received the assent of the Lt. Governor on 25th September, 1996 and is hereby published for general information :-

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

(Delhi Act No. 1 of 1997)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi)

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. (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.

(2) It shall come into force on such date 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.

Section 2. In this Act, unless the context otherwise requires:-

- (a) "advertisement" means and includes any notice, circular, wall paper, pamphlet, display on hoarding, or any visible representation made by means of any light, sound, smoke, gas or by other means which has the effect of promoting trade; and the expression 'advertisement' shall be construed accordingly;
- (b) "authorised officer" means 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 buildings, health institutions, museums, 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 (31) of section 2 of the Motor Vehicles Act, 1938 (59 of 1938);

(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 instrument.

3. 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 Delhi to be a no-smoking place for the purpose of this Act.

4. The Government may, by notification in the Official Gazette, authorise any 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. No person shall smoke in any place of public work or use.

6. Without prejudice to the provisions of the Motor Vehicles Act, 1938 (59 of 1938) no person shall smoke in a public service vehicle.

4. No person shall
 5. No person shall
 6. No person shall

7. No person shall by anything contained in or under law for the time being in force, no person shall advertise in any place and on public service vehicle which may promote smoking, or the sale of cigarettes and beedis etc.

8. No person shall
 9. No person shall
 10. No person shall

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

12. No person shall
 13. No person shall
 14. No person shall
 15. No person shall
 16. No person shall
 17. No person shall
 18. No person shall
 19. No person shall
 20. No person shall

21. 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 metre around any college, school or other educational institution.

22. No person shall
 23. No person shall
 24. No person shall
 25. No person shall
 26. No person shall
 27. No person shall
 28. No person shall
 29. No person shall
 30. No person shall

31. 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 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".

32. No person shall

33. Any person who contravenes the provision of:-

- (i) section 5, 7 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 ten rupees, but which may extend to five hundred rupees.

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- (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.

Ejection of
violators of
this Act from
the place of
public work or
use.

12. 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.

Court competent
to try offences
under this Act
and to take
cognizance of
offences.

- 13.(1) No court other than the court of a Metropolitan 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 of an authorised officer with respect to offences under section 5, 6 and 10 and on a report in writing of a police officer, not below the rank of sub-inspector, with respect to the offences under sections 7, 8 and 9.

Certain offences
to be cognizable
and bailable.

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

- Offences under 15. 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).
- Power to 16. The Government may, by notification in the official Gazette, delegate. 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.
- Composition of 17. The Government or any person authorised by it by general offences. 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.
- To make 18. (1) The Government may make rules to provide for or regulate rules. any matter in respect of which this Act makes no provision or makes insufficient provision and provision is, in its opinion, necessary.
- (2) Any rules 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 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 under that rule.

R.T.L. D'SOUZA
 1/1/97
 (R.T.L. D'SOUZA)
 Under Secy. (LA)