

MOST IMMEDIATE

GOVT OF NCT OF DELHI  
(LAW, JUDICIAL & LEGISLATIVE AFFAIRS DEPTT)  
5-SHAM NATH MARG: DELHI

No: F.13(1)/97-LA/ 609

Dated: 2.1.1997

To

- 1) Hon'ble Lt. Governor of Delhi,  
Raj Niwas, Delhi.
- 2) The Hon'ble Law Minister,  
Old Sectt.,  
Delhi.
- 3) Secretary (Legislative Assembly)  
Old Sectt.,  
Delhi.

Subject: Forwarding of the copy of the "The Delhi  
Prohibition of Smoking and non-smokers  
health protection Act, 1996.

Sir,

I am directed to forward herewith a copy of the  
"The Delhi Prohibition of Smoking and Non-Smokers  
Health Protection Act, 1996" which received the assent  
of the Hon'ble Lt. Governor of Delhi on 25.09.1996  
for information and necessary action at your end.

Yours faithfully,

*R.T.L. D'SOUZA*  
(R.T.L. D'SOUZA)  
Under Secretary (L.A.)

Encl: as above.

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( TO BE PUBLISHED IN PART IV DELHI GAZETTE EXTRA ORDINARY)

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

No.F.13(1)/97-LA/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:-

Short title, extent and commencement 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.

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- (3) 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.

#### Definitions

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

- (a) "advertisement" means and includes any notice, circular, wall paper, pamphlet, display on hoardings, or any visible representation made by means of any light, sound, smoke, gas or any other means which has the effect of promoting smoking and the expression 'advertise' 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, 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 (25) 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.

Declaration of 3. As soon as may be after the commencement of this Act and  
no-smoking places thereafter from time to time, the Government may, by notification  
of public work or in the Official Gazette, declare any place of public work or use  
use in Delhi to be a no-smoking place for the purpose of this Act.

Power of Govern- 4. The Government may, by notification in the official Gazette,  
ment to authorise authorise one or more persons who shall be competent to act  
officers to Act under this 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).

Prohibition of 5. No person shall smoke in any place of public work or use.  
smoking in  
places of public  
work or use.

Prohibition of 6. Without prejudice to the provisions of the Motor Vehicles Act,  
smoking in public 1988 (59 of 1988) no person shall smoke in a public service  
service vehicles. vehicle.



Prohibition on 7.  
advertisement  
of cigarettes etc.

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

Prohibition of 8.  
sale of cigarettes,  
etc. to minors.

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

Prohibition of 9.  
storage, sale and  
distribution of  
cigarettes, etc. in  
the vicinity of  
educational  
institutions.

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.

Display and 10.  
Exhibition  
of  
Board.

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".

Penalties

11.

Any person, who contravenes the provisions of:-

- (i) sections 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;

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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 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 the Act to be tried summarily. 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 delegate. 16. 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.
- Composition of offences. 17. 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.
- Power to make rules. 18. (1) The Government may make rules to provide for or regulate 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.



*Amboye*  
 (R.T.L. D SOUZA)  
 Under Secy. (LA)