



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

Act 1 of 1997

Keyword(s):

**Advertisement, Competent Place of Public Work or Use, Public Service
Vehicle, Smoking**

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(2) धारा 7, 8 और 9 पर अर्धदंड लगाया जायेगा जो पाँच सौ रुपये तक बढ़ाया जा सकता है और दुबारा या फिर से अपराध करने पर कारावास की सजा हो सकती है जो तीन माह तक बढ़ाई जा सकती है अथवा 500 रुपये न्यूनतम अर्धदंड जो कि एक हजार रुपये तक बढ़ाया जा सकता है या दोनों हो सकते हैं ।

12. इस अधिनियम का उल्लंघन करने वाले व्यक्तियों का सार्वजनिक कार्य अथवा प्रयोग के स्थल से बेखदली.—कोई भी प्राधिकृत अधिकारी अथवा पुलिस अधिकारी जो उप-निरीक्षक की श्रेणी से नीचे का न हो ऐसे किसी भी व्यक्ति को जो अधिनियम के प्रावधानों का उल्लंघन करे सार्वजनिक कार्य और उपयोग के स्थल से बेदखल कर सकता है ।

13. इस अधिनियम के अधीन अपराधों की सुनवाई के लिए तथा उन्हें संज्ञेय रूप में लेने के लिए सक्षम न्यायालय.—मैट्रोपॉलिटन मजिस्ट्रेट के न्यायालय के अतिरिक्त अन्य कोई भी कोर्ट इस अधिनियम के अधीन अपराधों को संज्ञेय रूप में नहीं लेगा अथवा उन पर मुकदमा सुनवाई नहीं चलायेगा ।

(2) धारा 5, 6 तथा 10 के अधीन अपराधों से संबंधित किसी प्राधिकृत अधिकारी की शिकायत तथा धारा 7, 8 तथा 9 के अधीन अपराधों से संबंधित किसी पुलिस अधिकारी जो उपनिरीक्षक के पद से कम न हो, के प्रतिवेदन के अतिरिक्त इस अधिनियम के अधीन अपराधों को कोई न्यायालय संज्ञेय रूप में नहीं लेगा ।

14. संज्ञेय जमानत योग्य अपराध.—अपराध प्रक्रिया संहिता 1973 (1974 का सं. 2) में किसी बात के अन्वया रहते हुए भी धारा 7, 8 तथा 9 के अधीन संज्ञेय तथा जमानत योग्य होंगे ।

15. अधिनियम के अधीन संक्षिप्त रूप से विचारणीय अपराध.—इस अधिनियम के अधीन सभी अपराध प्रक्रिया संहिता 1973 (1974 का सं. 2) के अधीन संक्षिप्त विचारण के लिए दिए गए विधान से संबंधित रूप से विचारणीय होंगे ।

16. शक्ति प्रत्यायोजित करना.—सरकार, सरकारी राजपत्र में अधिसूचना द्वारा इस अधिनियम के अंतर्गत सरकार द्वारा प्रयोग की जाने वाली शक्तियाँ इसमें दी गई शर्तों, यदि कोई हैं तो, के अधीन इसमें उल्लिखित अधिकारियों द्वारा प्रयोग किये जाने के निदेश दे सकता है ।

17. अपराधों का शमन.—सरकार या इससे संबंधित सामान्य या विशेष आदेशों द्वारा प्राधिकृत कोई भी व्यक्ति कार्यवाहियों को संक्षिप्त किये जाने से पूर्व अथवा बाद में इस अधिनियम के द्वारा या अधीन दण्डनीय अपराधों का शमन कर सकता है ।

18. नियम बनाने की शक्तियाँ.—(1) ऐसे विषय जिनके संबंध में इस अधिनियम में कोई उपबंध नहीं है अथवा अपूर्व प्रावधान है तथा उसकी दृष्टि से प्रावधान आवश्यक हो, प्रावधान करने तथा उसकी दृष्टि से प्रावधान करने तथा उनका विनियमन करने के लिए सरकार नियम बना सकती है ।

(2) सरकार द्वारा बनवाए गए कोई भी नियम इसके सरकारी राजपत्र में पूर्व प्रकाशन के अधीन होगा ।

(3) इस अधिनियम के अधीन बनने वाला कोई भी नियम इसके बनने के बाद शीमातिशय विधान सभा के सम्मुख प्रस्तुत किया जाएगा तथा यदि सदन इस नियम में कुछ उपांतरण के लिए सहमत होगा कि नियम नहीं बनाया चाहिए, इसके बाद नियम उसी उपांतरित रूप में प्रभावी होगा अथवा प्रभावी नहीं होगा, जैसी भी स्थिति होगी तथापि इस प्रकार कोई भी उपांतरण या निष्प्रभाव इस नियम के अंतर्गत पहले किये गये किसी कार्य की वैधता पर प्रतिकूल प्रभाव डाले बिना रहेगा ।

आर. टी. एल. डिस्जा, अवर सचिव (विधायी कार्य)

DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS

NOTIFICATION

Delhi, the 1st January, 1997

No. F.13(1)/97-LA/604.—The following Act of Legislative Assembly received the assent of the Lt. Governor on September, 1996 and is hereby published for general information :—

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

(Delhi Act No. of 1997)

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

AN

ACT

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.

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, extent 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 as the Government may by Notification in the Official Gazette appoint: Provide 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. Definition.—In this Act, unless the context otherwise require:—

- (a) "advertisement" means and includes any notice, circular, wall paper, ampphlet, display on hoardings, or any visible representation made by means of any other 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 Assebly" 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 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.—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 smoke in any 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 institutions.—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 any college, school or educational institution.

10. Display and 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".

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 sound or subsequent offence, shall be punishable with a minimum fine of two hundred ruppes, but which may extend to five hundred rupees;

(ii) section 7, 8 or 9 shall be punishable with fine which may be extended 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 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.

13. Court competent to try offences under this Act and take cognizance of offence.—(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 offence under sections 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.

14. Certain offences to be cognizable and bailable.—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.

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 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, Under Secy. (LA).

10 Dec 1971