

Government of India Notification on Anti Smoking Act

MINISTRY OF HEALTH AND FAMILY WELFARE (Department of Health)

NOTIFICATION

New Delhi, the 25th February, 2004

G.S.R. 137. --- In Exercise of the power 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, namely: -

1. **Short title and commencement.** ---(1) These rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004

(2) They shall come into force on the 1st day of May, 2004
2. **Definitions.** --- In these rules, unless the context otherwise requires,--
 - “Act” means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of trade and Commerce, production, Supply and Distribution Act, 2003
 - “section” means a section of the Act
 - “open space” mentioned in Section 3(1) of the Act shall not include any places visited by the public such as open auditorium, stadium, railway station, bus stop and such other places; and
 - words and expressions used herein and not defined in these rules but defined in the Act, shall have the meaning, respectively, assigned to them in the Act
3. **Prohibition of smoking in a public place.** ---(1) The owner or the manager or in charge of the affairs of a public place shall cause to be displayed prominently a board, of a minimum size of sixty centimeter by thirty centimetre in the Indian languages(s) as applicable, at least one at the entrance of the public place and one at conspicuous place(s) inside, containing the warning “No Smoking Area-Smoking here is an offence

(2) The owner or the manager or in charge of the affair of a hotel having thirty rooms or restaurants having seating capacity of thirty persons or more and the manager of the airport shall ensure that, ---
 - The smoking and non-smoking areas are physically segregated;
 - The smoking area shall be located in such manner that the public is not required to pass through it in order to reach the non-smoking area; and
 - Each area shall contain boards indicating thereon “Smoking Area/Non-Smoking area”.
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4. **Prohibition of advertisement of cigarette and other tobacco products.**---(1) The size of the board used for advertisement for cigarettes and any other tobacco products displayed at the entrance or inside a warehouse or a shop where cigarettes and any other such tobacco products are offered for distribution or sale shall not exceed ninety centimetre by sixty centimetre and number of such boards shall not exceed two.

(2) Each such board shall contain in the Indian language as applicable, one of the following warning occupying twenty-five percent, of top area of the board, namely: -

- Tobacco Causes Cancer, or
- Tobacco Kills
- The board referred to in sub-rule (2) shall contain only the brand name or picture of the tobacco products and no other promotional message and picture
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5. **Prohibition of sale to minors.** ---(1) The owner or the manager or the Incharge of the affairs of a place where cigarettes and other tobacco products are sold shall display a board of minimum size of sixty centimetre by thirty centimetre at conspicuous place(s) containing the warning "Sales of tobacco products to a person under the age of eighteen years is a punishable offence", in Indian language(s) applicable.

(2) The onus of proof that the buyer of the tobacco products is not a minor lies with the seller of the tobacco products. The seller, in case of doubt, may request tobacco purchaser to provide appropriate evidence of having reached eighteen years of age.

[F.No. P-16011/2/2003-PH]

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