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व उत्तर



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भारत सरकार  
स्वास्थ्य एवं परिवार कल्याण मंत्रालय  
निर्माण भवन, नई दिल्ली - 110108

Government of India  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi - 110108

**D.O No. P-16015/20/2007-PH**

Dated 19<sup>th</sup> August, 2008

35362-1

Dear Shri Mehta,

As you are aware the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 was enacted in May 2003 mainly to discourage the consumption of cigarettes and other tobacco products. This Act is applicable to all types of tobacco products and extends to whole of the country. The said Act provides for adoption of various measures for reducing the demand for tobacco products in the country. The rules notified in 2004 have given effect to important provisions, such as, ban on smoking in public places, ban on direct and indirect advertising, promotion and sponsorship of tobacco products, ban on sale of tobacco products to minor and around 100 yards of educational institutions.

2. These rules have been reviewed and amendments have also been issued in 2005. Recently, the provisions relating to prohibition of smoking in public places, notified in 2004, were reviewed and a comprehensive rule 'Prohibition of Smoking in Public Places Rules, 2008 has been notified on 30<sup>th</sup> May 2008. (Annexure - A) These rules are to take effect from 2<sup>nd</sup> October 2008.

3. As per the new rules all the public places should display notice boards, as per following specifications, at the entrance of public place and conspicuous place(s) inside;

- The board shall be of a minimum size of 60 cm by 30 cm of white background.
- It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band.
- The width of the red band across the cigarette shall equal the width of the red perimeter.
- The board shall contain the warning "No Smoking Area - Smoking Here is an Offence", in English or one Indian language, as applicable.

(ii) The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall also notify and display prominently the name of the person to whom a complaint may be made by a person(s) who observes any person violating the provision of these Rules.

(iii) The new rules are an improvement over existing provisions as it puts the onus on the owner, proprietor, manager, supervisor or in charge of the affairs of a public place to keep the area under his jurisdiction smoke-free, failing which will be a dereliction of duty and he shall be liable to pay fine equivalent to the number of individual offences.



(iv) For ensuring effective implementation of the rules additional authorized officers have also been notified by the central Government.

All hotels and restaurants are defined as 'Public Place' and therefore must be smokefree. However, hotels having 30 or more rooms and restaurant having a sitting capacity of 30 or more persons, the owner, proprietor, manager, supervisor, or in-charge of the affairs may decide for a designated smoking area or space as defined in rule- 2 (i).

area or space shall not be established at entrance or exit of the hall be distinctively marked 'Smoking Area' in English and one in Hindi.

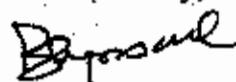
area or space shall only be used for the purpose of smoking and no other activity shall be allowed. In case of hotels, with more than 30 rooms, there shall be clearly identified marked as "Smoking Rooms" & it will be ensured that such rooms are ventilated outside & does not infiltrate into non-smoking areas including corridors & lobbies.

Cooperation of State Governments is necessary to implement various provisions of the Act/rules. The concerned department(s)/organization(s) shall take action for compliance of the existing provisions & the new provisions from 2nd October, 2008.

This regard may kindly be intimated to this Ministry.

Regards,

Yours sincerely,



(B. K. Prasad)

(Explanation: For the purpose of these rules the word offence means a person found violating any provision of the Rules).

4. Hotels, Restaurants and Airports.—(1) The owner, proprietor, manager, supervisor or in charge of the affairs of a hotel having thirty or more rooms or restaurant having seating capacity of thirty persons or more and the manager of the airport may provide for a smoking area or space as defined in rule 2(e).

(2) Smoking area or space shall be established at the entrance or exit of the hotel, restaurant and the airport and shall be distinctively marked as "Smoking Area" in English and one Indian language, as applicable.

(3) A smoking area or space shall be used only for the purpose of smoking and no other service(s) shall be allowed.

(4) The owner, proprietor, manager, supervisor or in-charge of the affairs of a hotel having thirty or more rooms may designate separate smoking rooms in the manner prescribed as under :

(a) all the rooms so designated shall form a separate section in the same floor or wing, as the case may be. In case of more than one floors/wings the room shall be in one floor/wing as the case may be.

(b) all such rooms shall be distinctively marked as "Smoking rooms" in English and one Indian language, as applicable.

(c) the smoke from such room shall be ventilated outside and does not infiltrate/permeate into the non-

smoking areas of the hotel including lobbies and the corridors.

5. Recovery of fine by authorized officers.—(1) The authorized officers mentioned in schedule III shall be competent to act under and compound the offences committed in violation of Section 4 of the Act.

#### Schedule I

[See Rule 2 (e) (iii)]

(i) that is exhausted directly to the outside and not mixed back into the supply air for the other parts of the building; and

(ii) It is fitted with a non-re circulating exhaust ventilation system or an air cleaning system, or by a combination of the two, to ensure that the air discharges only in a manner that does not re-circulate or transfer it from a smoking area or space to non-smoking areas.

#### Schedule II

[See rule 3(b)]

1. The board shall be of a minimum size of 60 cm by 30 cm of white background.

2. It shall contain a circle of no less than 15 cm outer diameter with a red perimeter of no less than 3 cm wide with a picture, in the centre, of a cigarette or beedi with black smoke and crossed by a red band.

3. The width of the red band across the cigarette shall equal the width of the red perimeter.

4. The board shall contain the warning "No Smoking Area—Smoking Here is an Offence", in English or one Indian language, as applicable.

#### Schedule III

(See Rule 5)

Authorized Officers: Following persons shall be authorized to impose and collect the fine against the violation of Section 4.

Sl. No.	Person Authorised to take action	Description of Public Place
1.	Inspectors of Central Excise/Income-tax Customs/Sales Tax/Health/Transport and above	All Public Places within their jurisdiction
2.	Station Master/Asst. Station Master/Station Head/Station incharge	Railways and all its Premises
3.	All Gazetted Officers of State/Central Government or equivalent rank and above in Autonomous Organizations/PSU	Government offices/premises and offices of the autonomous bodies and corporations
4.	Director/Medical Superintendent/Hospital Administrator	Government and Private Hospital
5.	Post Master and above	Respective Post Office in their jurisdiction.
6.	Head of the Institution/HR Manager/Head of Administration	Private Offices / Workplaces
7.	College/School/Headmaster Principal/Teacher	Respective Educational Institutions
8.	Librarian/Asstt. Librarian/Library incharge/other administrative staff in library.	Libraries/ Reading Rooms.
9.	Airport Manager/Officers of Airport Authority of India and Officers of all schedule Airlines	Airports
10.	Director Public Health/Director Health Services	All Public Places
11.	In charge Administration in Central/State Government	All Public Places
12.	Nodal Officers/Focal Points of Anti-Tobacco Cell at District and State level.	All Public Places

[F. No. P. 16015/20/2007-PH]

B. K. PRASAD, Jr. Secy.

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4.	निदेशक/चिकित्सा अधीक्षक/अस्पताल प्रशासक	सरकारी तथा निजी अस्पताल
5.	पोस्ट मास्टर तथा ऊपर के अधिकारी	उनके अधिकार क्षेत्र के संबंधित डाकघर
6.	संस्था का प्रमुख/एच आर प्रबंधक/प्रशासन प्रमुख	निजी कार्यालय/कार्य स्थल
7.	कालेज, स्कूल/हेड मास्टर/प्राचार्य/शिक्षक	संबंधित शैक्षणिक संस्थान
8.	लाइब्रेरियन/सहायक लाइब्रेरियन/लाइब्रेरी प्रभारी/लाइब्रेरी के अन्य प्रशासनिक स्टाफ	लाइब्रेरी/पठन कक्ष
9.	हवाईपत्तन प्रबंधक/भारतीय वायुपत्तन प्राधिकरण के अधिकारी तथा सभी अनुसूचित एयरलाइंस के अधिकारी	हवाईपत्तन
10.	निदेशक जन स्वास्थ्य/निदेशक स्वास्थ्य सेवा	सभी सार्वजनिक स्थान
11.	केन्द्रीय/राज्य सरकार में प्रशासन प्रभारी	सभी सार्वजनिक स्थान
12.	नोडल अधिकारी/जिला तथा राज्य स्तर पर तम्बाकू रोधी प्रकोष्ठ के फोकल प्वाइंट	सभी सार्वजनिक स्थान

[फा. सं. पी. 16015/20/2007-पी.एच.]

बी. के. प्रसाद, संयुक्त सचिव

**MINISTRY OF HEALTH AND FAMILY WELFARE**

(Department of Health and Family Welfare)

**NOTIFICATION**

New Delhi, the 30th May, 2008

G.S.R. 417(E).—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, in supersession to Rule 3 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely :—

1. Short title, Extent and Commencement.—(1) These rules may be called the Prohibition of Smoking in Public Places Rules, 2008.

(2) They shall come into force on the 2nd October, 2008.

2. Definitions ; In these rules, unless the context otherwise requires,—

(a) "hotel" shall mean a building or a part of a building where lodging, with or without board or other services, is provided by way of business for consideration monetary or otherwise and includes boarding house and guest house.

(b) "restaurant" shall mean any place to which the public has access and where any kind of food or drink is supplied for consumption on the premises by any person by way of business for consideration monetary or otherwise and shall include the open space surrounding such premises and includes—

(i) refreshment rooms, banquet halls, discotheques, canteen, coffee house, pubs, bars, airport lounge, and the like.

(c) "open space" mentioned in Section 3(1) of the Act shall not include any place visited by the public such as open auditorium, stadium, railway station, bus stop/stand and other such places.

(d) "public place" defined in Section 3(1) of the Act shall also include work places, shopping malls, and cinema halls.

(e) "smoking area or space" mentioned in the proviso to Section 4 of the Act shall mean a separately ventilated smoking room that :

- is physically separated and surrounded by full height walls on all four sides;
- has an entrance with an automatically closing door normally kept in close position;
- has an air flow system, as specified in schedule I,
- has negative air pressure in comparison with the remainder of the building.

(f) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

3. Prohibition of smoking in a public place : (1) The owner, proprietor, manager, supervisor or in charge of the affairs of a public place shall ensure that :

(a) No person smokes in the public place (under his jurisdiction/implied).

(b) The board as specified in schedule II is displayed prominently at the entrance of the public place, in case there are more than one entrance at each such entrance and conspicuous place(s) inside. In case if there are more than one floor, at each floor including the staircase and entrance to the lift/s at each floor.

(c) No ashtrays, matches, lighters or other things designed to facilitate smoking are provided in the public place.

(2) The owner, proprietor, manager, supervisor or incharge of the affairs of a public place shall notify and cause to be displayed prominently the name of the person(s) to whom a complaint may be made by a person(s) who observes any person violating the provision of these Rules.

(3) If the owner, proprietor, manager, supervisor or the authorized officer of a public place fails to act on report of such violation, the owner, proprietor, manager, supervisor or the authorized officer shall be liable to pay fine equivalent to the number of individual offences.