



The Andhra Pradesh Prohibition of Smoking and Health Protection Act, 2002

Act 14 of 2002

Keyword(s):

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

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ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the governor on the 2nd May, 2002 and the said assent is hereby first published on the 3rd May, 2002 in the Andhra Pradesh Gazette for general information :-

ACT NO. 14 OF 2002.

AN ACT TO PROVIDE FOR PROHIBITION OF SMOKING IN PLACES OF PUBLIC WORK OR PUBLIC USE AND IN PUBLIC SERVICE VE- HICLES IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-third year of the Republic of India as follows :-

Short title,
extent and
Commencement

1. (1) This Act may be called the Andhra Pradesh Prohibition of smoking and Health Protection Act, 2002.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may by, notification, in the Andhra Pradesh Gazette appoint.

Definitions.

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

(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) "Competent authority" means "any officer or authority authorised by the Government by notification to perform the functions of the competent authority under this Act, for such area or for such purpose as may be specified in the notification.

(d) "Government" means the Government of Andhra Pradesh.

(e) "Place of public work or use" means a place declared as such under section 3 and includes auditoria, Hospital buildings, health institutions, educational institutions, libraries, court buildings, public offices, public conveyances including railways, amusement centres, restaurants and the like which are visited by general public but does not include any open place.

(f) "Prescribed" means prescribed by rules made under this Act.

Central Act 59
of 1988.

(g) "Public service vehicle" means a vehicle as defined under clause (35) of section 2 of the Motor Vehicles Act, of 1988.

(h) "State" means the State of Andhra Pradesh;

(i) "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.

(j) "Notification" means the notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly.

Declaration of
non-smoking
places.

3. As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification, declare any place of public work or public use in the state to be a non-smoking place for the purpose of this Act.

Appointment of
authorised
officers.

4. (1) The Government may, by notification, appoint one or more persons as authorised officers who shall be competent to act under this Act.

Central Act 45
of 1860.

(2) every person appointed under sub section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Prohibition of
smoking in
places of public
work or use.

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

Prohibition of
smoking in
public service
vehicles.

6. Without prejudice to the provisions of the Motor Vehicles Act, 1988 no person shall smoke in a public service Vehicle.

Prohibition on
advertisement
of cigarettes etc.

7. 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, cigar and beedis.

Prohibition of
sale of cigarettes
etc., to minors.

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

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

9. 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 the area of one hundred meters around any college, school or other educational institution.

Display and
Exhibition of
Board.

10. The owner or manager or in charge of affairs of every place of public work or public 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 "Smoking is strictly Prohibited" and "Smoking is an Offence".

Penalties.

11. (1) Whoever contravenes the provisions of sections 5, 6 and 10 shall be punishable with a fine which may extend to Rs. 100/- (rupees one hundred), and for second or

subsequent offence shall be punishable with a minimum fine of Rs. 200/- (rupees two hundred) but which may extend to Rs. 500/- (rupees five hundred).

(2) Whoever contravenes section 7, 8 and 9 shall be punishable with a fine which may extend to Rs. 500/- (rupees five hundred) 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 Rs. 500/- (rupees five hundred) but which may extend to Rs. 1000/- (rupees one thousand) or with both

12. Any authorised officer or any police officer, not below the rank sub-inspector, may eject any person from the place of public work or public use who contravenes the provisions of this Act.

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

13. Any offence under this Act shall be noncognizable and bailable.

Offences to be noncognizable and bailable.

14. (1) All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973.

Summary trial. Act 2 of 1974.

(2) Any offence punishable under section 7, 8 and 9 of this Act, may be tried summarily by a Magistrate of 1st Class or Metropolitan Magistrate as the case may be.

15. The Government may, by notification authorise any officer or person to exercise any of the powers vested in them by this Act.

Delegation of Powers.

16. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Protection of actions done in good faith.

17. The State Government may authorise by notification any officer to accept from any person who is reasonably believed to have committed an offence under this Act or the

Power to compound the offences.

rules made there-under a sum of money not exceeding rupees one hundred in case of each violation by way of compounding such offence. Any proceedings taken against such person in respect of such offence shall on payment of such money be withdrawn and no further proceedings shall be taken in respect of such offence.

Power to
remove
difficulties.

18. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order make provision or give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

Power to make
rules.

19. (1) The Government may, by notification, make rules for carrying - out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session in the session immediately following, for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

Smoking of cigarettes is a harmful habit and, in course of time, can lead to grave health hazards. Tobacco smoking contains harmful contents including nicotine, tar, potential carcinogens, carbon monoxide, irritants, asphyxiates and smoke particles which are the cause of many diseases including the cancer. There is a relationship between smoking of cigarettes and lung cancer, chronic bronchitis; certain diseases of the heart and arteries; cancer of bladder, prostate, mouth pharynx and oesophagus; peptic ulcer etc., are also reported to be among the illeffects of cigarette smoking. Considering the harmful effect of smoking, smoking in public places is required to be prohibited.

2. The Hon'ble Supreme Court in its order dated 02-11-2001 in W/P.No. 1999 has also issued directions to the Union/State Governments and Union Territories to take effective steps to prohibit smoking in public places.

3. In view of the harmful effects of smoking on the health of the people and in pursuance of the directions of the Hon'ble Supreme Court of India, the Government have decided to undertake a Legislation for, Prohibition of Smoking in the public places.

4. This Bill seeks to give effect to the above decision.

Dr. N. JANARDHAN REDDY,
*Minister for Health, Medical and
Family Welfare.*