

The 13th July

No. LL(B) 51/97/14- The Meghalaya Prohibition of Smoking and Non-Smokers Health Protection Act, 1998 (Act No.6 of 1998) is hereby published for general information.

MEGHALAYA ACT NO. 6 OF 1998

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 10th July 1998.

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THE MEGHALAYA PROHIBITION OF SMOKING AND NON-SMOKERS HEALTH PROTECTION ACT, 1998

An

Act

to provide for prohibiting of Smoking in places of public work or use and in public services vehicles in the state of Meghalaya and to make provision for other matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya Forty-ninth year of the Republic of India as follows:-

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| Short title and commencement | 1 | (1) This Act may be called the Meghalaya Prohibition of Smoking and Non-smokers health Protection Act, 1998
(2) It extends to the whole of the State of Meghalaya.
(3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette appoint. |
| Definitions | 2 | In this Act, unless the context otherwise require-
(a) "advertisement" means and includes any notice, circular, wall paper, pamphlet, display on boarding 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 expression 'advertise' shall be construed accordingly;
(b) "authorised Officer" means a person authorised under section 4;
(c) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974); |

- (d) “place of public work or use” means a place declared as such under section 3 and includes auditoria, hospital buildings, health institutions, cinema halls and amusement centres, restaurant, public offices court buildings, educational institutions, libraries and the like which are visited by general public but does not include any open place;
- (e) “public services vehicles” mean a vehicle as defined under clause (35) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);
- (f) “smoking” means smoking of tobacco in any form whether in the form of cigarette, cigar, beedis or otherwise with the aid of pipe, wrapper or any other instruments; and
- (g) “State Government” means the Government of the State of Meghalaya.

Declaration of non-smoking places of public work or use	3	As soon as may be after the commencement of this Act and thereafter from time to time, the State Government may, by notification in the Official Gazette, declare any place of public work or use in Meghalaya to be a non smoking place for the purpose of this Act.
Power of Government to authorise officers to Act under this Act.	4	(1) The State 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 authorise under sub-section (1) shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860)
Prohibition of smoking in places of public worker use	5	No person shall smoke in any place of public work or use.
Prohibition of smoking in public services vehicles	6	Without prejudice to the provisions of the Motor Vehicles Act, 1988 (59 of 1988) no person shall smoke in a public services vehicle.
Prohibition on advertisement of cigarettes etc.	7	Notwithstanding anything contained in any other law for the time in force, no person shall advertise in any place and any public service vehicle, which may promote smoking, or the sale of cigarettes, cigar beedis or any smoking substance.
Prohibition of cigarettes, etc to minors.	8	No person shall sell cigarette, cigar beedis or any other such smoking substance to any person who is below the age of eighteen years.

Prohibition 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 stores, sale or distribute cigarette, cigar beedis or any other such smoking substance within an area of one hundred metres around any college, school or other educational institution.
Display and Exhibition of Board	10	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 place in and outside the premises visited or used by the general public prominently stating that the place is a “No Smokin Zone” and that “Smoking is an Offence”.
Penalties	11	Any person who contravenes the provision of- (a) Section 5,6 or 10 shall be punishable with fine which may extend to one hundred rupee and in case of a second or subsequent offence with a minimum fine of two hundred rupees, and but which may extent to five hundred rupees; (b) Section 7,8 or 9 shall be punishable with fine which may extend five hundred rupee and in case of a second or subsequent offence 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 or viola tore of his 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 Judicial Magistrate of the First Class 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 by an authorised officer with respect to offence under sections 5,6 and 10 and on a report in writing by a police officer not below the rank of Sub-Inspector, with respect to the offence under section 7,8 and 9.
Certain offences to be cognizable and bailable	14	Notwithstanding anything contained in the Code, 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.

Power to delegate	16	The State Government may, by notification in the official Gazette delegate any of the powers exercisable by it under this Act, subject to such conditions, if any, as it may impose, to such officer as may be specified in such notification.
Composition of offences	17	The State Government or any person authorised by it or by general or special order in this behalf, may either before or after the institution of the proceeding compound any offences made punishable by or, under this Act.
Power to make rules	18	<p>(1) The State Government may and subject to previous publication 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.</p> <p>(2) Every rule made under this Act shall be laid in the Legislative Assembly.</p>
Repeal	19	The Meghalaya Prohibition of Smoking in Show Houses Act and the Meghalaya Prohibition of Smoking in passenger Vehicles Act (Assam Act IX of 1951 and XVII of 1954 respectively as adapted by Meghalaya) are hereby repealed

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