


# The Cigarettes and Other Tobacco Products (Prohibition of advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

(ACT NO. 34 OF 2003)

[*As on the* 15*th September,* 2026]

AMENDING ACT

The Cigarettes and Other Tobacco Produces (Prohibition of Advertisement and Regulation of Trade and Commerce. Production. Supply and Distribution) Amendment Act, 2007 (38 of 2007).

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LIST OF ABBREVIATIONS USED

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|---|---|---|
| Cl., cls. . . . . | *for* | Clause, clauses. |
| Ins. . . . . | „ | Inserted. |
| Notifn. . . . . | „ | Notification. |
| S., ss. . . . . | „ | Section, sections. |
| Sch. . . . . | „ | Schedule. |
| Subs. . . . . | „ | Substituted. |
| w.e.f. . . . . | „ | with effect from. |

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# THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OFADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003

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# THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OFADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003

ACT NO. 34 OF 2003

[18*th May*, 2003.]

An Act to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto.

WHEREAS, the Resolution passed by the 39th World Health Assembly (WHO), in its Fourteenth Plenary meeting held on the 15th May, 1986 urged the member States of WHO which have not yet done so to implement the measures to ensure that effective protection is provided to non-smokers from involuntary exposure to tobacco smoke and to protect children and young people from being addicted to the use of tobacco;

AND WHEREAS, the 43rd World Health Assembly in its Fourteenth Plenary meeting held on the 17th May, 1990, reiterated the concerns expressed in the Resolution passed in the 39th World Health Assembly and urged Member States to consider in their tobacco control strategies plans for legislation and other effective measures for protecting their citizens with special attention to risk groups such as pregnant women and children from involuntary exposure to tobacco smoke, discourage the use of tobacco and impose progressive restrictions and take concerted action to eventually eliminate all direct and indirect advertising, promotion and sponsorship concerning tobacco;

AND WHEREAS, it is considered expedient to enact a comprehensive law on tobacco in the public interest and to protect the public health;

AND WHEREAS, it is expedient to prohibit the consumption of cigarettes and other tobacco products which are injurious to health with a view to achieving improvement of public health in general as enjoined by article 47 of the Constitution;

AND WHEREAS, it is expedient to prohibit the advertisement of, and to provide for regulation of trade and commerce, production, supply and distribution of, cigarettes and other tobacco products and for matters connected therewith or incidental thereto:

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(*1*) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

**2. Declaration as to expediency of control by the Union.**—It is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.

1. 1st December, 2007, sub-sections (*1*), (*2*), (*3*) and (*4*) of sec. 7, ss. 8, 9, 10 and 20, *vide* notification No. S.O. 1955(E), dated 16th November, 2007, *see* Gazette of India, Extraordinary, Part II, sec 3(*ii*).

**3. Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "advertisement" includes any visible representation by way of notice, circular, label, wrapper or other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas;

(*b*) "cigarette" includes,—

(*i*) any roll of tobacco wrapped in paper or in any other substance not containing tobacco,

(*ii*) any roll of tobacco wrapped in any substance containing tobacco, which, by reason of its appearance, the type of tobacco used in the filter, or its packaging and labelling is likely to be offered to, or purchased by, consumers as cigarette, but does not include *beedi*, cheroot and cigar;

(*c*) "distribution" includes distribution by way of samples, whether free or otherwise;

(*d*) "export", with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(*e*) "foreign language" means a language which is neither an Indian language nor the English language;

(*f*) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(*g*) "Indian language" means a language specified in the Eighth Schedule to the Constitution, and includes any dialect of such language;

(*h*) "label" means any written, marked, stamped, printed or graphic matter, affixed to, or appearing upon, any package;

(*i*) "package" includes a wrapper, box, carton, tin or other container;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "production", with its grammatical variations and cognate expressions, includes the making of cigarettes, cigars, cheroots, *beedis*, cigarette tobacco, pipe tobacco, *hookah* tobacco, chewing tobacco, *pan masala* or any chewing material having tobacco as one of its ingredients (by whatever name called) or snuff and shall include–

(*i*) packing, labellingor re-labelling, of containers;

(*ii*) re-packing from bulk packages to retail packages; and

(*iii*) the adoption of any other method to render the tobacco product marketable;

(*l*) "public place" means any place to which the public have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space;

(*m*) "sale", with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale;

(*n*) "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;

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(*o*) "specified warning" means such warnings against the use of cigarettes or other tobacco products to be printed, painted or inscribed on packages of cigarettes or other tobacco products in such form and manner as may be prescribed by rules made under this Act;

(*p*) "tobacco products" means the products specified in the Schedule.

**STATE AMENDMENT**

**Maharashtra**

**Amendment of section 3 of Act 34 of 2003.**—In section 3 of the Cigarettes and Other Tabacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as "the principal Act"), after clause (*e*), the following clause shall be inserted, namely:—

"(*ee*) "hookah bar" means an establishment where people gather to smoke tobacco from a community hookah or narghile which is provided individually;"

[*Vide* Maharashtra Act 60 of 2018, s. 2.]

**Gujarat**

**Amendment of section 3 of Act 34 of 2003.**–In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as "the principal Act"), in section 3, after clause (*e*), the following clause shall be inserted, namely:—

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"(*ee*) "hookah bar" means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually;".

[*Vide* Gujarat Act 27 of 2017, s. 2.]

**Rajasthan**

**Amendment of section 3, Central Act No. 34 of 2003.-**In section 3 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act No. 34 of 2003), hereinafter referred to as the principal Act, after the existing clause (e) and before the existing clause (f), the following clause shall be inserted, namely:-

"(ee) "hookah bar" means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually;".

[*Vide* Rajasthan Act 1 of 2020, s. 2]

**4. Prohibition of smoking in a public place.**—No person shall smoke in any public place:

Provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.

## STATE AMENDMENT

**Gujarat**

**Insertion of new section 4A is Act 34 of 2003.**—In the principal Act, after section 4, the following section shall be inserted, namely:–

**Prohibition of hookah bar.-"4A.**—Notwithstanding anything contained in this Act, no person shall, either on his own or on behalf of any other person, open or run any hookah bar in any place including the eating house.

***Explanation.***—The term "eating house" shall have the same meaning as assigned to it by clause (5A) of section 2 of the Gujarat Police Act, 1951 (Bom. XXII of 1951).".

[*Vide* Gujarat Act 27 of 2017, s. 3.]

**Maharashtra**

**Insertion of new section 4A in Act 34 of 2003.**—After section 4 of the principal Act, the following section shall be inserted, namely:—

**Prohibition of hookab bar.**— **"4A.**–Notwithstading anything contained in this Act, no person shall, either on his own or on behalf of any other person, open or run any hookah bar in any place including the eating house.

*Explanation*.–The term "eating house" shall have the same meaning as assigned to it in clause (5A) of section 2 of the Maharashtra Police Act (XXII of 1951).".

[*Vide* Maharashtra Act 60 of 2018, s. 3.]

**Rajasthan**

**Insertion of new section 4A, Central Act No. 34 of 2003**.-after the existing section 4 and before the existing section 5 of the principal Act, the following shall be inserted, namely:—

"**4A. Prohibition of hookah bar**.—Notwithstanding anything contained in this Act, no person shall, either on his own or on behalf of any other person, open or run any hookah bar in any place including the eating house.

**Explanation**.—The term 'eating house' means any place where food or refreshment of any kind is provided for visitors or sold for consumption therein.".

[*Vide* Rajasthan Act 1 of 2020, s. 3.]

**5. Prohibition of advertisement of cigarettes and other tobacco products.**—(*1*) No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.

(*2*) No person, for any direct or indirect pecuniary benefit, shall—

(*a*) display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco product; or

(*b*) sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or

(*c*) distribute, cause to distribute, or permit or authorise to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco product; or

(*d*) erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall display in any manner whatsoever in any place any advertisement of cigarettes or any other tobacco product:

Provided that this sub-section shall not apply in relation to—

(*a*) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;

(*b*) advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse or a shop where cigarettes and any other tobacco products are offered for distribution or sale.

(*3*) No person, shall, under a contract or otherwise promote or agree to promote the use or consumption of–

(*a*) cigarettes or any other tobacco product; or

(*b*) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person.

**6. Prohibition on sale of cigarette or other tobacco products to a person below the age of eighteen years and in particular area.**—No person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product—

(*a*) to any person who is under eighteen years of age, and

(*b*) in an area within a radius of one hundred yards of any educational institution.

**7. Restrictions on trade and commerce in, and production, supply and distribution of cigarettes and other tobacco products.**—(*1*) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him bears thereon, or on its label [1][such specified warning including a pictorial warning as may be prescribed.]

(*2*) No person shall carry on trade or commerce in cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products sold, supplied or distributed by him bears thereon, or on its label, the specified warning.

(*3*) No person shall import cigarettes or any other tobacco products for distribution or supply for a valuable consideration or for sale in India unless every package of cigarettes or any other tobacco products so imported by him bears thereon, or on its label, the specified warning.

(*4*) The specified warning shall appear on not less than one of the largest panels of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply for a valuable consideration.

(*5*) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him indicates thereon, or on its label, the nicotine and tar contents on each cigarette or as the case may be on other tobacco products along with the maximum permissible limits thereof:

1. Subs. by Act 38 of 2007, s. 2, for certain words (w.e.f. 24-9-2007).

Provided that the nicotine and tar contents shall not exceed the maximum permissible quantity thereof as may be prescribed by rules made under this Act.

**8. Manner in which specified warning shall be made.**—(*1*) The specified warning on a package of cigarettes or any other tobacco products shall be—

(*a*) legible and prominent;

(*b*) conspicuous as to size and colour;

(*c*) in such style or type of lettering as to be boldly and clearly presented in distinct contrast to any other type, lettering or graphic material used on the package or its label and shall be printed, painted or inscribed on the package in a colour which contrasts conspicuously with the background of the package or its labels.

(*2*) The manner in which a specified warning shall be printed, painted or inscribed on a package of cigarettes or any other tobacco products shall be such as may be specified in the rules made under this Act.

(*3*) Every package containing cigarettes or any other tobacco products shall be so packed as to ensure that the specified warning appearing thereon, or on its label, is, before the package is opened, visible to the consumer.

**9. Language in which the specified warning shall be expressed.**—(*1*) Where the language used on a package containing cigarettes and any other tobacco products or on its label is—

(*a*) English, the specified warning shall be expressed in the English language;

(*b*) any Indian language or languages, the specified warning shall be expressed in such Indian language or languages;

(*c*) both English and one or more Indian languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;

(*d*) partly English and partly any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages;

(*e*) any foreign language, the specified warning shall be expressed in the English language;

(*f*) partly any foreign language and partly English or any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages.

(*2*) No package of cigarettes or any other tobacco products or its label shall contain any matter or statement which is inconsistent with, or detracts from, the specified warning.

**10. Size of letters and figures.**—No specified warning or indication of nicotine and tar contents in cigarettes and any other tobacco products shall be deemed to be in accordance with the provisions of this Act if the height of each letter or figure, or both the used on such warning and indication is less than the height as may be prescribed by rules made under this Act.

**11. Testing laboratory for nicotine and tar contents.**—For purposes of testing the nicotine and tar contents in cigarettes and any other tobacco products the Central Government shall by notification in the Official Gazette grant recognition to such testing laboratory as that Government may deem necessary.

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**12. Power of entry and search.**—(*1*) Any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub-Inspector of Police, authorise side by the Central Government or by the State Government may, if he has any reason to suspect that any provision of this Act has been, or is being, contravened, enter and search in the manner prescribed, at any reasonable time, any factory, building, business premises or any other place,—

(*a*) where any trade or commerce in cigarettes or any other tobacco products is carried on or cigarettes or any other tobacco products are produced, supplied or distributed; or

(*b*) where any advertisement of the cigarettes or any other tobacco products has been or is being made.

(*2*) The provisions of the Code of Criminal Procedure, 1973(2 of 1974), shall apply to every search and seizure made under this Act.

**STATE AMENDMENT**

**Gujarat**

**Amendment of Section 12 of Act 34 of 2003.**—In the principal Act, in section 12, in sub-section (*1*),–

(*i*) in clause (*b*), the words "or" shall be added at the end;

(*ii*) after clause (*b*), the following clause shall be added, namely:—

"(*c*) where any hookas bar is being run.".

[*Vide* Gujarat Act 27 of 2017, s. 4.]

**Maharashtra**

**Amendment of section 12 of Act 34 of 2003.**–In section 12 of the principal Act, in sub-section (*1*),–

(*i*) in clause (*b*), after the word "made" the word "; or" shall be added;

(*ii*) after clause (*b*), the following clause shall be added, namely:—

"(*c*) where any hookah bar is being run.".

[*Vide* Maharashtra Act 60 of 2018, s. 4.]

**Rajasthan**

**Amendment of section 12, Central Act No. 34 of 2003.**—In the existing sub-section (1) of section 12 of the principal Act,—

(i) in clause (b), for the existing punctuation mark". "appearing at the end, the expression"; or" shall be substituted;

(ii) after the clause (b), so amended, the following shall be added, namely:—

"(c) where any hookah bar is being run.".

[*Vide* Rajasthan Act 1 of 2020, s. 4.]

**13. Power to seize.**—(*1*) If any police officer, not below the rank of a sub-inspector or any officer of State Food or Drug Administration or any other officer, holding the equivalent rank being not below the rank of Sub-Inspector of Police, authorised by the Central Government or by the State Government, has any reason to believe that,—

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(*a*) in respect of any package of cigarettes or any other tobacco products, or

(*b*) in respect of any advertisement of cigarettes or any other tobacco products,

the provisions of this Act have been, or are being, contravened, he may seize such package or advertisement material in the manner prescribed.

(*2*) No package of cigarettes or any other tobacco products or advertisement material seized under clause (*a*) of sub-section (*1*) shall be retained by the officer who seized the package or advertisement material for a period exceeding ninety days from the date of the seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure was made, has been obtained for such retention.

**STATE AMENDMENT**

**Gujarat**

**Insertion of new section 13A in Act 34 of 2003.**—In the principal Act, after section 13, the following section shall be inserted, namely:—

**Power to seize.**—**"13A** If any police officer, not below the rank of a Sub-Inspector, authorized by the State Government, has reason to believe that the provisions of section 4A have been, or are being, contravened, he may seize any material or article used as a subject or means of hookah bar.".

[*Vide* Gujarat Act 27 of 2017, s. 5.]

**Maharashtra**

**Insertion of new section 13A in Act 34 of 2003.**—After section 13 of the principal Act, the following section shall be inserted, namely:—

**Power to seize.**—**"13A.**—If any police officer, not below the rank of Assistant Police Inspector, authorized by the State Government, has reason to believe that the provisions 4A have been, or are being, contravened, he may seize any material or article used as a subject or means of hookah bar.".

[*Vide* Maharashtra Act 60 of 2018, s. 5.]

**Rajasthan**

**Insertion of new section 13A, Central Act No. 34 of 2003.**—After the existing section 13 and before the existing section 14 of the principal Act, the following shall be inserted, namely:—

**"13A. Power to seize.**—If any police officer, not below the rank of Sub-Inspector, authorized by the State Government, has reason to believe that the provisions of section 4A have been, or are being, contravened, he may seize any material or article used as a subject or means of hookah bar.".

[*Vide* Rajasthan Act 1 of 2020, s. 5.]

**14. Confiscation of package.**—Any package of cigarettes or any other tobacco products or any advertisement material of cigarettes or any other tobacco products, in respect of which any provision of this Act has been or is being contravened, shall be liable to be confiscated:

Provided that, where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such package of cigarettes orany other tobacco products is found is not responsible for the contravention of the provisions of this Act, the Court may, instead of making an order for the confiscation of such package, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

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**15. Power to give option to pay costs in lieu of confiscation.**— (*1*) Whenever any confiscation of any package of cigarettes or any other tobacco products is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give to the owner thereof an option to pay, in lieu of confiscation, costs which shall be equal to the value of the goods confiscated.

(*2*) On payment of the costs ordered by the court, the seized packages shall be returned to the person from whom they were seized on condition that such person shall, before making any distribution, sale or supply of such packages of cigarettes or other tobacco products, get the specified warning and indication of nicotine and tar contents incorporated on each such package.

**16. Confiscation not to interfere with other punishments.**—No confiscation made, costs ordered to be paid under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

**17. Adjudication.**—Any confiscation of cigarettes or any other tobacco products may be adjudged or costs may be ordered to be paid,—

(*a*) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made, costs have been ordered to be paid,

(*b*) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding rupees five thousand, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

**18. Giving opportunity to the owner of seized packages.**—(*1*) No order adjudging confiscation or directing payment of costs shall be made unless the owner or person in possession of the package of cigarettes or any other tobacco products has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such package, and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice, against the confiscation mentioned therein, and, if he so desires, of being heard personally or through a representative in the matter:

Provided that, where no such notice is given within a period of ninety days from the date of the seizure of the package of cigarettes or of any other tobacco products, such package shall be returned, after the expiry of that period, to the owner or the person from whose possession it was seized.

(*2*) Save as otherwise provided in sub-section (*1*), the provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall, as far as may be, apply to every proceeding referred to in sub-section (*1*).

**19. Appeal.**—(*1*) Any person, aggrieved by any decision of the court adjudging a confiscation, ordering the payment of costs, may prefer an appeal to the court to which an appeal lies from the decision of such court.

(*2*) The appellate court may, after giving to the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or reversing the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any fine in lieu of confiscation or confiscating of goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and, if he so desires, of being heard in person or through a representative in his defence.

(*3*) No further appeal shall lie against the order of the court of appeal.

**20. Punishment for failure to give specified warning and nicotine and tar contents.**—(*1*) Any person who produces or manufactures cigarettes or tobacco products, which do not contain, either on the

package or on their label, the specified warning and the nicotine and tar contents, shall in the case of first conviction be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, and for the second or subsequent conviction, with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

(*2*) Any person who sells or distributes cigarettes or tobacco products which do not contain either on the package or on their label, the specified warning and the nicotine and tar contents shall in the case of first conviction be punishable with imprisonment for a term, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent conviction, with imprisonment for a term which may extend to two years and with fine which may extend to three thousand rupees.

**21. Punishment for smoking in certain places.**—(*1*) Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to two hundred rupees.

(*2*) An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973 (2 of 1974).

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## STATE AMENDMENT

**Gujarat**

**Insertion of new section 21A in Act 34 of 2003.**—In the principal Act, after section 21, the following section shall be inserted, namely:–

**Punishment for running hookas bar.–"21A.**—Whoever contravenes the provisions of section 4A shall be punishable with imprisonment which may extend to three years but which shall not be less that one year and with fine which may extend to fifty thousand rupees but which shall not be less than twenty thousand rupees.".

[*Vide* Gujarat Act 27 of 2017, s. 6.]

**Maharashtra**

**Insertion of new section 21A in Act 34 of 2003.**—After section 21 of the principal Act, the following section shall be inserted, namely: —

**Punishment for running hookah bar.—"21A.**—Whoever contravenes the provisions of section 4A, shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine which may extend to one lakh rupees but which shall not be less than fifty thousand rupees.".

[*Vide* Maharashtra Act 60 of 2018, s. 6.]

**Rajasthan**

**Insertion of new section 21A, Central Act No. 34 of 2003.** —After the existing section 21 and before the existing section 22 of the principal Act, the following shall be inserted, namely: —

**"21A. Punishment for running hookah bar.—**Whoever contravenes the provisions of section 4A, Shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine which may extend to one lakh rupees but which shall not be less than fifty thousand rupees.".

[*Vide* Rajasthan Act 1 of 2020, s. 6.]

**22. Punishment for advertisement of cigarettes and tobacco products.**—Whoever contravenes the provision of section 5 shall, on conviction, be punishable—

(*a*) in the case of first conviction, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both, and

(*b*) in the case of second or subsequent conviction with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**23. Forfeiture of advertisement and advertisement material.**—Where any person has been convicted under this Act for the contravention of the provision of section 5, the advertisement and the advertisement material for cigarettes and other tobacco products may be forfeited to the Government and such advertisement and advertisement material shall be disposed of in such manner as may be prescribed by rules made under this Act.

**24. Punishment for sale of cigarettes or any other tobacco products in certain places or to persons below the age of eighteen years.**—(*1*) Any person who contravenes the provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees.

(*2*) All offences under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973 (2 of 1974).

**25. Prevention, detention and place of trial of offences under sections 4 and 6.**—(*1*) Notwithstanding anything contained in any other law for the time being in force, the Central Government or the State Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act:

Provided that the person so authorised may, if he has reasonable ground for believing that any person has committed an offence under section 4 or section 6, may detain such person unless the accused person furnishes his name and address, and otherwise satisfies the officer detaining him that he will duly answer any summons or other proceedings which may be taken against him.

(*2*) Any person detained under sub-section (*1*) shall forthwith be taken before Magistrate to be dealt with according to law.

(*3*) Any person committing an offence under section 4 or section 6 shall be triabal for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.

(*4*) Every notification issued under sub-sections (*1*) and (*3*) shall be published in the Official Gazette, and a copy thereof shall be exhibited for information to the public in some conspicuous place or places as the State Government may direct.

(*5*) 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 (45 of 1860).

**26. Offences by companies.**—(*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was

responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

**27. Offences to be bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be bailable.

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## STATE AMENDMENT

**Gujarat**

**Insertion of new section 27A in Act 34 of 2003.**—In the principal Act, after section 27, the following section shall be inserted, namely:–

**Offence under section 4A to be cognizable.**—**"27A.**—An offence under section 4A shall be cognizable.".

[*Vide* Gujarat Act 27 of 2017, s. 7.]

**Maharashtra**

**Insertion of new section 27A in Act 34 of 2003.**—After section 27 of the principal Act, the following section shall be inserted, namely:—

**Offence under section 4A to be cognizable.**—**"27A.**—An offence under section 4A shall be cognizable.".

[*Vide* Maharashtra Act 60 of 2018, s. 7]

**Rajasthan**

**Insertion of new section 27A, Central Act No. 34 of 2003.**—After the existing section 27 and before the existing section 28 of the principal Act, the following shall be inserted, namely:—

**"27A. Offence under section 4A to be congnizable.**—An offence under section 4A shall be cognizable.".

[*Vide* Rajasthan Act 1 of 2020, s. 7.]

**28. Composition of offences.**—(*1*) Any offence committed under section 4 or section 6 may either before or after the institution of the prosecution be compounded by such officer authorised by Central Government or State Government and for an amount which may not exceed two hundred rupees.

(*2*) Where an offence has been compounded under sub-section (*1*), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

**29. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

**30. Power to add any tobacco products in the Schedule.**—The Central Government, after giving by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any other tobacco product in respect of which it is of opinion that advertisements are to be prohibited and its production, supply and distribution is required to be regulated under this Act, and thereupon the Schedule shall in its application to such products be deemed to be amended accordingly.

**31. Power of Central Government to make rules.**—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) specify the form and manner in which warning shall be given in respect of cigarettes or other tobacco products under clause (*o*) of section 3;

(*b*) specify the maximum permissible nicotine and tar contents in cigarettes or other tobacco products under the proviso to sub-section (*5*) of section 7;

(*c*) specify the manner in which the specified warning shall be inscribed on each package of cigarettes or other tobacco products or its label under sub-section (*2*) of section 8;

(*d*) specify the height of the letter or figure or both to be used in specified warning or to indicate the nicotine and tar contents in cigarettes or other tobacco products under section 10;

(*e*) provide for the manner in which entry into and search of any premises is to be conducted and the manner in which the seizure of any package of cigarettes or other tobacco products shall be made and the manner in which seizure list shall be prepared and delivered to the person from whose custody any package of cigarettes or other tobacco products has been seized;

(*f*) provide for any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this Act and every notification made under section 30 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification 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 or notification.

**32. Act not to apply to cigarettes of other tobacco products which are exported.**—Nothing contained in this Act shall apply to any cigarette or other tobacco products or package of cigarettes or other tobacco products which is exported:

Provided that nothing in this section shall be deemed to authorise the export of any package of cigarettes or other tobacco products, not containing the specified warning and indication of nicotine and

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tar contents to any country if the law in force in that country requires that the same or similar warning and nicotine and tar contents shall be specified on each package of cigarettes or other tobacco products.

*Explanation.*—For the purpose of this section, any cigarette or other tobacco products or package of cigarettes or other tobacco products shall be deemed to be exported before the commencement of this Act, if the necessary steps for export have already been taken notwithstanding that the actual export has not taken place.

**33. Repeal and savings.**— (*1*) The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975(49 of 1975), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the provisions of the aforesaid Act, shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

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THE SCHEDULE

[*See* section 3(*p*)]

1. Cigarettes
2. Cigars
3. Cheroots
4. *Beedis*
5. Cigarette tobacco, pipe tobacco and *hookah* tobacco
6. Chewing tobacco
7. Snuff
8. *Pan masala* or any chewing material having tobacco as one of its ingredients (by whatever name called).
9. *Gutka*
10. Tooth powder containing tobacco.

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## STATEMENT OF OBJECTS AND REASONS

Tobacco is universally regarded as one of the major public health hazards and is responsible directly or indirectly for an estimated eight lakh deaths annually in the country. It has also been found that treatment of tobacco related diseases and the loss of productivity caused therein cost the country almost Rs. 13,500 crores annually, which more than offsets all the benefits accruing in the form of revenue and employment generated by tobacco industry. The need for a comprehensive legislation to prohibit advertising and regulation of production, supply and distribution of cigarettes and tobacco products was recommended by the Parliamentary Committee on Subordinate Legislation (Tenth Lok Sabha) and a number of points suggested by the Committee on Subordinate Legislation have been incorporated in the Bill.

2. The proposed Bill seeks to put total ban on advertising of cigarettes and other tobacco products and to prohibit sponsorship of sports and cultural events either directly or indirectly as well as sale of tobacco products to minors. It also proposes to make rules for the purpose of prescribing the contents of the specified warnings the languages in which they are to be displayed, as well as displaying the quantities of nicotine and tar contents of these products. For the effective implementation of the proposed legislation, provisions have been proposed for compounding minor offences and making punishments for offences by companies more stringent. The objective of the proposed enactment is to reduce the exposure of people to tobacco smoke (passive smoking) and to prevent the sale of tobacco products to minors and to protect them from becoming victims of misleading advertisements. This will result in a healthier life style and the protection of the right to life enshrined in the Constitution. The proposed legislation further seeks to implement article 47 of the Constitution which, inter alia, requires the State to endeavour to improve public health of the people.

3. The Bill seeks to achieve the aforesaid objects.

C.P. THAKUR.

NEW DELHI

*The* 22*nd February*, 2001.