

Himachal Pradesh Prohibition Of Smoking (Show Houses) Act, 1968

4 of 1969

[21 March 1970]

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Amended, repealed or otherwise affected by,- (i) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973 at P. 91-112. An Act to prohibit smoking in Show Houses in Himachal Pradesh. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons, see R.H.P. Extra., dt. 30th November, 1968, p. 1190.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Himachal Pradesh Prohibition of Smoking (Show Houses) Act, 1968.
- (2) It extends to the whole of the State of Himachal Pradesh.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or

context,-

(a) "auditorium" means that portion of the show houses where accommodation is provided for the public to view the entertainment, cinematographic exhibition, dance, dramatic performance or any other amusement;

(b) "notification" means a notification published under proper authority in the Rajpatra, Himachal Pradesh;

(c) "prohibited period" means so much of the period commencing thirty minutes before the beginning of the entertainment in the show house and ending with the termination thereof;

(d) "show house" means any building or other enclosed and roofed place to which members of public are admitted, whether on payment or otherwise, to witness any entertainment, cinematographic exhibition, dance or dramatic performance or any other form of amusement;

(e) "State" means 1[the State of Himachal Pradesh]; and

(f) "State Government" means the Government of Himachal Pradesh.

1. Subs. for "Union Territory of H.P." by A.O. 1973.

3. Prohibition Of Smoking In Auditorium :-

No person shall, during the prohibited period, smoke in the auditorium.

4. Management To Post Notices And Exhibit Slides :-

(1) Every person responsible for the management of demonstration or exhibition in a show house shall bring to the notice of the spectators by posting notices prominently and in the case of any cinematographic exhibition also by exhibiting slides that any person smoking in the auditorium during the prohibited period shall be liable to ejection and prosecution.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend for a first offence to fifty rupees and for a second or subsequent offence to two hundred rupees.

5. Penalty For Smoking In Auditorium :-

(1) Any Magistrate or any police officer not below the rank of Sub-Inspector or any person specially authorised by notification in. this behalf by the State Government may enter the auditorium to

satisfy himself that the provisions of this Act are not being contravened and may eject summarily from the auditorium a person who is found smoking in the auditorium during the prohibited period and who

(i) does not desist from smoking when directed by such Magistrate or Police Officer or the person so authorised not to smoke; or

(ii) refuses or fails to declare immediately his name or address when required to do so by the Magistrate or the Police Officer or the person so authorised; or

(iii) is reasonably suspected by the Magistrate, or the Police Officer or the person so authorised of giving a false name and address;

and if such person resists such ejection, the Magistrate or the Police Officer or the person so authorised may arrest such person without a warrant.

(2) Notwithstanding anything contained in sub-section (1), any person who contravenes the provisions of section 3 shall be punishable with fine which may extend for a first offence to twenty-five rupees and for a second or subsequent offence to one hundred rupees.

6. Person Ejected Not Entitled To Refund Or Compensation

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A person ejected under sub-section (1) of section 5 shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.

7. Power To Make Rules :-

(1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Himachal Pradesh while it is in session for a total period of ten days, which may be comprised in one session or in two successive sessions, and if, before the expiry 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 decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be 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.

8. Repeal And Savings :-

(1) As from the commencement of this Act,-

(a) the Bihar Prohibition of Smoking (Show Houses) Act, 1954 (10 of 1954) as extended to the areas comprised in the Union Territory of Himachal Pradesh immediately before 1st November, 1966; and
(b) the Punjab Prohibition of Smoking (Cinema and Theatre Halls) Act, 1951 (8 of 1951), as in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1960 (31 of 1966); shall stand repealed:

Provided that anything done or any action taken under any of the said Acts shall, in so far as it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under the corresponding provision of this Act.