

THE TAMIL NADU PROHIBITION OF SMOKING AND SPITTING RULES, 2003.

(G.O. Ms. No.93, Health and Family Welfare, 14th May 2003.)

No. SRO A-24(a) /2003.

In exercise of the powers conferred by Sub-section (1) of Section 18 of the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 (Tamil Nadu) Act 4 of 2003), the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short title. extent and commencement. –(1) These rules may be called the Tamil Nadu Prohibition of Smoking and Spitting Rules, 2003.

(2) They shall extend to the whole of the State of Tamil Nadu.

(3) They shall come into force on the 14th May 2003.

2. *Definitions.* –(1) In these Rules, unless there is anything repugnant in the subject or context,-

(a) “Act” means the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 (Tamil Nadu Act 4 of 2003);

(b) “Court” means the Court competent to take cognizance of offences under the Act;

(c) “Form” means a form appended to these Rules;

(d) "Government" means the Government of Tamil Nadu;

(e) "Person in charge of place of public work or use" means a person or occupier or his agent who has control over the affairs of the place.

(2) Words and expressions not defined in these Rules shall have the meaning assigned to them under the Act.

3. Display and Exhibition of Board. (1) Every person in charge of place of Public Work or use shall display and exhibit a board at a conspicuous place in or outside the place prominently stating that the place is a "No Smoking and No Spitting Place" and that "Smoking or Spitting is an Offence" which shall be both in Tamil and English and the version in English shall be in the second place below the Tamil version.

(2) The Tamil Version shall be written predominantly in the board by providing more space than English.

(3) The size of the board shall not be less than 1 x 3 feet.

4. *Role of Authorised Officers.* (1) The Officer authorised under section 10 of the Act shall cause production of the offender with the complaint in writing as required under section 13 of the Act before the Court for the purpose of further proceedings under the Act. In case the offender opt for compounding of the offence he shall be produced before the person authorised by the Government under Section 16 of the Act for the purpose of compounding of offences.

(2) The authorised officer while taking action under this Act is entitled to get the assistance of the Police Officers in case he receives resistance or illegal obstruction or any other hindrance from the person against whom he takes action under this Act.

5. *Power to Compound Offences.* (1) The Government or any person authorised by the Government under Section 16 of the Act may either before or after the institution of the proceedings under the Act accept from the offender

who wishes to compound the offence punishable by or under the Act, the compounding amount which shall not, in any case, exceed the maximum amount of the fine which may be imposed under the Act for the offence so compounded.

(2) Where an offence has been compounded as aforesaid no proceeding or further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded and the offender, if in custody, shall be discharged forthwith.

6. *Power of entry, inspection and search.* –(1) Any Authorised Officer may enter and inspect at any time if he has reason to believe that any person is in possession of Cigarettes, Beedies, Cigars. Supari with Tobacco, Zarda, Snuff or any other smoking or chewing substance or substance for sale or distribution in any premises which is within an area of 100 meters around any College, School or any other educational institutions and may search and seize the articles or other substance under a seizure list as specified in Form-A.

(2) Such seizure shall be made in the presence of two independent witnesses and a copy of the seizure list shall be furnished to the person from whom such articles or substances are seized and his signature shall be obtained in the seizure list.

(3) The articles or substance so seized under Sub-rule (1) of this Rule shall be produced before the Magistrate having jurisdiction for disposal of the articles or substance as per law.

(4) Every search and seizure made under Sub-rule (1) of this rule shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

APPENDIX

FORM A

[See Rule 6(1).]

Seizure List

Date and time.	Place of Seizure.	Name and address of the Authorised Officer of Police who made the seizure.	Description of articles or substances seized.	Value in rupees.	Name and address of the owner or occupier of the articles or substance seized.
(1)	(2)	(3)	(4)	(5)	(6)

Signature of the witnesses.

*Signature of the Authorised
Officer or Police Officer.*