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(48) (892)

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 23rd June 1962

G.S.R. 858.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Himachal Pradesh the Bihar Prohibition of Smoking (Show Houses) Act, 1954 (Bihar Act 10 of 1954), as at present in force in the State of Bihar, subject to the following modifications, namely:—

MODIFICATIONS

In the said Act,—

1. For the words "State Government" wherever they occur, the words "Lieutenant Governor" shall be substituted.
2. In section 1,—
 - (i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of the Union territory of Himachal Pradesh."
 - (ii) in sub-section (4), for the words, brackets and figures beginning with "and the provisions of section 8" and ending with "in such area or place by a Bihar Act", the following words, brackets and figures shall be substituted, namely:—

"and the provisions of section 4 of the Punjab General Clauses Act, 1898 (Punjab Act I of 1898) as extended to the Union territory of Himachal Pradesh shall have effect as if the Act had been repealed in such area or place by a Bihar Act as extended to the Union territory of Himachal Pradesh."
3. In section 2, after clause (a), the following clause shall be inserted, namely:—

(aa) "Lieutenant Governor" means the Lieutenant Governor of the Union territory of Himachal Pradesh."

Annexure

THE BIHAR PROHIBITION OF SMOKING (SHOW HOUSES) ACT, 1954 (BIHAR ACT 10 OF 1954) AS EXTENDED TO THE UNION TERRITORY OF HIMACHAL PRADESH

An Act to Prohibit Smoking in Show Houses in Bihar

Whereas it is expedient to prohibit smoking in show houses in Bihar;

It is hereby enacted as follows:—

1. **Short title, extent, commencement and withdrawal.**—(1) This Act may be called the Bihar Prohibition of Smoking (Show Houses) Act, 1954.
 - (2) It extends to the whole of the Union territory of Himachal Pradesh.
 - (3) It shall come into force on such date as the Lieutenant Governor may, by notification, appoint in this behalf, and different dates may be appointed for different areas or places.
 - (4) The Lieutenant Governor may, by notification, declare that with effect from such date as may be specified in the notification, this Act shall cease to be in operation in any or all such areas and places in which it has been enforced under sub-section (3); and the provisions of section 4 of the Punjab General Clauses Act, 1898 (Punjab Act I of 1898), as extended to the Union territory of Himachal Pradesh shall have effect as if the Act had been repealed in such area or place by a Bihar Act as extended to the Union territory of Himachal Pradesh.
2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (a) "auditorium" means that portion of the show house where accommodation is provided for the public to view the entertainment, cinematographic exhibition, dance, dramatic performance or any other amusement;
- (aa) "Lieutenant Governor" means the Lieutenant Governor of the Union territory of Himachal Pradesh;
- (b) "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; and
- (c) "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.

3. **Prohibition of smoking in auditorium.**—No person shall during the prohibited period smoke in the auditorium.

4. (1) **Management to post notices and exhibit slides.**—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 ejectment 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 Lieutenant Governor 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 or address;

and if such person resists such ejectment, 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 provision 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.**—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.**—The Lieutenant Governor may make rules to carry out the provisions of this Act.

[No. F. 4/5/61-JUDL.II/UTL-48.]

P. N. KAUL, Dy. Secy.