

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

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## THE SCHEDULE.

**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

[18th 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<sup>1</sup> 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.

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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, labelling or 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;

(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 Tobacco 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:—

“(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.