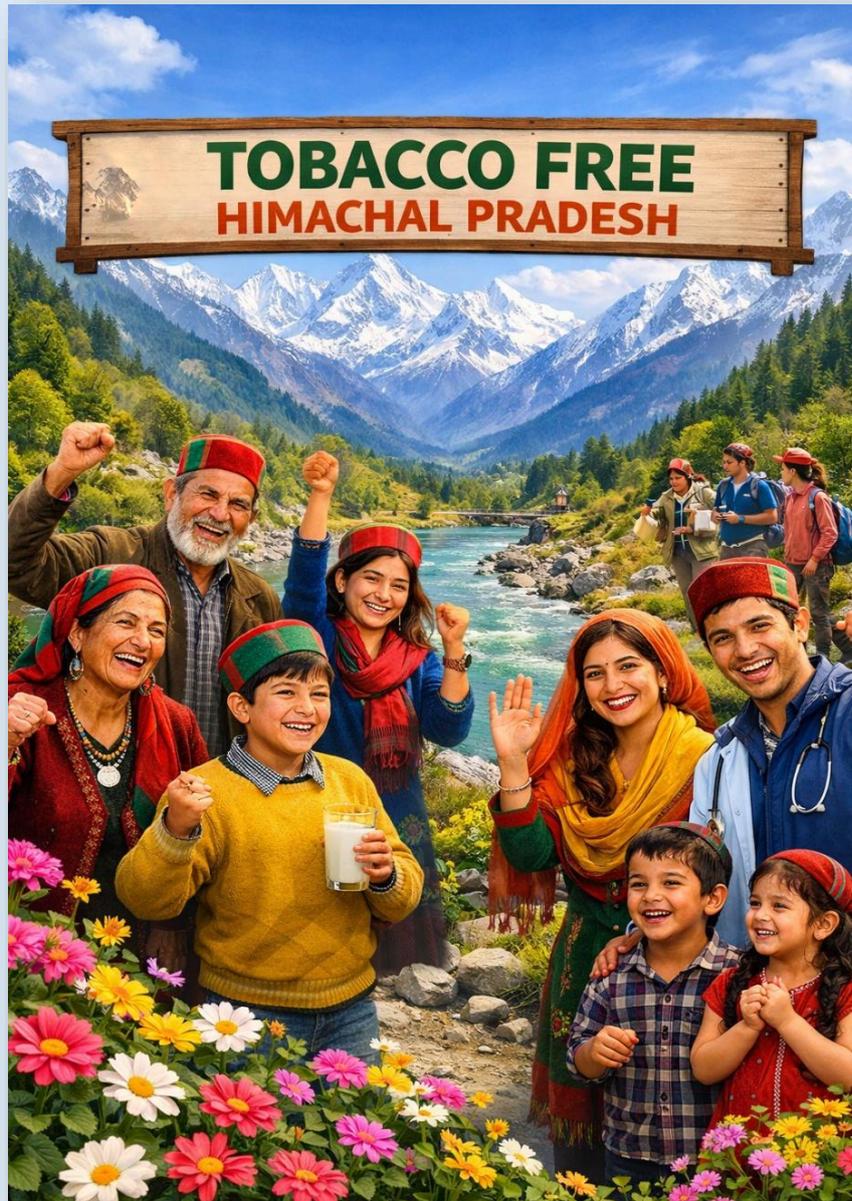




Compendium of Notifications/Office orders/Directives for Tobacco Control in Himachal Pradesh



**State Tobacco Control Cell, National Health Mission,
Himachal Pradesh, Shimla-171009**

Index:

Sr. No.	Title	Page No.
1	Notification for delegation of powers to Head Constables and above to enforce Section 4 & 6 of COTPA_dated 8 Aug 2009	1
2	Directions regarding use of COTPA funds for tobacco control activities Dated 22 sept 2009 (हिंदी)	2
3	Directions regarding use of COTPA funds for tobacco control activities_dated 5 Oct 2010 (English)	3
4	Notification regarding authorization of more courts for trial of Section 4 & 6 of COTPA_dated 22 nov2011	4
5	HP Act 2016 (Vendors Licencing and Prohibition of sale of loose cig and beedies (2016_2018_2025)	5-20
6	Notification of reconstituted SLCC Himachal Pradesh dated 31 Jan2023	21-22
7	Notification for Implementation of Article 5.3 of FCTC in Himachal Pradesh_dated 30 Sep 2025	23-24
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10	Notification regarding reconstitution of State, District and Block level flying squads dated_30oct 2025	30-32

Government of Himachal Pradesh
Department of Health and Family Welfare

No. Health-A-H (1)2/2006 Dated: Shimla-2, 6.8.2009.

NOTIFICATION

In exercise of the powers conferred in Section 25 of the Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production, Supply and Distribution) Act 2003 (hereinafter The Act, and Rules made thereunder, the Governor, Himachal Pradesh is pleased to authorize the police personnel not below the rank of Head Constable to impose and collect the fine and to compound the offence under Section 4 of The-Act in their respective jurisdiction in addition to the persons authorized by the Central Government in the Rules notified vide Notification No F. No. P. 16015/20/2007-PH Dated 30.5.2008. The police personnel not below the rank of Head Constable shall also be authorized to impose and collect the fine and to compound the offence under Section 6 of The Act.

4/5

By Order

(Deepak Saini)

Principal Secretary (Health) to the
Government of Himachal Pradesh

Enclt. No. As above

Dated: Shimla-2, the 6.8.2009

Copy forwarded to the following for information and further necessary action to:-

1. Dr. Vinayak M. Prashad, Director, Govt. of India, Ministry of Health & FW, Nirman Bhawan, New Delhi-11.
2. All Administrative secretaries, in H.P.
3. All Head of Departments in H.P.
4. The Director Health Services/Medical Education/Dental Health Services, H.P.
5. The Registrar, H.P. High Court, Shimla-171001.
6. All Deputy Commissioners in H.P.
7. All Superintendents of Police in H.P.
8. All CMOs/BMOs in Health Department, Himachal Pradesh.
9. The Joint Director, Prosecution, Himachal Pradesh, Shimla.
10. The Controller, Printing & stationery, Himachal Pradesh, Shimla-5 for publication in Rajpatra.

सेवा में,

समस्त पुलिस अधीक्षक

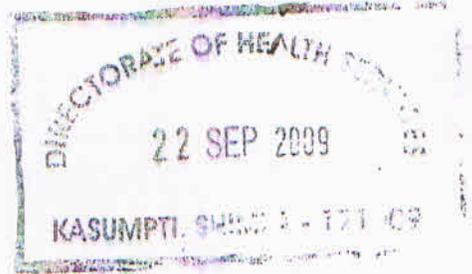
जिला.....

हिमाचल प्रदेश ।

शिमला - 171002

दिनांक :

शिमला-9,



विषय:-

सिग्रेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिशोध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) अधिनियम 2003

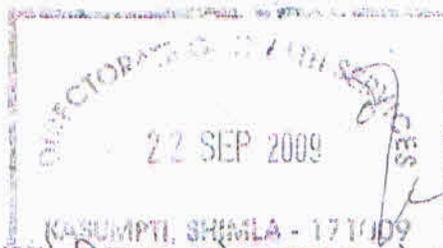
महोदय,

सिग्रेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिशोध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) अधिनियम 2003 की धारा -4 की उलंघना करने वाले दोषी व्यक्ति का चालान कर जुर्माने से दण्डित करने व मौका पर शमन राशी को प्राप्त करने के लिए मुख्य आरक्षी एवं इससे उपर के पद के पुलिस अधिकारी को प्राधिकृत किया गया है (नोटिफिकेशन न0 संख्या हैल्थ-ए(एच) (1)2/2006)। इस बारे में आपसे अनुरोध किया जाता है कि रसीद बुक व चालान बुक अपने स्तर पर छपवार्हे तथा चालान से प्राप्त राशी को अलग खाता खोल कर अपने स्तर पर रखें जिसे उपरोक्त अधिनियम के अन्तर्गत जागरुकता गतिविधियों के लिए प्रयोग किया जाए । चालान बुक व रसीद बुक की नमूना प्रति आपको संलग्न की जा रही है जिसे अपने आप स्थानीय स्तर पर छपवार्हे ।

अतः इस मामले में की गई कार्रवाई एवं मासिक रिपोर्ट से इस स्वास्थ्य निदेशालय को भी अवगत करवाएँ ।

भवदीय

संख्या : उपरोक्त



निदेशक

हेल्थ सैफ्टी एण्ड रेगुलेशन
हिमाचल प्रदेश

प्रतिलिपि :

- 1 प्रधान सचिव (स्वास्थ्य) हिमाचल प्रदेश सरकार को सूचनार्थ प्रेषित हैं ।
- 2 सभी मुख्य विकित्सा अधिकारी, हिमाचल प्रदेश को सूचनार्थ प्रेषित ।

Verified with Original
For Bank of Baroda,
Authorised Signatory

निदेशक
हेल्थ सैफ्टी एण्ड रेगुलेशन
हिमाचल प्रदेश

No.HSR-H(Tobacco)/09
Health and Family Welfare Department
Himachal Pradesh.

Annexure-6: Government order dated 5th Oct. 2010 regarding to printing of challan books and utilization of challan money for anti-tobacco activities.

To

All the DC HP
All the SP HP
All CMO's HP
Dated Shimla-9 the-

Subject:- Implementation of COIPA 2003 (Anti tobacco Act.)

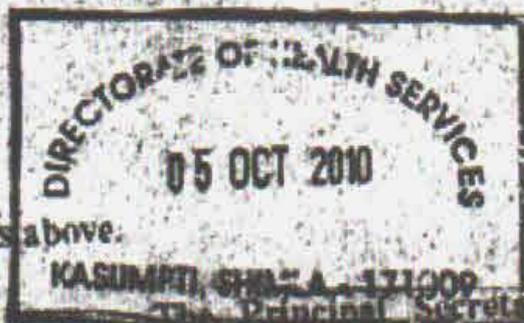
Sir,

The Govt. is committed to implement the anti tobacco Act (COIPA 2003) in the state in letter and spirit. You are requested to direct all the authorized Officers/persons to follow the following guidelines for easy implementation of the Act and Rules in the state.

1. All the incharge of institutions/authorise persons shall possess challan form receipt forms (sample attached) which shall be printed by the Dist level Committee for further distributions. The expenditure of printing may be met from the RKS funds initially and later on from the funds collected as fine or compounding fee.
2. All the incharge of public places should shall open a bank account in the name of institution in the anti tobacco Act COIPA 2003 Head and shall deposit the fine compounding fee in the bank account.
3. The funds shall be utilized for Anti tobacco activities, printing of challan forms/receipts etc, awareness camps, printing of boards/signages and as POL for raids (search and seizure) under the act.

Your's Faithfully

Director
Health Safety & Regulations
Himachal Pradesh
Dated Shimla-9 the-



Endst.No. As above.

Copy to:-

KASUMPTI SHIMLA - 171009

The Principal Secretary (Health) to the Govt. of Himachal Pradesh as per the direction given in the state level meeting on tobacco control laws in H.P. Sect. for favour of his kind information please.

2. The Mission Director (NRHM) Directorate of Health Services Kasumpti Shimla-9 for information and necessary action.

Director
Health Safety & Regulations
Himachal Pradesh

**Directorate of Health Safety and Regulation,
Himachal Pradesh**

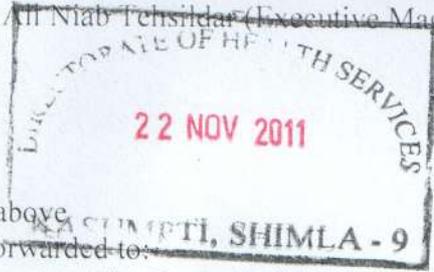
No. HSR-H(Tobacco)7/09-

Dated:

NOTIFICATION

In exercise of the powers conferred under section 25 of the COTPA (The Cigarette and other Tobacco Products, Prohibition of Advertisement and regulation of trade and commerce, production, supply and distribution Act) 2003 and with the prior approval of the Govt. the following Courts are hereby notified for the trial of offence under section 4 & 6.

1. All SDM Courts in HP.
2. All Tehsildar (Executive Magistrate) Court in H.P.
3. All Niab Tehsildar (Executive Magistrate) Court in H.P.



**Director Health Safety and Regulation
Himachal Pradesh Shimla-9**

No. as above

Copy forwarded to:

Dated:

1. The Registrar HP High Court Shimla
2. The Director, Tobacco Control Programme, Govt. of India, Ministry of Health and FW, Nirman Bhawan, New Delhi.
3. All Administrative Secretaries in H.P.
4. All Head of Departments in H.P.
5. The Director of Health Services/ Medical Education/Dental Health Services HP.
6. The Joint Director, Prosecution, HP Shimla.
7. All Deputy Commissioner in HP with the request to circulate the notification to all SDMs Tehsildars, Niab Tehsildars in H.P.
8. All Superintendents of Police in H.P.
9. All CMOs/BMOs in Health Department HP.
10. The Controller, Printing & Stationery, HP Shimla-5 for publication in Rajpatra.
11. Director Public Relations HP for publication in leading newspapers

**Director Health Safety and Regulation
Himachal Pradesh Shimla-9**

विधि विभाग**अधिसूचना**

शिमला-2, 07 अक्टूबर, 2016

संख्या: एल0एल0आर0-डी(6)-16/2016-लेज.-हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 05-10-2016 को अनुमोदित हिमाचल प्रदेश में खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध और सिगरेटों तथा अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन विधेयक, 2016 (2016 का विधेयक संख्यांक 18) को वर्ष 2016 के अधिनियम संख्यांक 17 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करते हैं ।

आदेश द्वारा,
(डा० बलदेव सिंह),
प्रधान सचिव (विधि)।

हिमाचल प्रदेश में खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध और सिगरेटों तथा अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन अधिनियम, 2016

धाराओं का क्रम**धारा:**

1. संक्षिप्त नाम और प्रारम्भ ।
2. परिभाषाएं ।
3. खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध ।
4. तम्बाकू उत्पादों के खुदरा कारबार पर निर्बन्धन ।
5. तम्बाकू उत्पादों के खुदरा कारबार के प्रयोजन के लिए रजिस्ट्रीकरण ।
6. विधिमान्य रजिस्ट्रीकरण के बिना तम्बाकू उत्पादों के विक्रय के लिए दण्ड ।
7. खुली सिगरेटों और बीड़ियों के विक्रय के लिए दण्ड ।
8. प्रवेश करने, तलाशी लेने और अभिग्रहण करने की शक्ति ।
9. अपराधों का संज्ञेय और जमानतीय होना ।
10. अपराधों का शमन ।
11. सद्भावपूर्वक की गई कार्रवाई के लिए संरक्षण ।
12. नियम बनाने की शक्ति ।

2016 का अधिनियम संख्यांक 17

हिमाचल प्रदेश में खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध और सिगरेटों तथा अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन अधिनियम, 2016

(राज्यपाल महोदय द्वारा तारीख 5 अक्टूबर, 2016 को यथाअनुमोदित)

हिमाचल प्रदेश राज्य में खुली सिगरेटों और बीड़ियों का विक्रय प्रतिषिद्ध करने तथा सिगरेटों और अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन करने तथा उनसे सम्बन्धित या उनके आनुषंगिक विषयों का उपबन्ध करने के लिए **अधिनियम** ।

भारत गणराज्य के सड़सठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश में खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध और सिगरेटों तथा अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन अधिनियम, 2016 है ।

(2) यह ऐसी तारीख को प्रवृत्त होगा जैसी राज्य सरकार राजपत्र में अधिसूचना द्वारा नियत करे ।

2. परिभाषाएं.—(1) इस अधिनियम में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "सिगरेट" और "बीड़ी" के अन्तर्गत,—

(i) किसी कागज या किसी अन्य पदार्थ में, जिसमें तम्बाकू न हो, लपेटी गई तम्बाकू की कोई रोल है; या

(ii) तम्बाकू से युक्त किसी पदार्थ में लपेटी गई तम्बाकू की कोई रोल, जिसका उसके रूप, फिल्टर में प्रयुक्त तम्बाकू की किस्म या उसकी पैकेजिंग और लेबल के कारण सिगरेट या बीड़ी के रूप में प्रस्तुत किया जाना या उपभोक्ताओं द्वारा क्रय किया जाना संभाव्य हो, भी है;

(ख) "विहित" से, इस अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है;

(ग) "विक्रय" से, उसके व्याकरणिक रूपभेदों और सजातीय पदों के साथ किसी एक व्यक्ति द्वारा दूसरे को माल में सम्पत्ति का अंतरण करना अभिप्रेत है चाहे नकदी के लिए हो या उधार पर हो या विनिमय के रूप में हो और चाहे थोक या फुटकर में हो तथा इसके अन्तर्गत विक्रय के लिए कोई करार, विक्रय का प्रस्ताव या विक्रय के लिए अभिदर्शन भी है;

(घ) "परिसर" से, कोई ऐसा स्थान या वेसल अभिप्रेत है, जहां इस अधिनियम में विनिर्दिष्ट किसी भी प्रकार का खुदरा कारबार या किसी सिगरेट पदार्थ का और अन्य तम्बाकू उत्पादों का भण्डारण या खुदरा विक्रय किया जाता है;

(ङ) "व्यक्ति" से, कोई प्रकृत व्यक्ति, भागीदारी, सहकारी संगम, निगम, ब्यैक्तिक प्रतिनिधि, प्रापक, न्यासी, समनुदेशिनी या कोई अन्य विधिक अस्तित्व अभिप्रेत है;

(च) "तम्बाकू उत्पाद" से, सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिषेध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) अधिनियम, 2003 से संलग्न अनुसूची में विनिर्दिष्ट उत्पाद अभिप्रेत हैं;

(छ) "रजिस्ट्रीकरण" से, इस अधिनियम की धारा 5 के अधीन प्रदान किया गया रजिस्ट्रीकरण अभिप्रेत है; और

(ज) "रजिस्ट्रीकरण प्राधिकारी" से, ऐसा प्राधिकारी अभिप्रेत है जैसा राज्य सरकार अधिसूचना द्वारा पदाभिहित करे ।

(2) उन शब्दों और पदों के, जो इस अधिनियम में प्रयुक्त हैं किन्तु परिभाषित नहीं हैं, वही अर्थ होंगे जो सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिषेध और व्यापार तथा वाणिज्य उत्पादन, प्रदाय और वितरण का विनियमन) अधिनियम, 2003 में परिभाषित हैं ।

3. खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध.—कोई भी व्यक्ति हिमाचल प्रदेश राज्य के भीतर, खुली सिगरेटों या बीड़ियों का विक्रय, विक्रय के लिए प्रस्थापना या विक्रय अनुज्ञात नहीं करेगा ।

4. तम्बाकू उत्पादों के खुदरा कारबार पर निर्बन्धन.—कोई भी व्यक्ति इस अधिनियम की धारा 5 के अधीन रजिस्ट्रीकरण करवाए बिना किसी भी तम्बाकू उत्पाद का खुदरा कारबार नहीं करेगा।

5. तम्बाकू उत्पादों के खुदरा कारबार के प्रयोजन के लिए रजिस्ट्रीकरण.—(1) कोई भी व्यक्ति जो सिगरेटों या अन्य तम्बाकू उत्पादों का खुदरा कारबार कर रहा है या कारबार करना चाहता है तो वह रजिस्ट्रीकरण प्राधिकारी को, ऐसे प्ररूप और ऐसी रीति में तथा ऐसी फीस के संदाय पर, जैसी विहित की जाए, आवेदन करेगा।

(2) उपधारा (1) के अधीन आवेदन की प्राप्ति पर, रजिस्ट्रीकरण प्राधिकारी ऐसे आवेदन की प्राप्ति से छह मास की अवधि के भीतर ऐसे प्ररूप में, ऐसी विशिष्टियों और ऐसी सूचना से अन्तर्विष्ट, जैसी विहित की जाए, रजिस्ट्रीकरण प्रमाण—पत्र प्रदान करेगा। रजिस्ट्रीकरण प्रमाण—पत्र तीन वर्ष की अवधि के लिए जारी किया जाएगा और उसे ऐसी फीस के संदाय पर, ऐसी अवधि के लिए और ऐसी रीति में नवीकृत किया जा सकेगा, जैसी विहित की जाए।

(3) यदि रजिस्ट्रीकरण अधिकारी का, छानबीन करने पर समाधान हो जाता है कि उपधारा (1) के अधीन प्रस्तुत आवेदन सभी प्रकार से पूर्ण नहीं है तो वह सम्बद्ध व्यक्ति को सुनवाई का युक्तियुक्त अवसर देने के पश्चात् उसे नामंजूर कर सकेगा।

(4) रजिस्ट्रीकरण प्रमाण—पत्र, परिसर में सहजदृश्य स्थान पर ऐसी रीति में चिपकाया जाएगा ताकि यह सभी को दृश्यमान हो।

(5) रजिस्ट्रीकरण प्रमाण—पत्र अनंतरणीय होगा।

6. विधिमान्य रजिस्ट्रीकरण के बिना तम्बाकू उत्पादों के विक्रय के लिए दण्ड.—(1) कोई भी व्यक्ति जो धारा 4 और 5 के उपबन्धों का उल्लंघन करता है, इस अधिनियम के अधीन अपराध का दोषी होगा और दोषसिद्धि पर, कारावास से, जिसकी अवधि तीन मास तक की हो सकेगी या जुर्माने से, जो पचास हजार रुपए तक का हो सकेगा या दोनों से और द्वितीय या पश्चात्वर्ती उल्लंघन के लिए कारावास से, जो एक वर्ष तक का हो सकेगा या जुर्माने से जो, एक लाख रुपए तक का हो सकेगा, दण्डित किया जाएगा।

(2) उपधारा (1) के अधीन यथा उपबन्धित के सिवाय, कोई सामग्री या अन्य तम्बाकू उत्पाद, जिसकी बाबत इस अधिनियम के किसी उपबन्ध का उल्लंघन किया गया है या किया जा रहा है, अधिहरण (जब्ती) के लिए दायी होगा।

7. खुली सिगरेटों और बिड़ियों के विक्रय के लिए दण्ड.—(1) कोई भी व्यक्ति जो धारा 3 या धारा 5 की उपधारा (4) या (5) के उपबन्धों का उल्लंघन करता है, इस अधिनियम के अधीन अपराध का दोषी होगा और प्रथम अपराध के लिए दस हजार रुपए और द्वितीय तथा प्रत्येक पश्चात्वर्ती अपराध के लिए पन्द्रह हजार रुपए के जुर्माने से दण्डनीय होगा।

(2) इस धारा के अधीन समस्त अपराध शमनीय होंगे और दण्ड प्रक्रिया संहिता, 1973 में संक्षिप्त विचारण के लिए उपबन्धित प्रक्रिया के अनुसार संक्षिप्तया विचारे जाएंगे।

8. प्रवेश करने, तलाशी लेने और अभिग्रहण करने की शक्ति.—(1) कोई भी पुलिस अधिकारी जो सहायक उप—निरीक्षक की पंक्ति से नीचे का हो या राज्य सरकार का कोई प्राधिकृत अधिकारी, यदि उसके पास संदेह का कारण है कि इस अधिनियम के किसी उपबन्ध का उल्लंघन किया गया है या किया जा रहा है, किसी कारबार परिसर या किसी अन्य स्थान, जहां सिगरेटों और बिड़ियों या किसी अन्य तम्बाकू उत्पाद का खुदरा कारबार किया जा रहा है या जहां ऐसे उत्पादों का भण्डारण किया गया है, में किसी युक्तियुक्त समय पर, विहित रीति में, प्रवेश कर सकेगा और तलाशी ले सकेगा।

(2) यदि किसी पुलिस अधिकारी, जो सहायक उप—निरीक्षक की पंक्ति से नीचे का न हो या राज्य सरकार के प्राधिकृत अधिकारी के पास संदेह का कारण है कि इस अधिनियम के किसी उपबन्ध का उल्लंघन

किया गया है या किया जा रहा है, तो वह ऐसी सामग्री का, ऐसी रीति में, जैसी विहित की जाए, अभिग्रहण कर सकेगा।

(3) इस अधिनियम के अधीन की गई प्रत्येक तलाशी और अभिग्रहण को दण्ड प्रक्रिया संहिता, 1973 के उपबन्ध लागू होंगे।

9. अपराधों का संज्ञेय और जमानतीय होना.—इस अधिनियम के अन्तर्गत समस्त अपराध संज्ञेय और जमानतीय होंगे।

10. अपराधों का शमन.—(1) इस अधिनियम की धारा 3 के अधीन किए गए किसी अपराध का अभियोजन के संस्थित किए जाने से पूर्व या उसके पश्चात् राज्य सरकार द्वारा प्राधिकृत ऐसे अधिकारी द्वारा पाँच हजार रुपए की रकम के लिए शमन किया जा सकेगा।

(2) जहां किसी अपराध का उपधारा (1) के अधीन शमन किया गया है, वहां अपराधी यदि वह अभिरक्षा में है, तो उसे उन्मोचित कर दिया जाएगा और ऐसे अपराध के सम्बन्ध में उसके विरुद्ध कोई आगामी कार्यवाही नहीं की जाएगी।

11. सद्भावपूर्वक की गई कार्रवाई के लिए संरक्षण.—इस अधिनियम के अधीन सद्भावपूर्वक की गई या की जाने के लिए आशयित किसी बात के लिए कोई वाद, अभियोजन या अन्य विधिक कार्यवाही राज्य सरकार या राज्य सरकार के किसी अधिकारी के विरुद्ध नहीं की जाएगी।

12. नियम बनाने की शक्ति.—(1) राज्य सरकार इस अधिनियम के उपबन्धों को कार्यान्वित करने के लिए, राजपत्र में अधिसूचना द्वारा, नियम बना सकेगी।

(2) इस अधिनियम के अधीन बनाया गया प्रत्येक नियम इसके बनाए जाने के पश्चात् यथाशक्य शीघ्र, विधान सभा के समक्ष, जब वह कुल पन्द्रह दिन की अवधि के लिए सत्र में हो, जो एक सत्र में या दो या दो से अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी, रखा जाएगा, और यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान से पूर्व यदि विधान सभा नियम में कोई उपान्तरण करने में सहमत हो जाए या विधान सभा सहमत हो जाए कि नियम नहीं बनाया जाना चाहिए तो तत्पश्चात् नियम, यथास्थिति, केवल ऐसे उपान्तरित रूप में ही प्रभावी होगा या उसका कोई प्रभाव नहीं होगा, तथापि ऐसे किसी उपान्तरण या बातिलिकरण से उस नियम के अधीन पहले की गई किसी बात की विधिमान्यता पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH PROHIBITION OF SALE OF LOOSE CIGARETTES AND BEEDIES AND REGULATION OF RETAIL BUSINESS OF CIGARETTES AND OTHER TOBACCO PRODUCTS ACT, 2016

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Definitions.
3. Prohibition of sale of loose cigarettes and beedies.
4. Restriction on retail business of tobacco products.
5. Registration for the purpose of retail business of tobacco products.

6. Punishment for sale of tobacco products without a valid registration.
7. Punishment for sale of loose cigarettes and beedies.
8. Power of entry, search and seizure.
9. Offences to be cognizable and bailable.
10. Composition of offences.
11. Protection of action taken in good faith.
12. Power to make rules.

Act No. 17 of 2016

**THE HIMACHAL PRADESH PROHIBITION OF SALE OF LOOSE CIGARETTES
AND BEEDIES AND REGULATION OF RETAIL BUSINESS OF CIGARETTES
AND OTHER TOBACCO PRODUCTS ACT, 2016**

(AS ASSENTED TO BY THE GOVERNOR ON 5TH OCTOBER, 2016)

AN

ACT

to provide for prohibition of sale of loose cigarettes and beedies and regulation of retail business of cigarettes and other tobacco products operating in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business of Cigarettes and Other Tobacco Products Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) “cigarette” and “beedi ” includes,—

- (i) any roll of tobacco wrapped in paper or in any other substance not containing tobacco; or
- (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 by its packaging and labeling, is likely to be offered to, or purchased by consumers as cigarette or beedi;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “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, offer for sale or exposure for sale;

- (d) “premises” means any location or vessel where any form of retail business specified in this Act or storage or retail sale of any article of cigarettes and other tobacco products is done;
- (e) “person” means any natural person, partnership, co-operative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity;
- (f) “tobacco products” means the products specified in the Schedule appended to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act, 2003;
- (g) “registration” means the registration granted under section 5 of this Act; and
- (h) “Registering Authority” means such authority as the State Government may, by notification, designate.

(2) The words and expressions used in this Act, but not defined, shall have the meanings as defined in the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

3. Prohibition of sale of loose cigarettes and beedies.—No person shall sell, offer for sale, or permit sale of loose cigarettes or beedies within the State of Himachal Pradesh.

4. Restriction on retail business of tobacco products.—No person shall carry retail business of any tobacco products without being registered under section 5 of this Act.

5. Registration for the purpose of retail business of tobacco products.—(1) Any person who is carrying on or intends to carry on retail business of cigarettes and other tobacco products, shall make an application to the Registering Authority in such form and in such manner and on payment of such fee as may be prescribed.

(2) On receipt of application under sub-section (1), the Registering Authority shall, within a period of six months from the receipt of such application, grant Registration Certificate in such form, containing such particulars and such information as may be prescribed. The Registration Certificate shall be issued for a period of three years and may be renewed on payment of such fee and for such period and in such manner as may be prescribed.

(3) If on security the Registering Authority is satisfied that the application submitted under sub-section (1) is not complete in all respect, he may reject the same after affording the reasonable opportunity of being heard to the person concerned.

(4) The Registration Certificate shall be kept affixed in a conspicuous place in the premises in such manner as to be visible to everyone.

(5) The Registration Certificate shall be non-transferable.

6. Punishment for sale of tobacco products without a valid registration.—(1) Any person who contravenes the provisions of section 4 shall be guilty of an offence under this Act

and shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifty thousand rupees or with both, and for the second or subsequent contravention, with imprisonment which may extend to one year and with fine which may extend to one lac rupees.

(2) Save as provided under sub-section (1), any material or other tobacco products in respect of which any provision of this Act has been or is being contravened, shall be liable to confiscation.

7. Punishment for sale of loose cigarettes and beedies.—(1) Any person who contravenes the provisions of section 3 or sub-section (4) or (5) of section 5 shall be guilty of an offence under this Act and shall be punishable with fine of ten thousand rupees for the first offence and with fine of fifteen thousand rupees for the second and subsequent offence.

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

8. Power of entry, search and seizure.—(1) Any police officer, not below the rank of Assistant Sub-Inspector or any authorized officer of the State Government may, if he has 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 business premises or any other place where retail business of cigarettes or beedies or any other tobacco products is being carried or where such products are stored.

(2) If any police officer, not below the rank of Assistant Sub-Inspector or authorized officer of the State Government has reason to believe that any of the provisions of this Act has been, or is being, contravened, he may seize such material in the manner prescribed.

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

9. Offences to be cognizable and bailable.—All offences under this Act shall be cognizable and bailable.

10. Composition of offences.—(1) Any offence committed under section 3 of this Act may, either before or after the institution of the prosecution, be compounded by such officer authorized by the State Government for an amount of five thousand rupees.

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

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

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

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fifteen 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, and if the Assembly agrees in making any modification in the rule or if assembly agrees that the rule should not be made, the rule 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.

(Authoritative English text of this Department Notification No. Health-A-H(1)-1/2013-Vol-I dated 30-08-2018 as required under Clause (3) of Article 348 of the Constitution of India)

GOVERNMENT OF HIMACHAL PRADESH
HEALTH AND FAMILY WELFARE DEPARTMENT

MD	GMD			
ESTL	GEN. ADMIN.			
PP	CW	HR	FIN.	
HCOMM	16/9/18		CH.	
30 th August, 2018		AH		
COMM. CB	NCL. TEL.			
POP. STAB.	NCD	PL	LEP.	
VBD	IDSP	NP...	UP...	IDD

Health-A-H(1)-1/2013-Vol-I

Dated: Shimla

NOTIFICATION

MISSION DIRECTOR
NATIONAL HEALTH MISSION
★ RECD. ON 4972
DATE 16/9/18

In exercise of the powers conferred under Section 12 of the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Biddies and Regulation of Retail Business of Cigarettes and other Tobacco Products Act, 2016 (Act No. 17 of 2016), the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the provisions of Act ibid namely :-

1. **Short title and commencement.** (1) These rules may be called the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Biddies and Regulation of Retail Business of Cigarettes and other Tobacco Products Rules, 2018.
(2) These rules shall come into force from the date of enforcement of the Act.
2. **Definitions.** (1) In these rules, unless the context otherwise requires,
 - (a) "Act" means the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Biddies and Regulation of Retail Business of Cigarettes and other Tobacco Products Act, 2016 (Act No. 17 of 2016)
 - (b) "Form" means a form appended to these rules;
 - (c) "section" means the section of the Act; and
 (2) The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act.
3. **Procedure for registration:-**
 - (1) Any person who is carrying on or intends to carry on retail business of Cigarettes/Biddies and other Tobacco Products shall make an application for registration to the Registering Authority in Form-1 (Annexure-"A") on payment of the registration fee of Rs.500. (Rs. Five hundred).
 - (2) The Registering Authority, or any person authorized in this behalf, shall, acknowledge receipt of application for registration in Form-2(Annexure-"B").
 - (3) The Registering Authority shall grant registration certificate to the applicant within six months of the receipt of application in Form-3 (Annexure-"C") for a period of three years failing which it will deemed to have been issued.
4. **Renewal of Certificate of Registration:-** (1) Before the expiry of three years, the registration certificate may be renewed for further period of three years on payment of renewal fee of Rs.300 (Three hundred).
(2) If the applicant fails to apply for renewal before the expiry of three years, a late fee of Rs.200 (Two hundred) per month shall be charged in addition to the renewal fee.

NCD

(3) If the original registration certification is lost, a duplicate registration certificate shall be issued on payment of Rs.100 (One hundred).

5. **Procedure of entry, search and seizure:-** (1) The provisions of Code of Criminal Procedure, 1973 (2 of 1974) relating to entry, search and seizures shall, so far as may be, apply to every search or seizure made under the Act.

(2) The Challan will be presented in the Court of Sub-Divisional Magistrate/ CJM of the area concerned as the case may be.

By Order

**Additional Chief Secretary (Health) to the
Government of Himachal Pradesh**

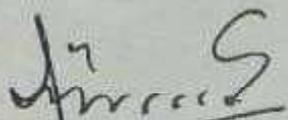
Endst.No.As above

Dated: Shimla-2

30th August, 2018

Copy forwarded for information and necessary action to:-

1. The Sr. Accountant General, H.P. Shimla-3
2. All the Administrative Secretaries, H.P.
3. The Registrar, H.P. High Court, Shimla-1.
4. The Secretary (GAD) to the Govt. of H.P. Shimla-2 w.r.t. item No. 11 of Cabinet Meeting held on 14/08/2018.
5. The Director, General of Police, Shimla-2, H.P.
6. The PS to Hon`ble Chief Minister/Hon`ble Health Minister, H.P. Shimla-2.
7. All Deputy Commissioners, H.P.
8. The Director of Health Services, H.P. Shimla-9.
9. The Mission Director, NHM, Shimla-9
10. The Director, Health Safety and Regulation, H.P. Shimla-2.
11. The Director, Medical Education & Research, Shimla-9
12. The Director of Dental Health Services, H.P. Shimla-9.
13. The Controller, Printing & Stationery, H.P. Govt. Press, Shimla-5 for publication in Rajpatra.
14. The Drug Controller, H.Q. Baddi, Distt. Solan, H.P.
15. All the CMOs/Medical Superintendents in Himachal Pradesh.
16. The Section Officer, Health-A & Health-B.
17. Guard file.


(Kailash Chand Gaur)

Joint Secretary (Health) to the
Government of Himachal Pradesh

Authoritative English text of this Department Notification No. Health-A-H(1)-1/2013-Vol-I-Loose dated 30-08-2018 as required under Clause (3) of Article 348 of the Constitution of India)

Government of Himachal Pradesh
Department of Health & Family Welfare

No. Health-A-H(1)-1/2013-Vol-I-L Dated: Shimla-2, the

30th August, 2018

NOTIFICATION

In exercise of the powers conferred by Clause (h) of Sub-Section (1) of Section 2 of the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business of Cigarettes and Other Tobacco Products Act, 2016, Act No. 17 of 2016, the Governor, Himachal Pradesh, is pleased to designate the Panchayat Secretary in Rural areas and the Secretary/Executive Officer/Commissioner of Urban Local Bodies in Urban areas as "Registering Authority" in respect of the area falling under their respective jurisdiction, to carry out the provision of aforesaid Act. This notification shall come into force from the date of commencement of the Act Ibid.

By Order

Addl. Chief Secretary (Health) to the
Government of Himachal Pradesh.

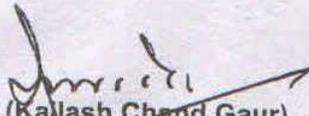
Endst.No.As above

Dated: Shimla-2

30th August, 2018

Copy forwarded for information and necessary action to:-

1. All the Administrative Secretaries, H.P.
2. All Distt. and Sessions Judge in H.P.
3. The PS to Hon'ble Chief Minister/Hon'ble Health Minister, H.P. Shimla-2.
4. The Director of Health Services, H.P. Shimla-9.
5. The Director of Dental Health Services, H.P. Shimla-9.
6. The Director, Health Safety and Regulation, H.P. Shimla-9.
7. The Director, Rural Development/Panchayati Raj, H.P. Shimla-5
8. The Director, Urban Development, H.P. Shimla-1
9. The Controller, Printing & Stationery, H.P. Shimla-5 for publication in the Rajpatra.
10. The Sr. Accountant General, H.P. Shimla-3
11. The Registrar, H.P. High Court, Shimla-1.
12. All the Head of the Department, H.P.
13. All the Deputy Commissioner, H.P.
14. All the Superintendent of Police in H.P.
15. The Drugs Controller, H.Q. Baddi, Distt. Solan, H.P.
16. All the CMOs/Medical Superintendents in H.P.
17. All the Block Development Officer in H.P.
18. The Section Officers, Health-A, B & D, H.P. Sectt. Shimla-2.
19. Guard file.


(Kalash Chand Gaur)

Joint Secretary (Health) to the
Government of Himachal Pradesh.

संख्या: स्वास्थ्य-ए-एच(1)-1/2013-वॉल्यूम-1-लूज तारीख: शिमला-171002 30 अगस्त, 2018

अधिसूचना

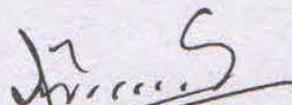
हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश में खुली सिगरेटों और बीड़ियों के विक्रय का प्रतिषेध और सिगरेटों तथा अन्य तम्बाकू उत्पादों के खुदरा कारबार का विनियमन अधिनियम, 2016 (2016 का अधिनियम संख्यांक 17) की धारा 2 की उपधारा (1) के खण्ड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पूर्वोक्त अधिनियम के उपबन्धों को कार्यान्वित करने हेतु, पंचायत सचिव को ग्रामीण क्षेत्रों में तथा सचिव/कार्यकारी अधिकारी/आयुक्त शहरी स्थानीय निकाय को शहरी क्षेत्रों में, उनकी अपनी-अपनी अधिकारिता के भीतर आने वाले क्षेत्र की बाबत, "रजिस्ट्रीकरण प्राधिकारी" पदाभिहित करते हैं। यह अधिसूचना पूर्वोक्त अधिनियम प्रारम्भ की तारीक से प्रवृत्त होगी।

आदेश द्वारा

अतिरिक्त मुख्य सचिव (स्वास्थ्य)
हिमाचल प्रदेश सरकार।

पृष्ठांकन संख्या: यथोपरि तारीख: शिमला-2, 30 अगस्त, 2018
प्रतिलिपि सूचना और आवश्यक कार्यवाई हेतु निम्नलिखित को प्रेषित हैं-

1. समस्त प्रशासनिक सचिव, हिमाचल प्रदेश, शिमला-2
2. सम्मत जिला और सत्र न्यायाधीश, हिमाचल प्रदेश।
3. निजी सचिव माननीय मुख्य मंत्री/स्वास्थ्य मंत्री, हिमाचल प्रदेश, शिमला-2
4. निदेशक, स्वास्थ्य विभाग सेवाएं, शिमला-9
5. निदेशक, दंत स्वास्थ्य विभाग सेवाएं, शिमला-9
6. निदेशक, स्वास्थ्य सुरक्षा एवं विनियम, शिमला-2
7. निदेशक, ग्रामीण विकास/पंचायती राज, हिमाचल प्रदेश, शिमला-9
8. निदेशक, शहरी विकास, हिमाचल प्रदेश, शिमला-1
9. नियन्त्रक, मुद्रण एवं लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 को राजपत्र में प्रकाशन हेतु।
10. वरिष्ठ महा-लेखाकार, हिमाचल प्रदेश, शिमला-3
11. रजिस्ट्रार, हिमाचल प्रदेश उच्च न्यायालय, शिमला-1
12. समस्त विभागाध्यक्ष, हिमाचल प्रदेश।
13. समस्त उपायुक्त, हिमाचल प्रदेश।
14. समस्त पुलिस अधीक्षक, हिमाचल प्रदेश।
15. औषधी नियन्त्रक, मुख्यालय बददी, जिला सोलम, हिमाचल प्रदेश।
16. समस्त मुख्य चिकित्सा अधिकारी / चिकित्सक अधीक्षक, हिमाचल प्रदेश।
17. समस्त खण्ड विकास अधिकारी, हिमाचल प्रदेश।
18. अनुभाग अधिकारी, स्वास्थ्य-ए, स्वास्थ्य-बी और स्वास्थ्य-डी।
19. गार्ड फाइल।



(कै.एस. चन्द्र गौड़)
संयुक्त सचिव (स्वास्थ्य)
हिमाचल प्रदेश सरकार।

Government of Himachal Pradesh
Health & Family Welfare Department
No. HFW-C-F004/1/2024-Health-C Dated :- Shimla-2, the *10/12/2025*

NOTIFICATION.

In exercise of the powers conferred under sub-section (1) & (2) of the Section 8 of the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business of Cigarettes and other Tobacco Products Act, 2016 (Act No. 3 of 2016), the Governor of Himachal Pradesh is pleased to designate the following officers as Authorized Officers for the purpose of implementing the provisions of this Act within their respective jurisdictions:-

1.	Department	Designate Officers
2.	Health and Family Welfare	Block Medical Officer, Senior Medical Officer, Corporation Health Officer, Assistant Commissioner (F&S), Food Safety Officer, Drug Inspector and all the officers above these ranks.
3.	State Tax & Excise	Assistant Commissioner, Excise and Taxation Officer, Excise and Taxation Inspector and all the officers above these ranks.
4.	Home Department.	All Police Officers not below the rank of Assistant Sub-Inspector of Police
5.	Rural Development & Panchayati Raj Department.	Block Development Officer, Panchayat Inspector, Panchayat Secretary and all officers above these ranks.
6.	Urban Development Department.	Additional Commissioner (Municipal Corporation) Sanitary Inspector, Executive Officer (Municipal Council) Secretary (Nagar Panchayat) and all officers above these rank.

By order

Secretary(Health) to the
Government of Himachal Pradesh.
10/12/25 Dated:- Shimla-2, the

Endst. No. As above

Copy for the information and necessary action to: -

1. All the Administrative Secretaries, Government of H.P. Shimla-02
2. The Accountant General, Himachal Pradesh, Shimla-03
3. The Registrar, Hon'ble High Court of Himachal Pradesh Shimla-02.
4. All the Heads of the Departments in Himachal Pradesh.
5. All the Deputy Commissioners in Himachal Pradesh.

6. All the SPs in the Himachal Pradesh.
7. All the CMOs in Himachal Pradesh.



(Geeta Sharma)

Joint Secretary (Health) to the
Govt. of Himachal Pradesh.

Government of Himachal Pradesh
Health & Family Welfare Department
No. HFW-C-F004/1/2024-Health-C Dated :- Shimla-2, the 10/12/2025

NOTIFICATION.

In exercise of the powers conferred under sub-section (1) of the Section 10 of the Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business of Cigarettes and other Tobacco Products Act, 2016 (Act No. 3 of 2016), the Governor of Himachal Pradesh is pleased to confer the power to compound offences committed under Section 3 of the this Act, either before or after the initiation of prosecution for a fine amount of Rs. 5,000/- (Rupees Five Thousand only) upon the following officers of different government departments for the purpose of implementing the provisions of the Act within their respective jurisdictions:-

1.	Department	Designate Officers
2.	Health and Family Welfare	Block Medical Officer, Senior Medical Officer, Corporation Health Officer, Assistant Commissioner (F&S), Food Safety Officer, Drug Inspector and all the officers above these ranks.
3.	State Tax & Excise	Assistant Commissioner, Excise and Taxation Officer, Excise and Taxation Inspector and all the officers above these ranks.
4.	Home Department.	All Police Officers not below the rank of Assistant Sub-Inspector of Police
5.	Rural Development & Panchayati Raj Department.	Block Development Officer, Panchayat Inspector, Panchayat Secretary and all officers above these ranks.
6.	Urban Development Department.	Additional Commissioner (Municipal Corporation) Sanitary Inspector, Executive Officer (Municipal Council) Secretary (Nagar Panchayat) and all officers above these rank.

By order

Secretary(Health) to the
Government of Himachal Pradesh.

10/12/25 Dated:- Shimla-2, the

Endst. No. As above

Copy for the information and necessary action to: -

1. All the Administrative Secretaries, Government of H.P. Shimla-02
2. The Accountant General of H.P.
3. The Registrar, Hon'ble High Court of Himachal Pradesh Shimla-2.

4. All the Heads of the Departments in H.P.
5. All the Deputy Commissioners in H.P.
6. All the SPs in the Himachal Pradesh.
7. All the CMOs in Himachal Pradesh.



(Geeta Sharma)

Joint Secretary (Health) to the
Govt. of Himachal Pradesh.

**Government of Himachal Pradesh
Department of Health & Family Welfare**

No. HFW-A-F(10)2/2022-Loose

Dated: 31-01-2023

4/2/23	
MD NHM	Dy.
Estt. Sec.	O/
FMG	IEC
DSP	HMIS
MTA	NOI
MH	CP
CH	EMRT
NCD	UIP
12/2006	STO
PIO	RKSK
	NEP
	NHM

NOTIFICATION

NCD

In supersession of this Department's notification No. Health-A-H(10)2/2009 dated 25-02-2009 and in exercise of the powers conferred in Section 5 of the Cigarette and other Tobacco Products (Prohibition of Advertisement, Regulation of Trade & Commerce, Production, Supply and Distribution, Act, 2003, the Governor of Himachal Pradesh is pleased to re-constitute the State Level Coordination and Monitoring Committee (SLCC) for Tobacco Control in HP comprising of the following members :

- | | |
|--|--------------------|
| 1. Additional Chief Secretary/Pr.Secretary/Secretary(H&FW) | - Chairman |
| 2. Director General of Police HP or his representative | - Member |
| 3. Mission Director, National Health Mission, HP | - Member |
| 4. Director, Health Services, HP | - Member |
| 5. Director, Health Safety & Regulations, HP | - Member |
| 6. Director, AYUSH, HP | - Member |
| 7. Director, Food & Civil supplies, HP | - Member |
| 8. Director, Higher Education, HP | - Member |
| 9. Director, Elementary Education, HP | - Member |
| 10. Director, Panchayati Raj & Rural Development, HP | - Member |
| 11. HOD Psychiatry IGMC, Shimla, HP | - Member |
| 12. HOD PSM Dr RPGMC, Tanda, HP | - Member |
| 13. Prof. & Head Department of Sociology HPU, Shimla | - Member |
| 14. Representative of HPVHA | - Member |
| 15. Representative of MAMTA NGO in HP | - Member |
| 16. SNO/ SPO NTCP NHM ,HP | - Member Secretary |

The Committee shall ensure the effective implementation of the tobacco Policies and related Laws in the State of Himachal Pradesh through regular monitoring and coordination with all key stakeholders.

By order

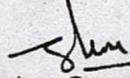
Secretary (Health) to the
Government of Himachal Pradesh

Endst. No. HFW-A-F(10)2/2022-Loose

31-01-2023 Dated: Shimla

Copy to

1. Director, Tobacco Control Government of India, MOHFW, New Delhi-11.
2. All Administrative Secretaries in HP.
3. All Head of Departments in HP.
4. All the members of the SLCC in HP.
5. Registrar HP High Court , Shimla, HP.
6. All the Deputy Commissioners in HP.
7. All Superintendents of Police in HP.
8. All the CMOs/BMOs in HP.
9. Joint Director, Prosecution in HP.



Under Secretary(Health) to the
Government of Himachal Pradesh

Department of Health and Family Welfare
Government of Himachal Pradesh



Notification

1. Whereas, in excess of 13 lakh people die every year due to tobacco use in India. According to the Global Adult Tobacco Survey-II conducted in 2016-17 by Government of India and World Health Organization (WHO), prevalence of tobacco use among adults in Himachal Pradesh is 16.1% whereas smokers are 14.2% and smokeless tobacco users are 3.1 %.
2. Whereas, in 2004 India has ratified World Health Organizations' Framework Convention on Tobacco Control (FCTC) and therefore obligated to uphold the provisions of the FCTC. Preamble of the FCTC recognized the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts. Article 5.3 of FCTC states that "in setting and implementing their public health policies with respect to tobacco control Parties (Countries/States) shall act to protect these [Tobacco Control] policies from commercial and other vested interests of the tobacco industry in accordance with national law."
3. Whereas, Section 2 of the Cigarettes and Other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) states that "it is expedient in the public interest that the Union should take tobacco industry under its control"
4. Therefore, in the interest of public health, to avoid any kind of interference by Tobacco Industry (registered / local manufacturer/ Seller/ any person or organization intended to act as representative of the same) in the implementation of provisions of Cigarette and Other Tobacco Product Act 2003 (COTPA) and any initiative taken or in consideration to reduce human consumption of any form of tobacco or any products intended to promote its use , the State Level Coordination Committee for Tobacco Control (SLCC) shall deal with such matters in the State of Himachal Pradesh in large public health interest .
5. The SLCC will ensure proper compliance of the code of conduct developed by Ministry of Health and Family Welfare ,Government of India in this regard and procedure to deal and engage with the tobacco industry or its representatives. The committee will decide upon the date for meeting with the tobacco industry representative(s), if required in consultation with its members. The representation and proceedings of the meeting will be uploaded on official website of Department of Health and Family Welfare, Government of Himachal Pradesh for information of all stakeholders and the public.
6. All the Officers /Officials of various Departments/ Boards /Corporations etc. in the State are hereby directed to stop any type of engagement with any person

related to Tobacco Industry with immediate effect. Any report /incidence of Tobacco Industry interference throughout the State , shall be brought to the notice of the Chairman of the SLCC through the concerned Deputy Commissioner cum Chairman District Level Coordination Committee (DLCC) for tobacco control with immediate effect



By Order

U. Indhade

Secretary(Health) cum Chairperson
State Level Coordination Committee
Tobacco Control ,Himachal Pradesh

Endst No as above

Dated Shimla

Copy to

1. Director Tobacco Control Govt .of India MOHFW New Delhi
2. All administrative Secretaries in HP
3. All Head of Departments in HP
4. All the members of the SLCC in HP
5. Registrar HP High Court Shimla
6. All the Deputy Commissioners in HP
7. All Superintendents of Police in HP
8. All the CMOs/BMOs in HP
9. Joint Director Prosecution in HP
10. Controller Printing & Stationary, HP Shimla-5 for publication in Rajpatra

[Signature]
Mission Director
National Health Mission
Himachal Pradesh

30/09/2025

No. L&O/2025- 724-38
O/o the Director General of Police
Police Headquarters, Himachal Pradesh

To:

All District Superintendents of Police
Himachal Pradesh.

Dated: Shimla-02, the 24th October, 2025

**Subject: Enforcement of Tobacco Control Laws in Himachal Pradesh by police officials –
Regarding**

Sir,

In continuation of the *Tobacco Free Youth Campaign 3.0* launched by the Ministry of Health and Family Welfare, Government of India, on 9th October 2025, and in keeping with the State Government's vision of achieving a **Tobacco-Free Himachal Pradesh**, all Police Officials are hereby directed to ensure strict enforcement of the provisions contained in the following legislations::

- i. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003), as amended up to 2023.
- ii. The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage, and Advertisement) Act, 2019 (PECA 2019).
- iii. The Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business of Cigarettes and Other Tobacco Products Act, 2016.
- iv. Juvenile Justice (Care and Protection of Children) Act, 2015 (JJA 2015)

I. Enforcement under COTPA 2003 (as amended up to 2023)

Provision	Description	Authorized Rank
Section 4	Prohibition of smoking in public places	Head Constable and above
Section 5	Prohibition on advertisement, promotion and sponsorship	Sub-Inspector and above
Section 6	Prohibition on sale to minors and within 100 yards of educational institutions	Head Constable and above
Section 7	Prohibition on sale/production without specified health warnings	Sub-Inspector and above

All Police Officers shall take enforcement action including spot challans, seizure, compounding, or prosecution as per provisions of COTPA Rules 2008.

II. Enforcement under the Prohibition of Electronic Cigarettes Act (PECA) 2019

Provision	Description	Authorized Rank
Sections 4-6	Ban on production, transport, sale, advertisement, and storage of electronic cigarettes	Police Officer not below the rank of Sub-Inspector

All enforcement actions such as entry, search, seizure, and disposal shall be conducted under the Code of Criminal Procedure, 1973. The offence is cognizable, ~~non~~ bailable, and punishable up to 1 year for the first offence and up to 3 years for repeat offences.

III. Enforcement under The Himachal Pradesh Prohibition of Sale of Loose Cigarettes and Beedies and Regulation of Retail Business Act, 2016

Provision	Description	Authorized Rank
Section 3	Ban on sale of loose cigarettes and beedies	Assistant Sub-Inspector and above
Section 5	Registration and licensing of retail tobacco vendors	Assistant Sub-Inspector and above

Police Officers are empowered to enter, search, and seize premises or stock suspected of violating the Act, in accordance with the Code of Criminal Procedure, 1973.

IV. Enforcement under Juvenile Justice (Care and Protection of Children) Act, 2015 (JJA 2015) As per Sections 77 and 78 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the following provisions and enforcement powers are applicable:

Provision	Description	Authorized Rank
Section 77	Prohibits giving, selling, or offering any intoxicating substance (including tobacco and tobacco products) to a child. Punishable with imprisonment up to 7 years and fine up to ₹1 lakh.	Police Officer not below the rank of Sub-Inspector
Section 78	Prohibits using a child for vending, carrying, supplying, or handling intoxicating substances including tobacco products. Punishable with imprisonment up to 7 years and fine up to ₹1 lakh.	Police Officer not below the rank of Sub-Inspector

All enforcement actions such as entry, inspection, search, seizure, and filing of charges shall be undertaken in accordance with the Code of Criminal Procedure, 1973. The offences are cognizable and non-bailable in nature.

V. Focused Enforcement Areas

All Police Units in the districts shall pay special attention to the enforcement of tobacco control laws. Priority shall be given to preventing smoking in public places, particularly at dhaba, tea stalls, canteens, offices, restaurants, beer bars, hotels, and public transport facilities such as bus stands and stations. Strict action shall be taken against the sale of tobacco products near educational institutions, including tuition centre, and against the loose sale of cigarettes and beedies. Enforcement shall also cover the sale or use of e-cigarettes, hookah or sheesha services in restaurants, hotels, or bars, the sale of tobacco

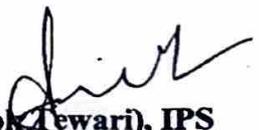
products without specified health warnings on the packs, and violations related to display or advertisement of tobacco products at points of sale. Police officers shall further conduct joint enforcement drives as part of Flying Squads in coordination with the Food and Drug Administration, District Administration, Excise and Taxation Department, and Health Department.

VI. Reporting and Coordination

Each Superintendent of Police shall appoint a Nodal Officer in their office to coordinate and compile data related to enforcement activities. All Police Stations shall maintain a daily record of actions taken, including violations, challans, fines, seizures, and prosecutions under all relevant Acts. A consolidated District Action Taken Report (ATR) shall be compiled and submitted by **4:00 PM every day** to the office of the Chief Medical Officer (Tobacco Control Division) in the prescribed Annexure-I format. The Chief Medical Officer's office will upload this information to the Tobacco-Free Youth Campaign (TFYC) 3.0 portal daily. Police Station Officers shall ensure that reports include complete data from all Chowkis and Police Posts within their respective jurisdictions.

VII. Compliance and Monitoring:-

All Superintendents of Police shall ensure effective implementation of this order through proper dissemination to all Police Stations and Chowkis. The designated Nodal Officer shall review enforcement data daily to monitor progress and address gaps. Regular assessment of violations under the COTPA, PECA, and JJA Acts shall be included in the Monthly Crime Review meetings.


(Ashok Tewari), IPS
Director General of Police
Himachal Pradesh

Endst No.L&O/2025 -
Copy to: -

Dated:-

1. The Secretary (Home) to the Government of Himachal Pradesh- for information please
2. The Secretary (Health) to the Government of Himachal Pradesh- for information please
3. The Chief Medical Officer, all districts in Himachal Pradesh- for information and coordination please
4. Guard file


Director General of Police
Himachal Pradesh

GOVERNMENT OF HIMACHAL PRADESH
DIRECTORATE OF HEALTH SAFETY & REGULATION
SHIMLA-2, HIMACHAL PRADESH Tel. No. 0177 2621383

NOTIFICATION

No.HSR-H(FSSA)Notification-989-2020- 4885-86

Dated, 28 OCT 2020 Shimla-2

WHEREAS, the Central Government has, in exercise of the powers conferred by Section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), made the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011;

AND WHEREAS, Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, specifically prohibits the use of tobacco and nicotine as ingredients in any food products, stating that "Product not to contain any substance which may be injurious to health: Tobacco and nicotine shall not be used as ingredients in any food products";

AND WHEREAS, any article of food which contains tobacco and nicotine as ingredients contravenes the provisions of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, as well as the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011;

AND WHEREAS, the manufacture, storage, distribution, and sale of food products containing tobacco and nicotine as ingredients poses a serious threat to public health and contravenes the statutory provisions laid down under the Food Safety and Standards Act, 2006 and the regulations made thereunder;

AND WHEREAS, it is imperative in the interest of public health and safety to prohibit forthwith the manufacture, storage, distribution, and sale of any food products containing tobacco and nicotine as ingredients within the territorial jurisdiction of Himachal Pradesh;

NOW THEREFORE, in exercise of the powers conferred by clause (a) of sub-section (2) of Section 30 of the Food Safety and Standards Act, 2006 (34 of 2006), read with Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, I, the Food Safety Commissioner-cum-Secretary (Health) to the Government of Himachal Pradesh, do hereby prohibit the manufacture, storage, distribution, and sale of any food products containing tobacco and nicotine as ingredients throughout the

State of Himachal Pradesh for a period of one year from the date of publication of this notification in the Rajpatra. Any person who contravenes the provisions of this notification shall be liable to prosecution and punishment as provided under the Food Safety and Standards Act, 2006, and the rules and regulations made thereunder. All the Assistant Commissioner (Food safety), Food Safety Officers and other enforcement authorities under the Food Safety and Standards Act, 2006, within the territorial jurisdiction of Himachal Pradesh are hereby directed to ensure strict compliance with this notification.



M. Rudhadev

Commissioner (Food Safety)-cum
Secretary (Health) to the
Government of Himachal Pradesh

Dated Shimla-2, the:

Endst. No: As above. ~~4885-86~~

Copy for information and necessary action to:

1. The P.S. to Hon'ble Health Minister, H.P. Shimla-2.
2. All the Administrative Secretaries to the Govt. of H.P.
3. All the Head of Departments in H.P.
4. All Distt. & Session Judge in H.P.
5. All the Adjudicating Officers (FSSA) in H.P.
6. The Director Health Safety & Regulations-cum- Joint Commissioner Food Safety, Himachal Pradesh, Shimla-9.
7. The Director Health Services, Himachal Pradesh, Shimla-9.
8. The Registrar, H.P. High Court, Shimla-1.
9. All the Deputy Commissioners in H.P.
10. All the Chief Medical Officers in H.P.
11. The Controller, printing & stationary, Himachal Pradesh, Shimla-5.
12. All the Assistant Commissioners (Food Safety) & Food Safety Officers in H.P.
13. The Programmer, O/o DHSR, Shimla-2 with the directions to upload the same in the official website of Department.
12. Guard File.

M. Rudhadev

Commissioner (Food Safety)-cum
Secretary (Health) to the
Government of Himachal Pradesh

Dated Shimla-2, the:

NOTIFICATION

In order to ensure effective implementation of the COTPA (The Cigarette and other Tobacco Products Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act) 2003 and PECA (Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement Act) 2019, the following State Level Flying Squad is hereby notified for entry, raid, search seizure and to take action in respect of violation of the aforesaid Acts in the State of H.P. :

1. The State Program/Nodal Officer Tobacco control -In charge
2. OSD, COTPA, O/O DHR Shimla -2
3. The Police Officer of the rank of Sub Inspector or above (to be nominated from Police State Headquarter)
4. The Officers of the Excise and Taxation Department of the rank of Inspector or above (to be nominated from State Headquarter).
5. The Food Safety Officer, M.C, Shimla is hereby nominated for the State level Flying Squad.
6. The Drug Inspector, Distt. Shimla (Urban) is hereby nominated for the State level Flying Squad.

The operational area of the State Level Flying squad will be the entire State of HP. The squad will conduct frequent visits in each District and ensure effective implementation of COTPA 2003 and PECA 2019. Minimum 3/6 members including the In Charge and Officer of the Police Department shall be part of the squad.

Directorate of Health Safety & Regulation
Shimla-2
30 OCT 2025

No. as above -4945-46

Copy forwarded to:-

1. The Registrar HP High Court Shimla.
2. The Director, Tobacco Control Programme, Govt of India, Ministry of Health and FW, NirmanBhawan, New Delhi.
3. All Administrative Secretaries in H.P
4. All Head of Departments in H.P
5. The Director of Health Services/Medical Education/Dental Health Services H.P
6. The Joint Director, Prosecution, HP Shimla.
7. All Deputy Commissioner in HP with the request to circulate the notification to all SDMs Tehsildars, NiabTehsildars in H.P
8. All Superintendents of Police in H.P
9. All CMOs/ BMOs in Health Department HP.
10. The Controller, Printing & Stationery, HP Shimla-5 for publication in Rajpatra.
11. Director Public Relations HP for publication in leading newspapers.
12. The Asstt. Commissioner, (Food Safety), HQ, DHR, Shimla for compliance.
13. The ADC, Nahan, DisttSirmourfor compliance.

M. Khadke
Secretary (Health) to the Government of
Himachal Pradesh Shimla-2

M. Khadke
Secretary (Health) to the Government of
Himachal Pradesh Shimla-2

No. HSR-H(COTPA)7/2009-Vol-III -4943-44

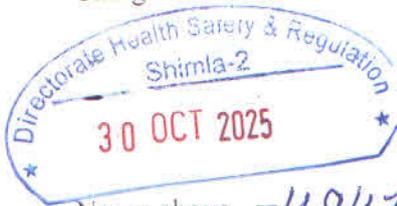


NOTIFICATION

In order to ensure effective implementation of the COTPA (The Cigarette and other Tobacco Products Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act) 2003 and PECA (Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement Act) 2019, the following District Level Flying Squad is hereby notified for entry, raid, search seizure and to take action in respect of violation of the aforesaid Acts in each District of the State of H.P:

1. The District Program /Nodal Officer Tobacco control -In charge
2. The Police Officer of the rank of Sub Inspector or above (to be nominated by SP of the concerned District)
3. The Officers of the Excise and Taxation Department of the rank of Inspector or above from District Headquarter.
4. The officer of the Food Safety Administration of the rank of FSO or above from District Headquarter
5. The Officer of the Drug Administration of the rank of drug Inspector or above from District Headquarter.

The operational area of the District Level flying squad will be the entire District. The squad will conduct frequent visits in each Block and ensure effective implementation of COTPA 2003 and PECA 2019. Minimum 3/5 members including the In Charge and Officer of the Police Department shall be part of the squad.



M. Indhade

Secretary (Health) to the Government of
Himachal Pradesh Shimla-2

No. as above -4943-44
Copy forwarded to:-

1. The Registrar HP High Court Shimla.
2. The Director, Tobacco Control Programme, Govt of India, Ministry of Health and FW, NirmanBhawan, New Delhi.
3. All Administrative Secretaries in H.P
4. All Head of Departments in H.P
5. The Director of Health Services/Medical Education/Dental Health Services H.P
6. The Joint Director, Prosecution, HP Shimla.
7. All Deputy Commissioner in HP with the request to circulate the notification to all SDMs Tehsildars, NiabTehsildars in H.P
8. All Superintendents of Police in H.P
9. All CMOs/ BMOs in Health Department HP.
10. The Controller, Printing & Stationery. HP Shimla-5 for publication in Rajpatra.
11. Director Public Relations HP for publication in leading newspapers.

M. Indhade

Secretary (Health) to the Government of
Himachal Pradesh Shimla-2

No. HSR-H(COTPA)7/2009-Vol-III -4941-42

Dated:

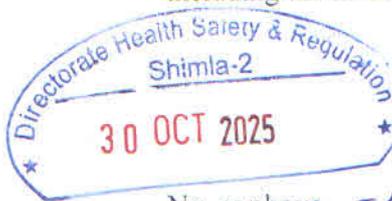


NOTIFICATION

In order to ensure effective implementation of the COTPA (The Cigarette and other Tobacco Products Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act) 2003 and PECA (Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement Act) 2019, the following Block Level Flying Squad is hereby notified for entry, raid, search seizure and to take action in respect of violation of the aforesaid Acts in the respective Health Blocks in the State of H.P:

1. The BMO or any Senior Medical officer nominated by BMO -In charge
2. Tehsildar concerned or his representative
3. The Police Officer of the rank of Sub Inspector or above (to be nominated from the nearest police station)
4. The Officers of the Excise and Taxation Department of the rank of Inspector or above (from nearest office).
5. The officer of the Food Safety Administration of the rank of FSO or above (from nearest office)

The operational area of the Block Level flying squad will be the entire Health Block. The squad will conduct frequent visits in the respective Health Block and ensure effective implementation of COTPA 2003 and PECA 2019. At least 3/5 members including the In Charge and Officer of the Police Department shall be part of the squad.



No. as above -4941-42

Copy forwarded to:-

1. The Registrar HP High Court Shimla.
2. The Director, Tobacco Control Programme, Govt of India, Ministry of Health and FW, NirmanBhawan, New Delhi.
3. All Administrative Secretaries in H.P
4. All Head of Departments in H.P
5. The Director of Health Services/Medical Education/Dental Health Services H.P
6. The Joint Director, Prosecution. HP Shimla.
7. All Deputy Commissioner in HP with the request to circulate the notification to all SDMs Tehsildars, Niab Tehsildars in H.P
8. All Superintendents of Police in H.P
9. All CMOs/ BMOs in Health Department HP.
10. The Controller, Printing & Stationery. HP Shimla-5 for publication in Rajpatra.
11. Director Public Relations HP for publication in leading newspapers.

M. Rudhaden
Secretary (Health) to the Government of
Himachal Pradesh Shimla-2

M. Rudhaden
Secretary (Health) to the Government of
Himachal Pradesh Shimla-2



ज़िन्दगी चुनो,
तम्बाकू नहीं.