

KARNATAKA GOVERNMENT

NO: UDD 164 GEL 2013

KARNATAKA GOVERNMENT SECRETARIAT
VIKASA SOUDHA
BENGALURU, DATE: 19/05/2022.

NOTIFICATION – I

The draft of the Karnataka Municipal Corporations (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Rules, 2020 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 421, 423, 427 read with section 353 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) was published as required by sub-section of section 421, 423, 427 read with section 353 of the said Act in Notification No. UDD 164 GEL 2013, Dated 08.12.2020 in PART-IV A No.156 of Karnataka Gazette (Extraordinary) dated 15 March 2021 inviting objections and suggestions from all the persons likely to be affected within 30 days from the date of publication of the said notification in the official Gazette.

And whereas, the said Gazette was made available to the public on 15 March 2021.

And whereas, the Objections/Suggestions received have been considered by the State Government.

Now therefore, in exercise of the powers conferred under section 353 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) the Government of Karnataka hereby makes the following rules,

RULES

1. Title, commencement and application.- (1) these rules may be called the Karnataka Municipal Corporations (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Rules, 2020.

(2) They shall come into force after three months from the date of their final publication in the official Gazette.

(3) The provisions of these rules shall apply to all the Municipal Corporations including Bruhat Bengaluru Mahanagara Palike.

2. Definitions.- (1) In these rules unless the context otherwise requires,-

- (i) "Act" means Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);
- (ii) "Authorised Officer" means any officer who is designated by the Commissioner to implement the provisions of these rules;
- (iii) "Bad Incident" means any incident occurs in the premises of licensed area, which effects, physical, mental health of human being like fire hazards damage to the properties by quarrels;
- (iv) "Form" means a form appended to these rules;
- (v) "License" means the license granted under rule 5; and
- (vi) "Licensee" means the person who has obtained license under these rules.

(2) Words and expressions used but not defined shall have the same meaning as assigned to them in the Act and Rules made there under.

3. License required for sale of cigarettes and other tobacco products.-No person shall use the place within the jurisdiction of the concerned Municipal Corporation, for the purpose of sale of cigarettes and other tobacco products without obtaining a license from the Commissioner.

4. Application for license.-Application for license shall be made in Form-I, with a fee of rupees five hundred to the Commissioner for a term of one year.

5. Grant of license.-(1)The Commissioner after calling for such further particulars as he may consider necessary, may grant the license in Form-II, mentioning clearly, the purpose for which the license is issued and the conditions to be followed thereon.

(2) Prior to the refusal of license, the Commissioner shall hear the applicant and if satisfied with the reasons

provided by the applicant, grant or reject license, giving reasons in writing.

6. Renewal of license.-The license granted under rule 5 shall be renewed after five years. The application for renewal of license shall be made to the Commissioner along with a fee of rupees five hundred, one month prior to the expiry of the period of license.

7. Display of license.-The license shall be displayed in a conspicuous place in the licensed premises.

8. Reporting of incidents. - The licensee shall give a written report or inform telephonically or by e-mail, immediately, to the Commissioner or any officer designated in this behalf, of any bad incident that occurs in the licensed premises and shall take immediate precautionary measures to protect the said area. No one shall be permitted to enter in the said licensed premises unless and until permitted by the Commissioner.

9. Sign and Warning board. - The licensee shall put up a sign board and statutory warning in Kannada, Hindi, English, and in any other local language of the concerned area, at the main entrance of the premises, showing the purpose for which the premises is used as specified in the Cigarettes and other Tobacco products (Prohibition, Advertisement and Regulation of trade and commerce products, supply and distribution) Act, 2003 (Central Act 34 of 2003) and rules made there under.

10. Conditions for sale of cigarettes and other tobacco products. -The conditions specified in the Cigarettes and other tobacco products (Prohibition, Advertisement and Regulation of trade and commerce products, supply and distribution) Act, 2003 (Central Act 34 of 2003) and rules made there under, shall be strictly followed.

11. Suggestion Book.-A suggestion book shall be kept in every licensed premises in which the purchasers may write their complaints and such book shall be kept open to inspect, by any inspecting authorities.

12. Appeal.-(1) In case of Municipal Corporations other than Bruhat Bengaluru Mahanagara Palike any person aggrieved by an order of the Commissioner regarding grant of license or renewal of license may appeal to the concerned Deputy Commissioner of the District within fifteen days from the date of receipt of such order.

(2) Appeal against the decision taken by the Deputy Commissioner shall be with the Mayor of the Municipal Corporation and it shall be final.

(3) In case of the Bruhat Bengaluru Mahanagara Palike any person aggrieved by an order of the concerned Authority of the Bruhat Bengaluru Mahanagara Palike regarding grant of license or renewal of license may appeal to the Commissioner of the Bruhat

Bengaluru Mahanagara Palike within fifteen days from the date of receipt of such order.

(4) Appeal against the decision taken by the Commissioner of the Bruhat Bengaluru Mahanagara Palike shall be with the Mayor of the Bruhat Bengaluru Mahanagara Palike and it shall be final

13. Penalty.-Any person who commits a breach of any provision of these rules shall be punishable,-

(i) In case of municipal corporations other than Bruhat Bengaluru Mahanagara Palike with fine which may extend to four thousand rupees and in case of continuing breach with fine which may extend to one hundred rupees every day during which the breach continues after conviction from the first breach.

(ii) In case of the Bruhat Bengaluru Mahanagara Palike with fine which may extend to five thousand rupees and in case of continuing breach with fine which may extend to one hundred rupees every day during which the breach continues after conviction from the first breach.

By Order in the name of the
Governor of Karnataka

(SATISH KABADI)

Under secretary to Government,
Urban Development Department
(MA-2 and Boards)

FORM - I

(See rule4)

Application for grant or renewal of license

1. Name and address of the applicant:
2. Father's name:
3. Age:
4. Purpose for which license is required:
5. Address of the premises for which license is required:
6. Period for which license is required:
7. Details of the fee paid:
8. Other particulars,-
 - (i) total dimension of the business premises:
 - (ii) capacity of seating: and
 - (iii) total dimension of area intended to build a designated smoking area:

I declare that, the particulars furnished above are true to the best of my knowledge, information and belief and request the grant of license.

I declare that, I am well aware of the provisions of the Karnataka Municipal Corporations (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Rules, 2020 under which this license is granted and I shall always abide by them.

Place:

Date:

Signature of the Applicant

FORM-II
(See rule 5)

Grant of License

The license is granted to Sri/Smt. (Name and address) for the use of (Insert description of place) as a(purpose for which premises shall be used)

This license is valid till.....

Fee of rupees..... Received on vide receipt no..... for the period

Note: The license is subject to the provisions of the Karnataka Municipal Corporations (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Rules, 2020

Place:

Date:

Seal and Sign
License issuing Authority