



**KARNATAKA GOVERNMENT**

NO: UDD 164 GEL 2013

Karnataka Government Secretariat,  
Vikasa Soudha  
Bengaluru, Dated 31/12/2020.

**NOTIFICATION - II**

The draft of the Karnataka Municipalities (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Model Bye-Laws, 2020 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 325 of the Karnataka Municipalities Act, 1976 (Karnataka Act 14 of 1977) is hereby published as required by sub-section (1) of section 325 of the said Act, for the information of all the persons likely to be affected there by and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the state Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to the Government, Urban Development Department, Vikasa Soudha, Bengaluru - 560 001.

**DRAFT BYE LAWS**

1. **Title, commencement and application.**-(1) These bye-laws may be called the Karnataka Municipalities (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Model Bye-Laws, 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 Bye-laws shall apply to all the Municipalities.
2. **Definitions.**-(1) In these Bye-laws unless the context otherwise requires,-
  - a. "Act" means Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964);
  - b. "Authorized Officer" means any officer who is designated by the Commissioner or Chief officer to implement the provisions of these Bye-Laws;

- c. **"Form"** means a form appended to these bye-laws;
- d. **"License"** means the license granted under bye-law 5; and
- e. **"Licensee"** means the person who has obtained license under these bye-laws.

(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 Municipality for the purpose of sale of cigarettes and other tobacco products without obtaining a license from the Commissioner or Chief Officer.

**4. Application for license.**-Application for license shall be made in Form-I with a fee of rupees five hundred to the Commissioner or Chief Officer for a term of five years.

**5. Grant of license.**-(1)The Commissioner or Chief officer 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 there on.

(2) Prior to the refusal of license, the Commissioner or Chief Officer 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 bye-law 5 shall be renewed after five years. The application for renewal of license shall be made to the Commissioner or Chief Officer 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 Chief officer 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 said licensed premises unless and until permitted by the Commissioner or Chief officer.

**9. Sign and Warning board.**- (1) 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) Any person aggrieved by an orders of the Commissioner or Chief officer regarding grant of license or renewal of license may appeal to the Assistant Commissioner of concerned sub-division within fifteen days from the date of receipt of such order.

(2) Appeal against the decision taken by the Assistant Commissioner shall be with the President of the Municipalities and it shall be final.

**13. Penalty.**-Any person who commits a breach of any provision of these bye-laws shall be punishable with fine which may extend to three 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



**(S.VEENA)**

Under Secretary to Government,  
Urban Development Department.

**To:**

The Compiler, Karnataka Gazette, Bangalore for publication of this Notification in the next issue and furnish 100 copies.

1. Director, Directorate of Municipal Administration, V.V.Tower, Bengaluru.
2. All Deputy Commissioners.
3. All Commissioners/ Municipal Commissioners/ Chief Officers of City Corporations/ CMCs/ TMCs/ TPs (Through DMA).

**Copy to:**

1. Deputy Secretary to Chief Secretary, Vidhana Soudha, Bengaluru.
2. PS to Principal Secretary to Government, Health and Family Welfare Department, Vikasa Soudha, Bengaluru.
3. Section Guard File / Spare Copies.

**FORM – I**

(See bye-law 4)

**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:
  - (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 Municipalities (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Model Bye-Laws, 2020 under which this license is granted and I shall always abide by them.

Place:

Date:

Signature of the Applicant

**FORM-II**  
(See bye-law 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 Municipalities (Regulation and inspection of places used for sale of cigarettes and other tobacco products) Model Bye-Laws, 2020.

Place:

Date:

Seal and Sign of  
License issuing Authority

By Order in the name of  
The Governor of Karnataka,



**(S.VEENA)**

Under secretary to Government,  
Urban Development Department.



## KARNATAKA GOVERNMENT

NO: UDD 164 GEL 2013

Karnataka Government Secretariat,  
Vikasa Soudha  
Bengaluru, Dated 31/12/2020.

### 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) is hereby published as required by section 427 of the said Act, for the information of all the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the official Gazette.

Any objection or suggestion which may be received by the state Government from any person with respect to the said draft before the expiry of the period specified above will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to the Government, Urban Development Department, Vikasa Soudha, Bengaluru – 560 001.

### DRAFT 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) **“Authorized Officer”** means any officer who is designated by the Commissioner to implement the provisions of these rules;

(iii) **“Form”** means a form appended to these rules;

(iv) **“License”** means the license granted under rule 5; and

(v) "**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

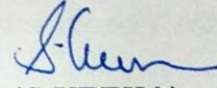
**13. Penalty.**-Any person who commits a breach of any provision of these rules shall be punishable,-

(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

  
(S.VEENA)

Under secretary to Government,  
Urban Development Department.

~~To:~~

The Compiler, Karnataka Gazette, Bangalore for publication of this Notification in the next issue and furnish 100 copies.

1. Commissioner, BBMP, Bengaluru.
2. Director, Directorate of Municipal Administration, V.V.Tower, Bengaluru.
3. All Deputy Commissioners.
4. All Commissioners of City Corporations.

**Copy to:**

1. Deputy Secretary to Chief Secretary, Vidhana Soudha, Bengaluru.
2. PS to Principal Secretary to Government, Health and Family Welfare Department, Vikasa Soudha, Bengaluru.
3. Section Guard File / Spare Copies.

**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 of  
License issuing Authority

By Order in the name of  
The Governor of Karnataka

  
**(S.VEENA)**

Under secretary to Government,  
Urban Development Department.

✓  
3/1/12