

## **BENGAL JUVENILE SMOKING ACT, 1919**

**2 of 1919**

**[15th January, 1919]**

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## **BENGAL JUVENILE SMOKING ACT, 1919**

**2 of 1919**

**[15th January, 1919]**

An Act for the Prevention of Smoking by Juveniles. WHEREAS it is expedient to make provision for the prevention of smoking by young persons; It is hereby enacted as follows:-

### **1. Short title, local extent and commencement :-**

- (1) This Act may be called the Bengal Juvenile Smoking Act, 1919.
- (2) It extends in the first instance to Calcutta, as defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899 :

Provided that the <sup>1</sup>[State Government] may, from time to time, by notification in the <sup>2</sup>[Official Gazette], extend this Act to any other town or place in <sup>3</sup>[West Bengal].

- (3) It shall come into force on such date as the <sup>1</sup>[State Government] may, by notification in the <sup>2</sup> [Official Gazette], direct.

1. Words subs. by the Government of India (Adaptation of Indian Laws), Order, 1937 and the Adaptation of Laws Order, 1950.
2. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.
3. Words subs. by the Indian Independence (Adaptation of Bengal

and Punjab Acts) Order. 1948.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,-----

(a) "cigarettes" include cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;

(b) "police-officer" means a member of an established police force above the rank of a head constable; and

(c) "tobacco" means tobacco in any form, and includes any smoking mixture intended as a substitute for tobacco.

## **3. Prohibition against sale of tobacco, etc., to young persons :-**

(1) No person shall sell or give to a person apparently under the age of sixteen years any tobacco, pipes or cigarette papers, whether for his own use or not:

Provided that a person shall not be guilty of an offence under this subsection for selling tobacco, other than cigarettes, to a person apparently under the age of sixteen years if he did not know, and had no reason to believe, that it was for the use of that person.

(2) If any person contravenes the provisions of sub-section (1), he shall be liable on summary conviction before a Magistrate to a fine not exceeding ten rupees, and in the case of a second offence to a fine not exceeding twenty rupees, and in the case of a subsequent offence to a fine not exceeding fifty rupees.

## **4. Power of police-officers and others to seize and destroy tobacco, etc., in the possession of a young person in certain places :-**

It shall be lawful for a police-officer in uniform, or any other person or class of persons duly authorised by the <sup>1</sup> [State Government] in this behalf, to seize any tobacco, pipes or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and to destroy any such article.

1. Words subs. by the Government of India (Adaptation of Indian Laws), Order, 1937 and the Adaptation of Laws Order, 1950.

**5. Institution of proceedings :-**

No Magistrate shall take cognizance of an offence under this Act, except upon a complaint made by, or at the instance of, the parent or guardian of the young person concerned or a police-officer or other person empowered to make seizure under section 4.

**6. Act not to apply in certain cases :-**

The provisions of this Act shall not apply when the person to whom the tobacco, pipes or cigarette papers are sold, or in whose possession they are found, was at the time employed by a manufacturer of, or dealer in, such articles either wholesale or retail, for the purposes of his business.