



The Bengal Juvenile Smoking Act, 1919

Act 2 of 1919

Keyword(s):

Cigarettes, Police-Officer, Tobacco

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Bengal Act II of 1919

(The Bengal Juvenile Smoking Act, 1919.)¹

ADAPTED

- | | |
|-----|---|
| (a) | The Government of India
(Adaptation of Indian
Laws) Order, 1937. |
| (b) | The Indian Independence
(Adaptation of Bengal and
Punjab Acts) Order, 1948. |
| (c) | The Adaptation of Laws
Order, 1950. |

(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;

Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal Juvenile Smoking Act, 1919.

Short title,
local extent
and
commence-
ment.

(2) It extends in the first instance to Calcutta, as defined in clause (7) of section 3 of the Calcutta Municipal Act, 1899² :

Ben. Act III
of 1899.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1917, Pt. IV, page 18 ; and for Proceedings in Council, see *ibid*, Pt. IVA, pages 853-858, and see the *Calcutta Gazette* of 1918, Pt. IVA, pages 1030-1035, and page 1194, and pages 1277-1281.

²Bengal Act III of 1899 was repealed and re-enacted by the Calcutta Municipal Act, 1923 (Ben. Act III of 1923) which Act was again repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) which was finally repealed and re-enacted by the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), and this reference should now be construed as a reference to clause (9) of section 2 of the last mentioned Act.

(Sections 2, 3.)

Provided that the ¹[State Government] may, from time to time, by notification in the ²[Official Gazette], extend³ this Act to any other town or place in ⁴[West Bengal].

(3) It shall come into force on such date⁵ as the ¹[State Government] may, by notification in the ²[Official Gazette], direct.

Definitions.

2. 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.

Prohibition
against sale
of tobacco,
etc., to
young
persons.

3. (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 sub-section 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.

¹The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

²These words were substituted for the words "Calcutta Gazette" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

³The provisions of this Act were extended to—

- (1) the town of Berhampore with effect from the 15.4.21 by notification No.1130 P.H., dated the 8.4.21, published in the *Calcutta Gazette* of 1921, Part I, page 582.
- (2) the town of Jalpaiguri with effect from the 15.4.19 by notification No.1018, P.H., dated 3.4.19, published in the *Calcutta Gazette* of 1919, Part I, page 667.
- (3) all towns and places in West Bengal, where these have not already been extended, with effect from the 1st January, 1957, by notification No.P.H./3053/9S—6/55, dated 21.8.56, published in the *Calcutta Gazette* of 1956, Part I, page 3453.

⁴These words were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁵The 1st February, 1919, see notification No.114San., dated the 27th January, 1919, published in the *Calcutta Gazette* of 1919, Pt. IB, page 22.

of 1919.]

(Sections 4—6.)

(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. It shall be lawful for police-officer in uniform, or any other person or class of persons duly authorised by the ¹[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.

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

5. 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.

Institution of proceedings.

6. 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.

Act not to apply in certain cases.

¹See foot-note 1 on page 566, ante.