

Bengal Act II of 1919
The Juvenile Smoking Act, 1919
(15th January 1919)

An act for the Prevention of Smoking by Juveniles.

Preamble: WHEREAS it expedient to make provision for the prevention of smoking by young persons;

It is hereby enacted as

1. (1) This Act may be called the¹ Juvenile Smoking Short title, Act, 1919. (Short title Local extent and commencement)

(2)² It extends in the first instance to Dacca:

Provided that the³ [Government] may, from time to time, by notification in the Official Gazette, extend this Act to any other town or place in ⁴ (Bangladesh.)]

(3) It shall come into force on such date⁵ as the ³[Government] may, by notification into the⁶ (Official Gazette), direct.

2. In this Act, unless there is anything repugnant in the Definitions 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. (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: (Prohibition against sale of tobacco, etc, to young persons.)

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.

1. The Word "Bengal" omitted by P.O. No.48 of 1972, art. 6.

2. Subs. by the East Pakistan repealing and Amending Ordinance, 1962 (E.P.Ord.No.XII of 1962), First Schedule.

3. Subs. by P.O.No.48 of 1972, Art. 8, for "provincial Government".

4. subs. *ibid.*, for "East Pakistan"

5. The 1st February, 1919, see Notification No. 114san, dated the 27th January, 1919, Calcutta Gazette, 1919,pt. IB, p.22.

6. Subs. by paragraph 4(1) of Government of India (Adaptation of Indian Laws) Order, 1937, for "Calcutta Gazette".

(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 to a fine not exceeding fifty *rupees.

4. It shall be lawful for a police-officer in uniform, or any other person or class of persons duly authorized by the ¹[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 a 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.)*

* Sic. Taka for rupees.)

¹Subs. by Act VIII of 1978 for 1973 as amended by act LIII of "Provincial Government" (with effect from 26 March, 1971)