

THE JUVENILE SMOKING ACT, 1919

ACT NO. II OF 1919

[15th January, 1919]

An Act for the Prevention of Smoking by Juveniles.

Preamble

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

It is hereby enacted as follows:—

Short title, local extent and commencement

1. (1) This Act may be called the ¹[* * *] Juvenile Smoking Act, 1919.

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

Provided that the ²[Government] may, from time to time, by notification in the Official Gazette, extend this Act to any other town or place in ³[Bangladesh].

(3) It shall come into force on such date as the ²[Government] may, by notification in the 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.

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Government" was replaced, for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The word "Bangladesh" was replaced, for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

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.

(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 Taka 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 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

¹ The word "Government" was replaced for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).