

THE ASSAM STUDENTS AND JUVENILE SMOKING ACT, 1923*

(Assam Act II of 1923)

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Preamble. Whereas it is expedient to make provision for the prevention of smoking by students and by all young persons ; and whereas the previous sanction of the Governor-General required under sub-S. (3) of S. 3 of S. 80-A of the Government of India Act to Cls. 3 (2) and (4) mentioned herein below, has been obtained ;

It is hereby enacted as follows :

1. Short title. (1) This Act may be called the Assam Students and Juvenile Smoking Act, 1923.

(2) It extends to the whole of Assam :

Provided that the State Government may, from time to time, by notification in the official Gazette exempt any locality or localities from the operation of this Act.

(3) It shall come into force on the first day of January nineteen hundred and twenty-four.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context—

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

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

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(c) "Police Officer" means a member of an established police force above the rank of a head constable.

(d) "Students" means any scholar in school or college.

3. Prohibition against sale of tobacco to students and to all young persons.

(1) No person shall or give to a person apparently under the age of 16, or to a student apparently under the age of 18, any tobacco, cigarettes, pipes or cigarettes paper, whether for his own use or not :

Provided that a person shall not be guilty of an offence under sub-S. (1) for selling tobacco other than cigarettes, to a person apparently under the age of 16 or to a student under the age of 18, if he did not know or had no reason to believe that it was for the use of that person.

(2) If any person contravenes the provisions of sub-S. (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.

(3) *Section not to apply in certain cases.* The provisions of this section shall not apply when the person to whom the tobacco, pipes, cigarettes or cigarette papers are sold, or in whose possession they are found, was at that time employed by a manufacturer of, or dealer in, such articles either wholesale or retail for the purposes of his business.

4. Power of Police Officer to seize and order to seize and to destroy tobacco etc. in possession of young persons. It shall be lawful for a police officer in uniform, or any member of the Legislature of Assam or a member of Municipal or Local Board, or a member of a Village Authority constituted under S. 20 of the Assam Local Self-Government Act, 1915, or of a Town Committee constituted under S. 329, sub-Ss. (1) and (2), of the Assam Municipal Act, 1923 (Act 1 of 1923) or a teacher of a recognised school, professor of a college, legal practitioner, duly accredited medical practitioner, minister or missionary of any recognised religious body, retired gazetted Government Officer, Secretary and Member of the Committees of a recognised school, or any other person or class of persons authorised by the State Government in this behalf, to seize tobacco, pipes, cigarettes or cigarette papers in the possession of any person apparently under the age of 16 or of any student under the age of 18, whom he finds smoking in any street or public place, and to destroy any such article.

5. Institution of proceedings. No Magistrate shall take cognizance of an offence under S. 3 (1), except under a complaint made by, or at the instance of, the parents or guardians of the young person concerned, a police officer, or other person empowered to make seizure under S. 4.

Explanation. The student or young person to whom tobacco, cigarette, pipes or cigarette papers are sold or given shall not be liable to prosecution for abetment of such offence.

NOTES

Adapted by Meghalaya. This Act has been adapted for its application in the State of Meghalaya, *vide* the Meghalaya Adaptation of Laws Order (No. 4) of 1971, effective from the appointed day *i. e.*, the 2nd day of April 1970, with the following amendments :

For sub-Ss. (2) and (3) of S. 1 of the Assam Act, the following shall be substituted.

“(2) The Government of Meghalaya may, by notification exempt any locality from the operation of this Act.”

In S. 4 of the Assam Act for the words, “Assam or a member of Municipal or local Board or a member of village authority constituted under S. 20 of the Assam Local Self-Government Act, 1915, or of a Town Committee constituted under S. 329, sub-Ss. (1) and (2) of the Assam Municipal Act 1913”, shall be substituted by the words, “Meghalaya”.
