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West Bengal Act XVI of 1953¹
THE PROHIBITION OF SMOKING IN
PASSENGER VEHICLES ACT, 1953.

[13th May, 1953.]

An Act to prohibit smoking in passenger vehicles.

WHEREAS it is expedient in the public interest to prohibit smoking in passenger vehicles;

It is hereby enacted as follows:—

1. (1) This Act may be called the Prohibition of Smoking in Passenger Vehicles Act, 1953.

Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force² on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act "passenger vehicle" means—

Definition.

(i) a tram-car, or

(ii) a motor vehicle having seating capacity for more than six persons, excluding the driver,

which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole or for a stage of a journey.

3. Whoever smokes in a passenger vehicle while such vehicle is carrying passengers shall be punishable with fine which for a first offence may extend to twenty rupees and for a second or subsequent offence to one hundred rupees.

Penalty for smoking in passenger vehicles.

4. (1) The conductor of a passenger vehicle in whose presence a person commits an offence punishable under section 3, may request such person to desist from smoking, and if such person fails to comply with the request he may stop the vehicle and call for a police-officer; and the police-officer may arrest such person without warrant, if, when asked by the police-officer to give his name and address, such person—

Power to arrest without warrant.

(i) refuses to give his name and address; or

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 4th March, 1953, Pt. IVA, page 282; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly, held on the 25th March, 1953; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 31st March, 1953.

²This Act came into force on the 1st July, 1953, vide notification No. 4115J, dated the 25th June, 1953, published in the *Calcutta Gazette, Extraordinary*, dated the 29th June, 1953, Pt. I, page 817.

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- (ii) gives a name or address which the police-officer suspects to be false and such person refuses to accompany the police-officer to a police-station on being required to do so by the police-officer.

(2) No suit, prosecution or proceeding shall lie against a conductor of a passenger vehicle or a police-officer for, anything done or any arrest made, in good faith under sub-section (1).

Warning to
be painted or
affixed.

5. (1) The proprietor of every passenger vehicle shall cause to be painted or affixed in one or more conspicuous position in such vehicle a warning that any person smoking while such vehicle is carrying passengers is liable under the law to arrest without warrant and to fine.

(2) If the proprietor of a passenger vehicle fails to comply with the provisions of sub-section (1), within thirty days of the commencement of this Act, he shall be punishable with fine which may extend to twenty rupees.
