

THE PUNJAB JUVENILE SMOKING ORDINANCE, 1959

(XII of 1959)

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TEXT

¹THE ²[PUNJAB] JUVENILE SMOKING ORDINANCE, 1959

(³[XII] of 1959)

[26 March 1959]

An
Ordinance

to amend and consolidate the law relating to prevention of smoking of tobacco by juveniles in the Province of ⁴[the Punjab].

Preamble.— WHEREAS it is expedient to amend and consolidate the law relating to prevention of smoking of tobacco by juveniles in the Province of ⁵[the Punjab];

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and extent.— (1) This Ordinance may be called the ⁶[Punjab] Juvenile Smoking Ordinance, 1959.

(2) It extends to the whole of the Province of ⁷[the Punjab], except ⁸[* * *] the ⁹[Tribal Areas].

2. Definitions.— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) “affiliated college” means any collegiate institution affiliated to any University or Board of Secondary Education in ¹⁰[the Punjab];

¹This Ordinance was promulgated by the Governor of West Pakistan on March 21, 1959, published in the Gazette of West Pakistan (Extraordinary), dated March 26, 1959, pp. 205-207; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

²Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

³Substituted for the figure “XI” vide Notification No. Leg.3(12)/59, dated April 28/29, 1959, published in the Gazette of West Pakistan (Extraordinary), dated May 2, 1959, p. 383.

⁴Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

⁵*Ibid.*

⁶*Ibid.*

⁷*Ibid.*

⁸Omitted the words “the Federal Capital and” by the West Pakistan Juvenile Smoking (Amendment) Ordinance, 1962 (XXXIII of 1962), published in the Gazette of West Pakistan (Extraordinary), dated June 6, 1962, p. 2251, s. 2.

⁹Substituted for the words “Special Areas” by the West Pakistan Laws (Adaptation) Order, 1964 (w.e.f. 8.6.1962), published in the Gazette of West Pakistan (Extraordinary), dated June 3, 1964, pp. 1805-1849, Article 2 read with Schedule, Part VIII, Serial No. 16.

¹⁰Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

- ¹[(aa) “educational institution” means any institution, whether public or private, dispensing education;]
- (b) “Government” means the ²[Provincial Government of the Punjab];
- (c) “juvenile” means any person who is under the age of ³[eighteen years];
- (d) “public place” includes any public park, garden, railway station, ground, ⁴[*] vehicle ⁵[or any other place including borstal institutions, reformatories and educational institutions] to which the public for the time being have access, whether on payment or otherwise;
- (e) “recognized school” means any school recognized by any University or the Board of Secondary Education in ⁶[the Punjab], or by the Education Department of Government; and
- (f) “tobacco” means tobacco in any form and includes any smoking mixture intended as a substitute for tobacco.

3. Penalty for selling tobacco to juvenile.— ⁷[(1) Whoever sells or gives or attempts to sell or give a tobacco to a juvenile, whether for his own use or not, shall be punished in the case of a first offence with fine which may extend to two hundred rupees and in the case of a second offence, in addition to suspension of his licence with fine which may extend to five hundred rupees and in the case of a third or subsequent offence, in addition to cancellation of his licence, with imprisonment which may extend to six months or with fine which may extend to five thousand rupees.]

(2) If a person convicted under the last preceding sub-section holds a dealer’s licence under ⁸[the Punjab] Tobacco Vend Act, 1958⁹, his conviction under this section shall be notified by the Magistrate to the District Excise and Taxation Officer concerned so as to enable him to ¹⁰[suspend or, as the case may be,] cancel the convict’s licence.

¹¹**[3-A. Non-Cognizable offence.**— Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be non-cognizable,

¹Added by the Punjab Juvenile Smoking (Amendment) Act, 2003 (VII of 2003), published in the Punjab Gazette (Extraordinary), dated March 10, 2003, pp. 349-350, s. 2(i).

²Substituted for the words “Government of West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

³Substituted for the words “sixteen years” by the Punjab Juvenile Smoking (Amendment) Act 2003 (VII of 2003), published in the Punjab Gazette (Extraordinary) dated March 10, 2003, pp. 349-350, s. 2(ii).

⁴Omitted the word “or” by the Punjab Juvenile Smoking (Amendment) Act 2003 (VII of 2003), published in the Punjab Gazette (Extraordinary) dated March 10, 2003, pp. 349-350, s. 2(iii).

⁵Inserted by the Act *ibid*.

⁶Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

⁷Substituted by the Punjab Juvenile Smoking (Amendment) Act 2003 (VII of 2003), published in the Punjab Gazette (Extraordinary), dated March 10, 2003, pp. 349-350, s. 3(i).

⁸Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 22.

⁹W.P. XXXVIII of 1958.

¹⁰Inserted by the Punjab Juvenile Smoking (Amendment) Act 2003 (VII of 2003), published in the Punjab Gazette (Extraordinary), dated March 10, 2003, pp. 349-350, s. 3(ii).

¹¹Added by the Act *ibid*, s. 4.

bailable and would be tried summarily under Chapter XXII of Code of Criminal Procedure, 1898 (Act V of 1898).]

[3-B. Publicity for prohibition of sale of tobacco to juvenile.– Before giving effect to the provisions of section 3, Government shall give wide publicity to the provisions of this Act on the media, including television, radio, national and regional press, in Urdu, English and regional languages or by any other mode as may be prescribed, for a period not less than three months.]

4. Seizure of tobacco smoked by a juvenile in a public place.– If any juvenile be found smoking tobacco in any public place, it shall be lawful for any teacher or proctor of a recognized school or affiliated college or any other person authorised² by Government in this behalf, to seize such tobacco and destroy it.

5. Power to make rules.– Government may frame rules for carrying out the purposes of this Ordinance.

6. Repeal.– The following enactments are hereby repealed:–

- (a) The Punjab Juvenile Smoking Act, 1918³;
- (b) The Punjab Juvenile Smoking Act, 1918⁴, as applicable to the former State of Bahawalpur;
- (c) The North-West Frontier Province Juvenile Smoking Act, 1933⁵.

¹*Ibid.*

²Authorized vide Notification No. Judl.1-5(1)59, dated July 7, 1960, published in the Gazette of West Pakistan dated July 22, 1960, Part I, p. 339.

³Pb. VII of 1918.

⁴Pb. VII of 1918.

⁵N.W.F.P. II of 1933.