

THE WEST PAKISTAN JUVENILE SMOKING ORDINANCE, 1959.

(W. P. Ordinance XII of 1959)

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[26th March, 1959]

AN

ORDINANCE

to amend and consolidate the law relating to prevention of smoking of tobacco by juveniles in the Province of West Pakistan.

WHEREAS, it is expedient to amend and consolidate the law relating to prevention of smoking of tobacco by juveniles in the Province of West Pakistan; Preamble.

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. (1) This Ordinance may be called the West Pakistan Juvenile Smoking Ordinance, 1959. Short title and extent.

(2) It extends to the whole of the ¹[Khyber Pakhtunkhwa] except ²[* * *] ³[the Tribal Area]

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

(a) “affiliated college” means any collegiate institution affiliated to any University, Board of secondary Education in West Pakistan;

(b) “Government” means the Government of ⁴[Khyber Pakhtunkhwa];

(c) “juvenile” means any person who is under the age of sixteen years;

¹. In section-1, in Subsection (2) for, the words “Province of West Pakistan” the words “North-West Frontier Province, subs. by Khyber Pakhtunkhwa Adapt. Order, 1975 and then subs vide Khyber Pakhtunkhwa Act No.IV of 2011.

². Omitted by W.P. Ord. XXXIII of 1962.

³. Subs. by L. A. W. P. Order, 1964.(Ord. No.VII of 1964).

⁴. In Section 2, in clause (b), for the words “ West Pakistan”, the words “North-West Frontier Province” subs vide Khyber Pakhtunkhwa Adapt Order, 1975 and then subs vide Khyber Pakhtunkhwa Act No.IV of 2011.

- (d) “public place” includes any public park, garden, railway station, ground, or vehicle 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 ¹[* * *] 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. (1) Whoever sells or gives or attempts to sell or give 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 twenty rupees and in the case of a second offence with fine which may extend to fifty rupees and in the case of a third or subsequent offence with fine which may extend to one hundred rupees. Penalty for selling tobacco to juveniles.

(2) If a person convicted under the last preceding sub-section holds a dealer’s licence under the West Pakistan Tobacco Vend Act, 1958, 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 cancel the convict’s licence.

4. 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 ²[authorized] by Government in this behalf, to seize such tobacco and destroy it. Seizure of tobacco smoked by a juvenile in a public place.

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

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

³[(a) (b) * * * *]

(c) The North-West Frontier Province Juvenile Smoking Act, 1933.

¹. Omitted by Khyber Pakhtunkhwa Act.Of 1975.

². For notification authorizing person under this section see gazette of West Pakistan 1960 Pt. I, P-339.

³. In Section 6, clauses (a) and (b) omitted by Khyber Pakhtunkhwa Adapt, Order, 1975.

