

Law (Education) (1925) Department.

Misc SERIES.

G.O. No.

1929

DATED

9-11-1925.

07-7.

[Despatch Abstract.]

Juvenile smoking - Prevention - Director of Public Instruction  
requested to issue instruction to heads of Institutions.



# BACK PAPERS.

| G.O. | No. | Department.  | Date.   | G.O. | No.  | Department.  | Date.    |
|------|-----|--------------|---------|------|------|--------------|----------|
| Ans  | 188 | Med. Dept    | 10.5.23 | Ans  | 2820 | Home Dept    | 10.11.20 |
| Ans  | 167 | Public (Sol) | 17.2.21 | Ans  | 542  | Public (Sol) | 10.10.20 |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date.   | G.O. | No. | Department. | Date.     |
|------|-----|-------------|---------|------|-----|-------------|-----------|
| Ans  | 346 | Public      | 21.7.20 | Ans  | 966 | Home        | 20.6.1919 |
| Ans  | 345 | Public      | 21.2.20 | Ans  | 482 | Home        | 12.4.19   |
| Ans  | 556 | Sol         | 14.5.14 |      |     |             |           |

Ans 1114 Public  
17.11.25  
Letter No 641 E-1  
4.5.27  
Ans 1192 Sol  
10.6.29  
Ans. No. 1487, Home, 17.4.51

## Prevention of juvenile smoking.

943 Q.-Dr. P. Subbarayan: Will the hon the Law Member and the hon. the Minister for Education be pleased to state-

(a) what effect the departmental order of the Director of Public Instruction preventing smoking in school hours has had on the school-going children; and

(b) whether the Government have in contemplation any legislation for the prevention of juvenile smoking in this province?

A.-(a) The Government have no information.

(b) The answer is in the negative.

Mr. S. Satyamurti:-"May I ask if the Government will call for the information? Smoking in school hours is certainly a matter which cannot be neglected"

The hon. Rao Bahadur Sir A.P. Patro:-"General instructions have been issued and it depends upon the managers of the institutions to see how far that could be prevented during school hours."

Mr. S. Satyamurti:-"May I suggest, Sir, that since the health of the school-going children is concerned here, the Government will collect the information as to what effect this departmental order has had.?"

The hon. Rao Bahadur Sir A.P. Patro:-"It was an advice given to the managers and there will be no ~~doubt~~ objection to know how far this habit of smoking prevails during school hours."

Mr. S. Satyamurti:-"May I ask why the Government have not in contemplation any legislation for the prevention of juvenile smoking in this province?"

The hon. Rao Bahadur Sir A.P. Patro:-"It has not been reported and no complaints have reached us that the habit exists in any serious form"

P



form so as to necessitate legislation on this point. Advice was given by the Director of Public Instruction to the managers of the schools that they should watch the students during the school hours and that they should see that this habit is discouraged."

Mr. K. Koti Reddi:—"Is the Government unaware that juvenile smoking is bad and so legislation is necessary

The hon. Rao Bahadur Sir A.P. Patro:—"There are so many things that are bad and the Government cannot take take responsibility for every one of them."

Mr. S. Satyamurti:—"Is the hon. the Minister for Education aware that in other countries, more civilized than Madras, legislation has been undertaken in this direction?"

The hon. Rao Bahadur Sir A.P. Patro:—"It may be that in the other countries the habit is worse and very serious. But as yet we have not ascertained that anything like that prevails here which necessitates legislation. If there is any such information, it will be considered."

Mr. S. Satyamurti:—"I leave the hon. the Minister for Education at that; and may I ask the hon. the Law Member whether, apart from the fact that this practice exists among the schoolegoing children, he does not think there is a need for introducing legislation for the prevention of juvenile smoking by children below a certain age? Surely I have seen with my own eyes children of 9 or 10 years in Madras smoking. I think it is a matter which calls for immediate action."

The hon. Mr. C.P. Ramaswami Ayyar:—"I do not propose to take any immediate action. But in view of what has fallen from my hon. Friend the Member for the University, I will collect the necessary provisions and see in what direction legislation should be taken."

Diwan Bahadur M. Krishnan Nayar:—"Is the hon. the Minister for Education aware that there is an Act in Travancore for the prevention of juvenile smoking?"

The hon. Rao Bahadur Sir A.P. Patro:—"Perhaps the evil is very serious there?"

Portions marked "P" above:-

A draft Memo. to the D.P.I. is submitted.

Portion marked "Q" above:-

The examination as to whether there is need for legislation to prevent juvenile smoking in general and if so in what direction is primarily for Judicial. An extract of the Council proceedings may be forwarded U.O. to that Department.

E.A.V. 10-12-24.

C.R. 11-12-24.

Will Judicial accept transfer?

V.T.K. 12-12/

Law (Education) U.O.2453 C-3

12-12-24

Judicial (Mag'l) Deptt.

In 1922 Mr. M.C. Raja brought a resolution recommending that measures be taken to put a check on the evil of juvenile smoking. It was however not moved in the Council. The notes written in that connection will be found on pages 1-3 of G.O. No.188 (Jud'l (Mag'l) d/ 7-5-23, a perusal of which is solicited. It will be seen from notes on page 3 of the G.O. that the decision come to then was that the matter was more for Judicial than L.S.G. If that decision should be followed we may accept the transfer of this case, and the question there is whether any steps should be taken in the direction of legislation.

V.P.E.M. 19-12-24.

As Sir L Davidson said in June 1919, we want to know that there is a considerable body of public



public opinion in favour of legislation before we take any action.

However in view of what Cg said in Council we may accept such legal provision as have been made by other local Governments and study them.

E.M.G.  
23-12/

C.S.

Would any such project be for this Dept, or Law?.

N.E.M.  
27-12/

With reference to the C.S.'s query attention is solicited to the notes marked at 'A' & 'B' on pages 1 and 3 of G.O. No.188 Mag'l, d/ 7-5-23. Law Deptt. wants us to take charge of this case - p.6 ant. and it has therefore to be decided as to which department should deal with it.

V.P.E.M. 27-12-24.

E.M.G.  
3/1/25.

C.S.

We may get the information collected as proposed at 'A' on p.7 above.

N.E.M.  
7-1-25.

The Codes containing the Acts passed by other Govts. available in the Library have been examined and it appears that only Bengal, the Punjab and Assam have so far legislated on the subject of Juvenile smoking. Travancore and Cochin also have passed Juvenile Smoking Regulations - vide Regulations stitched in G.O.s No. 107 Pub (Poll) dated 17-2-21 and No.542 Pub.(Poll) dated 10-11-20 respectively. The Regulations passed by Ceylon, Mysore and Baroda are at pages 2,4 & 6 of G.O. No.2820 (Jud'l) dated 10-11-20.

For orders whether a reference need go to the Provinces and States concerned enquiring how far the legislation has succeeded in preventing the evil-of.

A

cf.paper II on page 1 of G.O. No.2820 Home (Jud'l) d/10-11-1920.

V.P.E.M. 5-2-25.

I am afraid that this file got put aside owing to the pressure of work, first on the Budget and then on the Budget motions in the Legislative Council. The Acts which have been passed in 1918, 1919 and 1923 by the Punjab, Bengal and Assam are put up. They have all a very close resemblance except that the Assam Govt. has the longest list of persons who are entitled to snatch cigarettes from youths found smoking in the street and to destroy them. The Bengal Govt. reserve power to notify the persons who should so act.

The Acts are all alike in the following respects.

1. No young person can be punished by law for smoking.
2. Fines can be inflicted on shopmen who sell smoking materials to persons who appear to be under 16.

3. Selected persons may seize from youths who appear to be under 16 and who are found smoking in the street that which they are smoking and apparently can search their persons to find if they have a packet of cigarettes on them as well. The law permits them to seize and destroy tobacco "in his possession." (Presumably such persons would be protected if they made the seizure from a person who was over 16; there is no question of proving that the youth is under 16; it is sufficient that he appears to be under 16.)

It would be a useful idea perhaps to address these three Govts and ask them for the total number of prosecutions which have been instituted since the Acts came into force in the several areas. The Act does not provide for the persons who make seizures to notify this; so no statistics will be available and

In Travancore & Cochin young persons may be punished - see sec.7 of Travancore Regulations. & see 8 of Cochin Regulations.

A.Y.G.C.  
30-4-25.



The fact also remains that Govt. are not in possession of any facts to show that the general body of public opinion is that persons apparently under 16 and perhaps (as in the case of Assam) students apparently under 18 ought to be prevented by law from smoking in public places. In my own experience, when wandering round a village on some inspection in the evening, I have seldom come on children smoking. The matter certainly does not seem as important as the need for raising the age of consent for sexual intercourse to 13 or 14 a proposal which the Legislative Assembly has just voted vetoed.

E.M.G.

29-4-25.

C.S.

We may ask the Bengal, Punjab and Assam Govt. to let us have copies of any reports they may have on the working of the Acts since they were passed and information, if available, regarding the no. of prosecutions each year and the effect of the acts.

The A.G.G., Madras States may be asked for similar information as regards Travancore and Cochin.

A.Y.G.C.

30-4-25.

This may be done. I am not quite convinced about the utility or necessity of the provisions as to seizure. They may easily cause embarrassment and difficulty in working. There is a much better case in regard to the prevention of sale to juveniles of smoking materials. In this Presidency the evil is more or less confined to urban areas,

C.P.R.

30-4-25.

D.S.

Draft letter is submitted.

Issue

(Letter No.2303-I Public, dated 9th May 1925.)

- C. No.2578. From the Govt. of the Punjab, No.13071 Judl.dated 19-5-2
- C. No.2688. From the Govt. of Assam, No.2160, dated 29-5-1925.
- C. No.3119. From the Agent to the Govr. General, Madras States, N. Dis. 976/25, dated 9th July 1925.
- C. No.3996. From the Govt. of Bengal, No.1598 P.H. dated 24th August 1925.

The replies received from the Punjab, Assam and Bengal indicate that legislation in those provinces is practically a dead letter. In Travancore the law came into force only from August 1924 and it is reported that it is too early to gauge any effect of it. In Cochin the legislation is reported to be having the desired effect.

Submitted for orders.

J.A.

31-8-25.

T.M.R. 1-9-25.

Experience seems to show that it is impossible to enforce any provisions for the prevention of juvenile smoking. Legislation cannot be expected to have much effect unless the parents are induced to take an interest in the matter.

A.C.H.

3-9-25.

C.S.

The results are not such as to encourage legislation. Legislation of this kind gives opportunities for the levy of blackmail and is undesirable unless it can be clearly shown that appreciable benefit to the community is likely to accrue from it. I think we must continue to rely on the influence of schoolmasters and other educational authorities. The file may go before circulation to Education Dept. for perusal and remarks.

A.Y.G.C.

4-9-25.

Education U.O.

Public U.O.2303-2

5-9-25.



Law (Education)

May be perused and returned to Judicial with  
 thanks (On receipt of a copy of the Public Deptt.  
 remarks) Proceedings on the case, the D.P.I. may perhaps be  
 asked to issue another circular and to heads of educa-  
 tional institutions similar to the one issued by him  
 in 1914) We may also suggest circulation M<sub>2</sub>.

E.A.V. 5-9-25.

C.R.  
 5-9-25.

V.T.K.  
 17-9/

Public U.O.

Public Dept.

U.S.

Submitted for action as to circulation.

T.M.R. 11-9-25.

A.C.H.  
 12-9-25.

Circulated for orders.

A.T.G.C.  
 14-9-25.

My views have already been indicated.

C.P.R.  
 15-9-25.

I am not convinced that legislation will be of  
 any ~~great~~ <sup>real</sup> service.

T.E.M.  
 17-9-25.

Nor that there is an evil in this matter to be

Law (Education) U.O. 2759  
 8-9-25.

C.S.

C<sub>1</sub>  
 C<sub>4</sub>  
 C<sub>3</sub>  
 C<sub>2</sub>  
 M<sub>3</sub>  
 M<sub>2</sub>  
 M<sub>1</sub>  
 H.E.

Recorded  
 as no.  
 1114 Public  
 17-11-25

U.O. 2303-2  
 24-10-25.

be combatted in this Presidency,

N.E.M.  
 17-9.

Legislation in this direction will be of no use  
 whatever.

M.U.  
 18-9-25.

I do not think that there is any need to  
 legislate on this subject.

T.N.S.  
 21-9-25.

The <sup>experience</sup> ~~expenditure~~ of other places is not ~~going~~  
 in favour of any such law.

A.P.P.  
 18-9-25.

P.R.  
 12-10-25.

91xxx

G.  
 21-10-25.

No special order seems to be necessary on this  
 case. The papers may be simply 'recorded' in a  
 G.O. and indexed. Before doing so the file may be  
 sent to Law (Education) for taking extracts from it  
 to deal with the point raised in their note on p.12  
 supra.

V.P.E.M.  
 23-10-25.

A.C.H.  
 24-10-25.  
 Law (Education)

Law (Education) Dep

A draft is submitted for approval. After  
 issue a copy of the notes will be stitched with the  
 order and the file returned to Public.

B.  
 2-11-25.

E.A.V.  
 11-11-25.

C.R.  
 7-11-25.

V.T.K.  
 19-11-25.



Initials.

When despatched

DEPARTMENT

Director of Public Instruction request-  
ed to issue instructions to heads of  
institutions.

” ” ” ” ..... ” ..... 192

C. No. 3469 C From the \_\_\_\_\_, No. \_\_\_\_\_, dated \_\_\_\_\_ 192

” “ ..... ” ..... ” ..... ” ..... 192

..... 192

No. 1929, dated 9-16-1925

In connection with a question

asked at the meeting of the Legislative Council, held on the 16<sup>th</sup> October 1924, as to whether the Government had in contemplation legislation for preventing juvenile <sup>smoking</sup> in the Madras Presidency, the Government undertook to collect <sup>(information regarding)</sup> the legislative provisions in force in ~~the~~ other provinces and Indian States and <sup>to</sup> examine, with reference to such provisions and the practical effect they have had, the need for legislation in this Presidency.

Sp. 5 annu

2. The Government <sup>have</sup> collected information <sup>to</sup> ~~as to the~~ <sup>and have</sup> ~~had the advantage of examining it.~~ ~~practical effect of the preventive legis-~~  
~~lation in force in other provinces and~~  
~~Indian States.~~ They find that the results  
are not such as to encourage legislation  
in this Presidency and are of ~~an~~ <sup>an</sup> opinion  
that reliance must continue to be



12  
placed on the influence and teaching of  
school masters. ~~for checking the spread~~  
~~of the and habit~~ The Director of

Public Instruction is accordingly requested  
to issue instruction similar to those issued  
by him in 1914.

B.M.

To

The D.P.I.

Copy to the Public Department.

DESPATCHED

19 NOV 1925

When given for copying

When copied

When examined

When signed

192

READ AGAIN G.O. No.

192

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT ..

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH  
IN ORIGINAL.

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.