

TOBACCO MARKETING CONTROL RULES, 1993

[Gazette of ¹[Khyber Pakhtunkhwa], Extraordinary,
4th October, 1993]

No.SOAII(AD)4(64) 91-92, dated 8-6-1993. In exercise of the powers conferred by paragraph 4 of Martial Law Order No. 487 of the then Martial Law Administrator Zone 'B' read with para 3 of Martial Law Order No.107 of the then Chief Martial Law Administrator, and in supersession of this Department's Notification No. SOA-II(AD)4(12)84/Vol. IV dated the 2nd May, 1985, the Government of ² [Khyber Pakhtunkhwa] is pleased to make the following rules, namely :-

1. (1) These rules may be called the Tobacco Marketing Control Rules, 1993.
- (2) These shall come into force at once.
2. **Definitions.**--- In these rules, unless there is any thing repugnant to the subject or context:
 - (a) "Board" means the Pakistan Tobacco Board constituted under section 3 of the Pakistan Tobacco Board Ordinance, 1968 (I of 1968);
 - (b) "Government" means the Government of the ³[Khyber Pakhtunkhwa];
 - (c) "grower" means a person engaged in the cultivation and production of tobacco;
 - (d) "Mandi" means the premises established by the tobacco dealers at different places for the purchase and storage of tobacco;
 - (e) "purchase depot" means the premises established by the tobacco companies at different places in tobacco growing areas for the purchase of tobacco used in manufacturing of cigarettes;
 - (f) "supplier" means a person who purchases tobacco either from tobacco growers or dealers/agents and supplies it to the tobacco companies in prized form;
 - (g) "tobacco" means the commodity made of leaves of the plants *Nicotiana tabacum* and *Nicotiana rustica*, commonly known as tobacco and used in the manufacture of cigarettes or for consumption by any other modes such

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

as *Chillum, hookah, gazari* and *bidis*;

- (h) “tobacco company” including a firm or agency or Association or group of individuals engaged in the purchase, redrying and processing of tobacco used in the manufacture of cigarettes and its marketing;
- (i) “tobacco dealer” means a trader engaged in the purchase and sale of tobacco and includes a commission agent ; and
- (j) “weighted average price” means the average price weighted by the quantities of all graded tobacco purchased by a tobacco company or a tobacco dealer.

3. **Intimation regarding purchase targets.**--- Every tobacco company intending to purchase tobacco during a crop year shall indicate to the Board its total requirements of the tobacco from the ensuing crop, by the 21st day of October in each year. The Board will publicise the indicated requirements for various types of tobacco, in appropriate manner, before the commencement of planting season.

4. **Execution of agreements.**--- Every tobacco company for the purchase of their targeted requirements of virginia tobacco shall execute agreements with the growers on the form prescribed by the Board by the 31st day of December in respect of the ensuing crop of tobacco. A copy of each such agreement will be supplied to the grower concerned and a list of all such agreement will be furnished to the Board as soon as may be possible after the execution of the agreements.

5. **Scrutiny of agreements.**--- The Board shall constitute Committees of growers for scrutiny of agreements executed by each tobacco company in order to verify its genuineness.

6. **Payment of dues to the growers for tobacco:** (1) The payment of dues to the growers by the tobacco companies as a result of sale transaction of virginia tobacco during a purchase season shall be made through designated Banks and in accordance with the following schedule;

- (a) Payment in respect of tobacco purchased during the 1st fortnight Within 7 days.
- (b) Payment in respect of tobacco purchased during the 2nd fortnight Within 15 days.
- (c) Payment in respect of tobacco purchased during the 3rd fortnight Within 21 days.
- (d) Payment in respect of tobacco purchased after the 3rd fortnight Within 30 days.

(2) The tobacco companies shall follow the same schedule of payment as provided in sub-rule (1) in their transaction of white patta tobacco with the powers.

7. **Commencement of purchase season.**--- (1)The Board shall constitute Committee comprising of its own official and representatives of Provincial Agriculture Department, tobacco companies and tobacco growers to fix a date or dates for the commencement of tobacco purchases after surveying the condition of standing crop in different areas.

(2) All tobacco companies and tobacco dealers shall commence purchases of tobacco from the date or dates as may be fixed by the Board in the manner specified in sub-rule (1).

8. **Closure of purchase season.**--- No tobacco company or tobacco dealer shall close its purchase depots or business premises till such time it has purchased its full targeted demand of various types of tobacco or in case of a surplus production the additional quantity of particular type of tobacco which may be allocated by the Board to the individual tobacco companies/dealers proportionate to their purchase targets.

9. **Maintenance of record of purchases/price and submission of return to the Board.**--- (1) Every tobacco company and dealer shall maintain complete and upto date record of purchases made, prices paid at the depot, and quantities of tobacco transferred from the purchase depot to the warehouses or redrying plants.

(2) The tobacco companies and tobacco dealers shall submit to the Board and concerned Vigilance Committees purchase summaries on the form prescribed by the Board on daily basis during the marketing season.

10. **Labour charges not to be claimed.**--- No tobacco company shall claim labour charges from the tobacco growers which are brought in fulfillment of the contractual obligations and as per programme indicated by the tobacco companies.

11. **Interpretation of rules.**--- All matters connected with the interpretation of these rules shall be referred to the Chairman, Pakistan Tobacco Board, whose decision shall be final.

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