



## THE PAKISTAN TOBACCO BOARD ORDINANCE, 1968



### CONTENTS

#### PREAMBLE.

.

1	Short title, extent and commencement
2	Definitions
3	Constitution of the Pakistan Tobacco Board
4	Terms of members, etc
5	Vacancy, etc., not to invalidate the proceedings of the Board.
6	Functions of the Board
7	Control of the Board
8	Fixation of prices
9	Levy of cess
10	Power to borrow
11	Keeping of accounts and audit and annual reports
12	Constitution of the Tobacco Development Committee
13	Functions of the Committee
14	Grants and loans by Government to the Board
15	Keeping of accounts
16	Appointment of officers, etc
17	Export allotment and its distribution.
18	Control of export of tobacco and tobacco seeds
19	Registration of contracts
20	Power to prohibit transportation, storage or sale
20 A	Power to direct Purchase
21	Power to call for information, etc
22	Delegation of powers
23	Power to exempt
24	Penalties
25	False statement
26	Protection of action taken in good faith

27	Cognizance of offences
28	Special provision regarding fines
29	Presumption as to orders
30	Power to make rules
31	Power to make bye-laws

# THE PAKISTAN TOBACCO BOARD ORDINANCE, 1968

<sup>1</sup>ORDINANCE NO. I OF 1968

[8th February, 1968]

## **An Ordinance to provide for the establishment of Tobacco Board for the promotion of the cultivation, manufacture and export of tobacco and tobacco products.**

WHEREAS it is expedient to provide for the establishment of a Tobacco Board for the promotion of the cultivation, manufacture and export of tobacco and tobacco products and for matters ancillary thereto;

AND WHEREAS the national interest of Pakistan in relation to economic and financial stability of Pakistan within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter ;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render immediate legislation necessary ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Pakistan Tobacco Board Ordinance, 1968.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

---

<sup>1</sup> Approved by the National Assembly of Pakistan on the 14th May, 1968 and received the assent of the President on the 17th May, 1968, see Gaz. of P., 1968, Ext. (Rawalpindi), dated the 20th May, 1968, p. 323.

**2. Definitions.** In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Board” means the Pakistan Tobacco Board constituted under section 3 ;
- (b) “Committee” means the Tobacco Development Committee constituted under section 12 ;
- (c) “export” means to take out of Pakistan by any means to any place outside Pakistan ;
- (d) “owner” includes any agent of an owner ;
- (e) “prescribed” means prescribed by rules made under this Ordinance ;
- (f) “tobacco” means the commodity which is made from the leaves of the plant “*nicotiana tobaccum*”<sup>1</sup>[or *nicotiana rustica*]” and is commonly known as tobacco and includes adjacent tender stalks or green tobacco but does not include tobacco waste ;
- (g) “tobacco seed” includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *nicotiana tobaccum* which may be used to propagate that plant or to manufacture cigarettes, cigars, cheroots, pipe tobacco, or chewing tobacco.

**3. Constitution of the Pakistan Tobacco Board.**—(1) As soon as may be after the commencement of this Ordinance, the <sup>2</sup>[Federal Government] shall constitute a Board to be called the Pakistan Tobacco Board consisting of the following members, namely:—

- <sup>3</sup>[(a) one members from the North-West Frontier Province or the Punjab to be elected by the Cigarette Manufacturers Association of Pakistan;
- (b)<sup>4</sup>[six] members, <sup>5</sup>[three] each from the North-West Frontier Province and the Punjab, to be nominated by the Provincial Government concerned from amongst the tobacco growers;
- (c) one members to be nominated by the Federal Government on the recommendation of the Federation of Pakistan Chambers of Commerce and Industry;]

---

<sup>1</sup> Ins. by the Pakistan Tobacco Board (Amdt.) Act, 1973 (4 of 1973), s. 2.

<sup>2</sup> Subs. by the Pakistan Tobacco Board (Amdt.) Act, 1975 (19 of 1975), s. 2, for “Central Government”.

<sup>3</sup> Subs. *ibid.*, s. 3, for cls. (a), (b) and (c) which were previously amended by various enactments.

<sup>4</sup> Subs. by the Pakistan Tobacco Board (Amdt.) Ordinance, 1979 (11 of 1979), s. 2, for “four”.

<sup>5</sup> Subs. *ibid.*, for “two”.

(d)<sup>1</sup>[four] members, one to be nominated by each Provincial Government;

(e) one member, being an officer serving under the <sup>2</sup>[Federal Government] in the Ministry of Industries, to be nominated by the <sup>2</sup>[Federal Government] ;

(f) two members to be nominated by the <sup>2</sup>[Federal Government] <sup>3</sup>[;]

<sup>4</sup>[(g) one member, being an officer serving under the <sup>2</sup>[Federal Government] in the Ministry of Agriculture and Works (Food and Agriculture Division), to be nominated by the <sup>2</sup>[Federal Government] [;]<sup>5</sup>

<sup>6</sup>[(h) such other members as the Federal Government may nominate.]

(2) The <sup>2</sup>[Federal Government] shall publish in the official Gazette the <sup>7</sup>[designations of the officers of the Federal Government or a Provincial Government nominated to be members of the Board and the names of the other persons elected or nominated to be such members] and the Board shall be deemed to be constituted upon such publication.

(3) The <sup>2</sup>[Federal Government] shall appoint one of the members nominated by it under clause (f) of sub-section (1) to be the Chairman of the Board.

(4) The Board constituted under sub-section (1) shall be a body corporate by the name of the Pakistan Tobacco Board, having perpetual succession and a common seal, with power to acquire, own and dispose of any property and shall, by the said name, sue and be sued.

**4. Terms of members, etc.**—(1) A member of the Board shall, subject to the provisions of this section, hold office for two years and shall be eligible for re-election or re-nomination.

(2) When a member ceases to reside in Pakistan or becomes otherwise incapable of acting as such, the <sup>2</sup>[Federal Government] shall declare the seat of the member to be vacant.

---

<sup>1</sup> Subs. by the Pakistan Tobacco Board (Amdt.) Act, 1975 (19 of 1975), s. 3, for "five", which was previously amended.

<sup>2</sup> Subs. *ibid.*, s. 2, for "Central Government".

<sup>3</sup> Subs. by the Tobacco Board (Amdt.) Ordinance, 1971 (5 of 1971), s. 2, for full-stop.

<sup>4</sup> Added *ibid.*

<sup>5</sup> Subs. by the Pakistan Tobacco Board (Amdt.) Ordinance, 1982 (21 of 1982), s. 2, for full stop.

<sup>6</sup> Added *ibid.*

<sup>7</sup> Subs. by Act 19 of 1975, s. 3, for "names of all the members of the Board".