

**The Tobacco Vend
(Forms and Conditions of Licences) Rules, 1958**

Adapted

by

AJ&K Legislative Assembly

by

THE AZAD KASHMIR ADAPTATION OF LAWS ACT, 1959

(Act I of 1959)

Compiled by

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**THE TOBACCO VEND (FORMS AND CONDITIONS OF
LICENCES) RULES, 1958**

No. 5738/T dated 2nd January. 1959: In exercise of the powers conferred by sub-section (3) of Section 12 of the Tobacco Vend Act, 1958, the Director, Excise and Taxation, is pleased to make the following rules:--

1. (1) These rules may be called the Tobacco Vend (Forms and Conditions of Licences) Rules, 1958.
(2) They shall come into force at once.
2. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say --
 - (a). "Act" means the Tobacco Vend Act, 1958.
 - (b). "District Excise and Taxation Officer" includes an Assistant Excise and Taxation Officer exercising jurisdiction in the district;
 - (c). "Form" mean the form annexed to these rules;
 - (d). "Hawker" includes a traveling salesman carrying samples of manufactured tobacco for sale by retail;
 - (e). "Licence" means a dealer's licence issued under Section 4 of the Act;
 - (f). "Treasury" includes a sub-treasury or any bank authorized to accept moneys on behalf of Government; and
 - (g). "Vend premises" means the premises specified in the licence where a licensee can sell by retail sale or store for retail sale manufactured tobacco.
3. The licence to be used by the licensee and not more than five assistants or employees at the vend premises shall be in Form T-1.
4. The licence to be used by the licensee and not more than two assistants or employees at the vend premises shall be in Form T-2.
5. The licence to be used by the licensee and not more than one assistant or employee at the vend premises shall be in Form T-3.
6. The licence to be used by the licensee only as a hawker at any public place within the limits of a district shall be in form T-4.

7. Suitable arrangements for the supply of forms of licences shall be made by the Collector and the forms shall be obtainable from the licensed stamp vendors and other persons authorized to issue such licenses by the Collector.
8. (i) The licences shall be printed in triplicate and shall be bilingual (English and Urdu).
(ii) After the particulars have been filled in the end foil will be issued to the licensee, the middle foil sent to the District Excise and Taxation Officer within one week of the issue of the licence and the first foil shall be retained by the person issuing the licence.
(iii) Each foil of the licence shall bear the signature of the licensee or, in case he is illiterate, his thumb-mark, and it shall also be signed by the person issuing the licence.
9. Every licence shall be granted subject to the conditions set forth therein and in accordance with the provisions of the rules made under Section 12 of the Act.
10. No licence shall be issued to or held by any person under eighteen years of age, and no licensee shall employ any person under the age of sixteen years as his assistant or employee.
11. (i) No licensee shall employ a number of assistants or employees, larger than that specified in his licence.
(ii) Should a licensee employ more than five assistants or employees, he shall, in addition to a licence in Form T-1, obtain one or more licenses of the class or classes appropriate to the number of additional assistants or employees kept by him.
12. (i) No licence in form T-1, Form T-2, or Form T-3 shall be used by any person except the licensee and his assistants or employees whose full names and addresses are stated in the licence.
(ii) No licence in Form T-4 shall be used by any person except the licensee.
13. (i) No licensee or his assistant or employee shall sell by retail or store for retail sale any manufactured tobacco except in the vend premises specified in the licence;

Provided that a person holding a licence in Form T-4 may sell retail manufactured tobacco as a hawker only in any public place within the limits of the district specified in the licence.

- (ii) If a hawker operates in more than one district he shall take out a separate licence for each district in which he operates.
- 14.** (a) If a licensee desires to alter the name or names of any or all of his assistants or employees before the expiry of the period of his licence, he shall inform the District Excise and Taxation Officer, and the necessary amendments shall be made in the licence, free of charge.
- (b) If a licensee changes his vend premises before the expiry of the period of his licence, he shall inform the District Excise and Taxation Officer, and the necessary amendment, permitting the use of the same licence at the new vend premises, shall be made in the licence free of charge.
- (c) If the stock-in-trade of a licensee is transferred by sale or gift to or devolves by inheritance upon another person before the expiry of the period of licence, the transferee shall immediately inform the District Excise and Taxation Officer, and the necessary amendment permitting him to use the same licence shall be made in the licence free of charge.
- (d) (i) If a hawker sells by retail manufactured tobacco in the capacity of an employee for another person or firm, the employee's name shall also be entered in the licence.
- (ii) In case such a licensee ceases to be a hawker for any reason whatever in the district specified in his licence before the expiry of the period of his licence, his employer may intimate the fact to the District Excise and Taxation Officer, and the necessary amendment, permitting one of his other employees to use the same licence, shall be made in the licence, free of charge.
- 15.** If a licence is lost the licensee shall immediately take out a new licence on payment of full fee prescribed for the licence.
- 16.** Every licensee (except a hawker licenced in Form T-4) shall maintain, at the main outer door of the vend premises a signboard showing in conspicuous letters, in English or Urdu that he is a licensed dealer in manufactured tobacco, as also his name and the class and number of his licence.
- 17.** A hawker shall, at all times, while engaged in the retail sale of manufactured tobacco, carry his licence with him.

18. No licensee shall sell by retail manufactured tobacco to any person under the age of sixteen years.
19. Every licensee shall produce for inspection his licence on demand by any officer of the Excise and Taxation Department not below the rank of a Sub-Inspector.
20. All warnings given to the licensee by a District Excise and Taxation Officer or Magistrate shall be recorded on the licence.

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