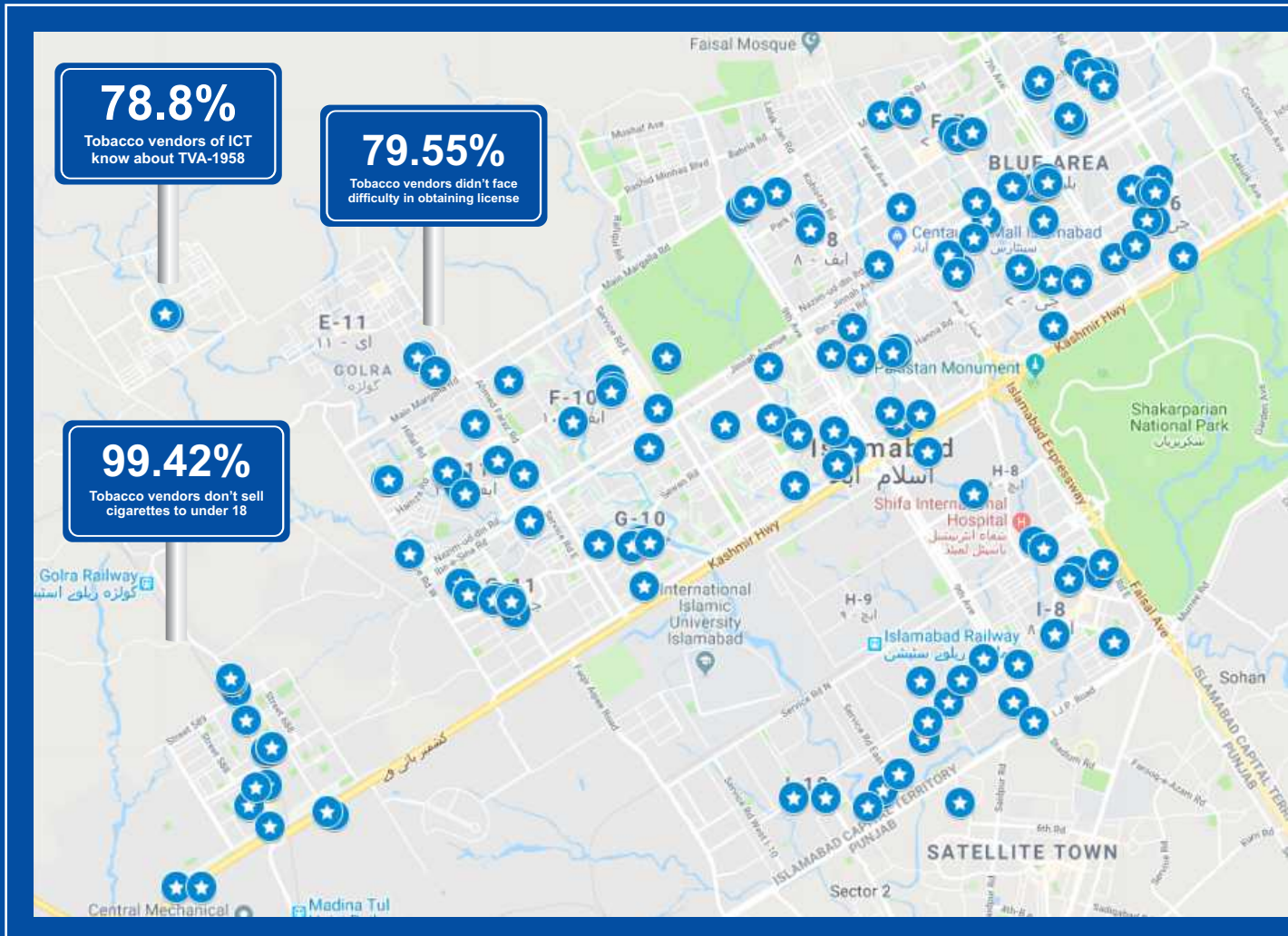


Assessment Report

“Implementation of
West Pakistan Tobacco Vend Act – 1958
In the Urban Areas of
Islamabad Capital Territory (ICT)”

January 2019



Association for Better Pakistan

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List of Abbreviations

Abbreviation	Description
ABP	Association for Better Pakistan
AC	Assistant Commissioner
CADD	Capital Administration & Development Division
ICT	Islamabad Capital Territory
PHW	Pictorial Health Warning
SPSS	Statistical Procedure for Social Sciences
STPs	Smokeless Tobacco Products
TMA	Tehsil/Town Municipal Administration
TMO	Tehsil/Town Municipal Officer
TCC-MoNHSRC	Tobacco Control Cell, Ministry of National Health Services, Regulations and Coordination, Govt. of Pakistan
The Union	International Union against Tuberculosis and Lung Disease
TSFC	Tobacco-Smoke Free Capital Project
TVA - 1958	The West Pakistan Tobacco Vend Act (TVA-1958)

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Shadman Aziz
Project Manager

Executive Summary

Tobacco-Smoke Free Capital Project is facilitating the ICT administration in implementation of **The West Pakistan Tobacco Vend Act-1958 since 2015**. The study was designed with a view to have an assessment of this implementation model and review the achievement of the intended benefits. Qualitative & quantitative data was collected for the study.

The study shows that, on the whole awareness about TVA-1958 among the vendors is good (78.86%) however, only half of them are registered under TVA-1958. The registered tobacco vendors were satisfied with the process of registration as 79.55% didn't face any major difficulty in obtaining license.

The enforcement of tobacco control laws was assessed against five indicators. It was found that loose cigarettes were available with 21.71% vendors (17.05% registered & 26.44% unregistered), low price illicit cigarettes were available with 60% vendors (65.91% registered, 52.87% unregistered). Similarly, smuggled cigarettes were available with 24.57% vendors (26.14% registered, 22.99% unregistered). It was observed that the “No Sale to Under 18 years of age” signage was not available in 66.86% shops (47.73% registered, 86.21% unregistered). Lastly, there were 9.14% shops located within 50 meter radius of the educational institutions, out of which 6.82% shops were of registered vendors whereas 11.49% of unregistered vendors. This data calls for further efforts to ensure enforcement of tobacco control laws in ICT where TVA-1958 is being implemented.

It can be established from the assessment that the project has developed a system to implement TVA-1958, however, it needs to be streamlined to consolidate the benefits of this intervention. There is need to institutionalize the process to ensure the sustainability of the model. Similarly, the database of vendors may be instrumental in enforcement of Tobacco Control Laws. The sphere of TVA-1958 may be extended to other forms of tobacco like Smokeless Tobacco Products. Vendors may be given options to apply for the license for more than 1-year after paying the due fees.

A Multi-Sectoral Oversight Body may be constituted to ensure the cooperative compliance and enforcement of laws. This body may also recommend the highly compliant vendors who may be offered incentives.

1 Introduction & Background

The West Pakistan (Punjab) Tobacco Vend Act (TVA-1958), (Annex-I) was enacted to regulate the retail sale of tobacco in the interest of Public Health. The act prohibits the retail sale of manufactured tobacco without dealer's license. Manufactured Tobacco means tobacco in any shape or form intended for the purpose of smoking, chewing or for use as snuff, or any preparation or admixture of tobacco intended for the said purpose or use, and includes bidis, cigarettes or cigars.

This act repealed the following acts;

1. The Bombay (District) Tobacco Act, 1933, in its application to the former province of Sind / District of Karachi
2. The Punjab Tobacco Vend Fees Act, 1934
3. The NWFP Tobacco Vend Fees Act, 1938.
4. The Baluchistan Tobacco Vend Fees Regulation, 1942

Implementation of TVA-1958 was facilitated for the first time by Tobacco Control Cell, MoNHSRC, Govt. of Pakistan in District Faisalabad in 2014. District Government Faisalabad took the initiative to implement TVA-1958 through Tehsil/Town Municipal Administration (TMAs). Tehsil/Town Municipal Officers (TMOs) were given the powers to issue licenses to tobacco vendors. Assistant Commissioners (ACs) were given magisterial powers to raid and impose fine for violation of tobacco control laws.

In 2015, Tobacco Smoke Free Capital (TSFC) project started the implementation of TVA-1958 in ICT. For this purpose, ICT Administration and Excise department were taken on board. The license fee was increased through a notification by the Chief Commissioner. Efforts are being made to earmark 50% of the revenue, collected through TVA-1958 enforcement, for tobacco control efforts in the area.

Initially implementation of TVA-1958 focused on the award of a license, but later an affidavit was also introduced to be submitted by the vendor at the time of application for license. The affidavit stated that the vendor will also ensure compliance with the tobacco control laws. It served as an instrument for raising awareness about tobacco control laws and to ensure effective implementation.

The intended benefits of the implementation of TVA-1958 included collection of revenue, regularization of tobacco sale points, bringing tobacco retailers under the regulations net for enforcement of tobacco control laws and later on bring them under the tax net. In future, Smokeless Tobacco Products' vendors will also be registered under TVA-1958, as the act includes the retail sale of all types of manufactured tobacco.

The study was designed with a view to assess the TVA-1958 implementation model applied by TSFC Project in the urban areas of ICT and the achievement of the intended benefits with the recommendations to make it replicable in other parts of the country. The study was designed and executed systematically to collect the qualitative and quantitative data, analyze it and present in the form of a report.

2 Assessment Methodology

2.1 Objective of the Assessment:

The objective of the assessment was “to identify strengths & weaknesses of the TVA implementation model vis-à-vis its role to ensure effective enforcement of Tobacco Control Laws in the urban areas of Islamabad Capital Territory (ICT). Moreover, provide recommendations to replicate it in other parts of the country”.

2.2 Assessment Framework:

The principal assessment issues set out in the Assessment Framework included;

1. Assessment of Strengths and Weaknesses of the TVA-1958 implementation model
2. Assessment of the benefits of implementation of TVA-1958
3. Role of TVA-1958 in ensuring the enforcement of Tobacco Control Laws

2.3 Assessment Methodology:

The study applied both qualitative and quantitative research methods. Assessment comprised of data collection from different sources, desk review, data analysis, triangulation and reporting of data. All the relevant primary and secondary data sources were utilized for the assessment. Main components of methodology are described below;

2.3.1 Study Design

This assessment was designed to apply both the quantitative as well as qualitative research methods.

The qualitative data was mostly collected from the documents review, interviews with the project team and other relevant stakeholders. Whereas, the quantitative data was collected through a structured interview/questionnaire with the tobacco vendors in ICT. The study design was prepared by the ABP team.

2.3.2 Formation of the Team

The assessment team was led by Mr. Shadman Aziz, Project Manager ABP. It was carried out through in-house resources and data was collected through the following team of ABP;

- a. Mr. Zafar Iqbal
- b. Mr. Tahir Khan

This 2-member team is well educated (both master degree holder) and has a handful of experience of working on Tobacco Control and data collection. The data was collected through a single team to minimize the bias and ensure that the data is collected on the standard parameter.

2.3.3 Development of Data Collection Tools

The tools for qualitative and quantitative data collection included the followings;

- a. Semi-structured Interview Guide to interview the project team and relevant stakeholders
- b. Structured Interview Questionnaire to collect data from the Tobacco vendors

The tools are attached at Annex-II

At the time of administering the questionnaire the team made the following two observations that were duly recorded;

1. Signage of “No Sale to Under 18” in the shop
2. Location of school within 50M radius of any educational institute

The data collection tools, particularly the structured-interview questionnaire from Tobacco Vendors were field-tested prior to execution.

2.3.4 Geographical Location

The assessment study was carried out in the Urban Area of Islamabad Capital Territory (ICT). The whole area was divided into 23 sectors to ensure representative sampling.

2.3.5 Study Population

Following was the study population;

- Tobacco Control Cell, Ministry of National Health Services, Regulations and Coordination (MoNHSRC)
- Management of the Tobacco-Smoke Free Capital (TSFC) Project
- ICT Administration Representatives
- 1400 Tobacco vendors in the Urban Areas of ICT

The list of major stakeholders interviewed during the assessment is as under;

Table 1 List of stakeholders interviewed

Sr. No.	Designation	Organization
1.	Technical Head	Tobacco Control Cell
2.	Project Manager	Tobacco Control Cell
3.	Project Director	Tobacco Smoke Free Capital Project
4.	Project Manager	Tobacco Smoke Free Capital Project
5.	District Coordinator–Islamabad	Tobacco Smoke Free Capital Project
6.	Inspector	Excise Department



2.3.6 Sampling Methodology:

For qualitative data, a list of respondents was prepared in coordination with TSFC Project which included all the relevant stakeholders. For quantitative data the sampling methodology is divided into two major components i.e. Sample Size Determination & Sampling of the respondents. Following is the brief of both the components;

Sample Size Determination:

As per the information provided by TSFC project, there are about 1400 tobacco vendors in the urban area of ICT. The sample size, out of this total population was determined using the following statistical formula;

$$n = \frac{NZ^2 V^2}{Nd^2 + Z^2 V^2}$$

Where

n = Sample size for respondents

N = Total number of beneficiaries / total population

Z = Normal variate at 95 % precision level (Confidence Level=95%)

d = Acceptable error i.e. 7 percent (Confidence Interval = 7%)

V = Guessed variability among sampling units (50 percent) for obtaining maximum

Hence sample size was determined as under:

$$n = \frac{1400 \times (1.96)^2 \times (50)^2}{[1400 \times (7)^2] + [(1.96)^2 \times (50)^2]}$$

$$n = 172$$

So the sample size for beneficiaries was determined to **172** which was rounded off to **175** tobacco vendors in the urban areas of ICT.

Sampling of the Respondents:

As shown in table 2 below, the sample size of 175 respondents was divided into different sectors of the urban area of ICT keeping in view the population density and presence of commercial areas to ensure the availability of tobacco vendors. For example a sample of 10 respondents was taken from the more dense sectors and having more number of commercial areas like F-6, F-7, F-8, G-6, G-7, G-8, G-9 etc. Whereas, less number of sample was taken from the less-densely populated sectors and with less number of commercial areas having tobacco vendors like D-12, E-7, F-13 etc. Furthermore, efforts were made to ensure the representative sample of the area. The respondents were the owners of the shops selling cigarettes. Following table 2 is the sector-wise distribution of sample;

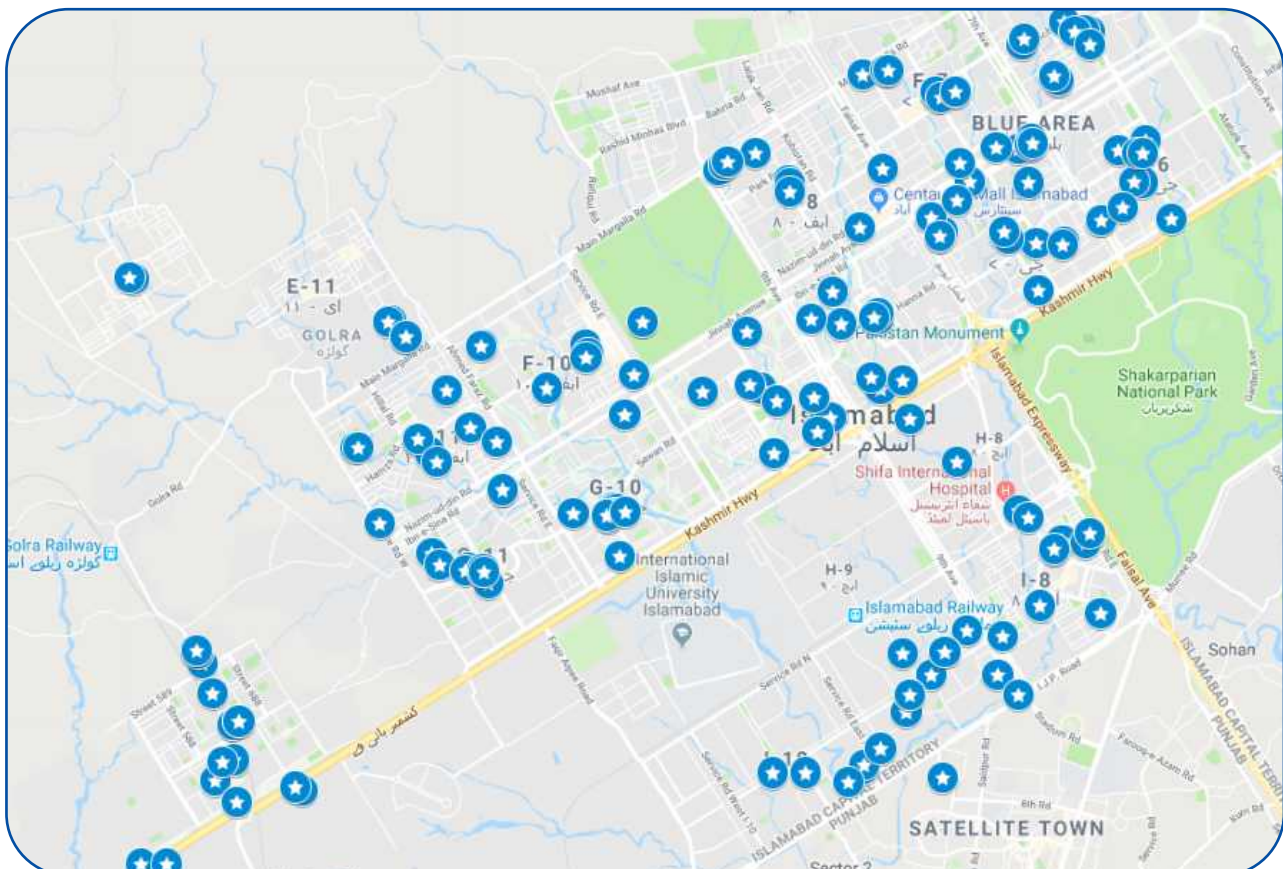
Table 2 Sector Wise Distribution of Sample

Sr. No.	Sector	Sample Size	Sr. No.	Sector	Sample Size
1	D-12	02	13	G-9	10
2	E-7	01	14	G-10	10
3	E-11	04	15	G-11	10
4	F-6	10	16	G-13	08
5	F-7	10	17	G-14	03
6	F-8	10	18	H-8	03
7	F-10	10	19	H-13	02
8	F-11	10	20	I-8	10
9	F-13	04	21	I-9	10
10	G-6	10	22	I-10	06
11	G-7	10	23	Blue Area	12
12	G-8	10	TOTAL		175

The sample was collected on the random sampling basis against the target for each sector. In each sector the sample was further collected from all the four sub-sectors and main Markaz of the sector to ensure the representativeness of the population. Upon refusal from any respondent the next sample was to be taken from the nearest available location.

2.3.7 GPS Coordinates

The GPS coordinates of the tobacco vendors' shops were also taken at the time of data collection. These coordinates are reflected on the map which shows the representativeness of the sample size in the urban area of ICT.



2.3.8 Field Data Collection

The field visit plan was developed to carry out the data collection exercise. The data was collected through a rigorous 6-day (14th – 19th of January 2019) exercise collecting on average 30 respondents' data per day by a 2-member team. Most of the data was collected from the owners of the business/shop.



2.3.9 Study Boundaries

The study was confined to the following boundaries;

1. The study was conducted to assess the implementation of TVA-1958 and enforcement of some of the sections of other Tobacco Control Laws.
2. It was conducted in the urban areas of Islamabad Capital Territory
3. The respondents included tobacco vendors of urban areas of ICT
4. Tobacco vendors having temporary stalls / kiosks / huts were not included in the study as they were not included by ICT Administration / TSFC project to provide tobacco vendor license.
5. The vendors were marked as registered who got tobacco vendor license from 2015 till the date of data collection

2.3.10 Data Analysis and Reporting

The quantitative data was analysed in Statistical Procedure for Social Sciences (SPSS). After data analysis a draft report was prepared and shared with Technical Advisor The Union and other relevant stakeholders for their review and feedback. After formal consent and approval from the Technical Advisor, the report has been finalized and published.

2.4 Ethical Consideration:

Assessment was conducted in line with the Standard Ethical Guidelines which included but were not limited to;

- Informed consent of participants, privacy and confidentiality considerations;
- Respondents were informed of the assessment purpose, rights and obligations of participating in the assessment and agreed to participate voluntarily
- Formal written consent was taken from the respondents to participate in the data collection process
- The respondents, including the relevant stakeholders and the programme beneficiaries, were given the right to refuse to be interviewed or photographed;
- No monetary benefit or any other favour was promised as a result of this assessment exercise.

2.5 Study Limitations:

Following were envisaged as major limitations of the study prior to its execution;

1. Lack of availability of adequate project data in the presentable format;
2. Lack of involvement of the relevant stakeholders in the assessment study
3. Issue with the generalization of the findings

Following is the brief of measures how these limitations came across during the study and how their impact was minimized;

Regarding the availability of project data, the TSFC project team informed in the initial meeting that they had mapped 1400 tobacco vendors in the urban area of ICT. The list of these registered vendors was requested from the project team to draw sample but the assessment team could access to the data of 100 registered tobacco vendors. It resulted in change of methodology for the selection of sample size to random sampling from each of the target sectors of ICT urban area. Hence the impact of this limitation was minimized.

The TSFC team facilitated the interview with the major stakeholders including the project team members and representative from excise department. The study team coordinated with the Tobacco Control Cell (TCC) team for their participation in the study.

Generalization of data was also envisaged as a limitation to the study, but the data collection exercise proved that the data was representative of the universe (total population of 1400 tobacco vendors in ICT) and the results and findings can be generalized to the whole population i.e. tobacco vendors of ICT Urban Area.

2.6 Copy Right:

The material collected as a result of this study will remain with the Association for Better Pakistan (ABP). ABP / The Union shall have copy right over all the documents / material collected and produced during or because of the study. The ABP team shall not disclose or share any information regarding this assessment to any agency / person / donor without prior written approval of the Union.

3 Assessment of Implementation of Tobacco Vend Act – 1958

3.1 The Implementation Process

Tobacco-Smoke Free Capital (TSFC) started implementation of TVA-1958 in 2015. For this purpose, the ICT Administration and excise department were taken on board. The license fee was increased through a notification by the Chief Commissioner so that a handsome amount of revenue may be generated through the collection of fee. Other than collection of the revenue, the intended benefits of the implementation of TVA-1958 included the regularization of tobacco sale points, bringing the tobacco retailers under the regulations net for enforcement of tobacco control laws. For the enforcement of laws an affidavit was introduced in which the enforcement of laws was ensured by the tobacco vendors.

In future the TSFC project is planning to expand the scope of TVA-1958 to Smokeless Tobacco Products (STPs). Moreover, efforts are being made that 50% of the revenue collected through TVA-1958 may be earmarked for tobacco control efforts in the area.

Following is the step-by-step brief of implementation process of TVA-1958 in ICT;

3.1.1 Identification of the Stakeholders

The first step in the project implementation was regarding the identification of the relevant stakeholders. From the Public sector (government) the major stakeholders included the Excise Department and the ICT Administration, and from the private sector (non-government) the stakeholders included the Trade Union and Islamabad Chamber of Commerce & Industry. It was discussed that some of the relevant stakeholders are missing in the list like Law Department, Finance Department and Health Department including the Tobacco Control Cell MoNHSRC. In response to it the project team was of the view that as the Chief Commissioner ICT has the authority to amend Laws applicable in ICT, there was no need to involve Law Department / Finance Department to modify/amend any laws. Similarly, TCC (MoNHSRC) is a policy making body and having very limited role in implementation, so it was not involved as a stakeholder in the project.

3.1.2 Mapping of the Tobacco Vendors

As the project was the first ever intervention in ICT, there was no mapping of the tobacco vendors in the area. The project planned a mapping exercise to identify all the tobacco vendors in the ICT. It took about 7-8 months to complete this extensive mapping exercise as a result of which about 1400 tobacco vendors were mapped in the urban areas of ICT.

3.1.3 Notice to the Vendors for License

As a second step the notices (copy attached at Annex-III) were served to the mapped vendors from Excise Department to get them registered under TVA-1958 within 7-days. Initially there was less response from the vendors to get the license. In the wake of this low response, the vendors were re-visited and served the notices again at their points of sales.

3.1.4 License Fee and Affidavit

After the second visit and re-notice the tobacco vendors were persuaded to get themselves registered under TVA-1958. The next step was to submit an affidavit (copy attached at Annex-IV) to comply with the existing tobacco control laws and deposit the license fee. The license fee was initially deposited in the excise office which was later on regularized through National Bank. The affidavit was also being submitted in the excise office.

It was planned that the vendor license fee and other fines collected through TVA implementation shall be earmarked for the tobacco control efforts in the area. In this regard the project team stated that the

proposal has been sent to earmark 50% of the revenue generated for the tobacco control efforts.

2.1.5 Issuance of License

After the completion of the above mentioned procedures the license (copy attached at Annex-V) is issued by the excise department. The license is valid for the ongoing fiscal years i.e. 30th of June.

2.1.6 Violation and Penalty

Once the registration cycle was completed, the ICT administration along with the project team raided the vendors which had not been registered. As a part of this violation, the vendors were fined (up to Rs. 50,000 per vendor) and the stock of their cigarettes was also confiscated.

3.1.7 Follow up and Renewal

As the license is issued on annual basis, there was need to follow up with the vendors for its renewal and bring the left-over vendors in the registration net. For this purpose, in the subsequent years i.e. 2017-18 and 2018-19 the notices were served to these vendors and follow up visits were made by the project team.

3.2 Challenges in the Implementation

As mentioned earlier, this was the innovative intervention so faced several challenges. Some of the major challenges (and their counter measures) were:

3.2.1 Interference of Tobacco Industry

There was an obvious reaction from the tobacco industry to curb the process that was manifested in the form of hurdles created from Trade Unions, lack of cooperation of the district authorities and excise department. This was later overcome through continuous follow up and involvement of the project team. Moreover, cooperation from the heads of the departments like Director Excise and the Chief Commissioner / DCO Islamabad also played a role to overcome this challenge.

The tobacco industry also approached the secretary CADD (Capital Administration & Development Division) with the complaint that the TSFC team is involved in tearing their small posters (A-4 size) from the shops. In response to it the TSFC team clarified that their job is not enforcement, it is the job of ICT administration to ensure enforcement.

3.2.2 Database of Vendors

In the beginning there was no database of tobacco vendors with the ICT administration or any other authority. The project team had to go through mapping of the vendors. Later on, Director Excise took the initiative to get a computerized database developed. But after the transfer of that Director Excise, the database exists nowhere and there is no backup of it with the project team as well. The project team is repeating the exercise of mapping to enlist the vendors.

3.2.3 Lack of Awareness of the Tobacco Vendors

The tobacco vendors were generally unaware of the TVA-1958 and were taking it as an additional taxation. The TSFC launched a campaign through the ICT administration to make them aware of TVA-1958. This campaign is still continued to aware the vendors and facilitate them in obtaining license.

3.2.4 Procedural Delays

The next challenge was about the procedure which looked lengthy and time consuming to the vendors. From where to get the challan form, where to get the template of affidavit and how to proceed to get the license. These challenges created a lot of mess and there emerged some opportunistic elements to

exploit the situation. There were some middle men (including lawyers) who charged heavy fees (up to Rs. 8-10 thousand) to facilitate the vendors in obtaining the license. This situation was, managed by the project by deploying a Stamp-Vendor in the excise office to provide template of the affidavit on prescribed rates. Similarly, they also facilitated the filing of challan forms and deposit of fees. To counter the issues faced by the vendors in obtaining licenses, the ICT Administration & TSFC project are planning to issue/renew licenses at the point of sale (shop).

3.2.5 Deficiency of staff at Excise Department Office

The excise department is under-staffed to carry out such tasks in parallel to their existing functions. However, it is commendable that their leadership, the Director Excise, realized the importance of this task and pursued it in coordination with the project team. Moreover, in the revenue collection through TVA registration fee and fines collection, other than earmarking for the Tobacco Control efforts there should have been a share of concerned excise department staff, as there is in the case of traffic police who are paid an incentive out of the traffic-violations' challan.

3.3 The Process Assessment

- a. The best way to initiate a project is the stakeholder analysis. One of the important stakeholders of the project could have been Tobacco Control Cell, MoNHSRC, Government of Pakistan. In discussion with the TSFC project team and with the Tobacco Control Cell, it was found that there has been lack of coordination between both the offices. The TSFC project team didn't mention any role of TCC and the TCC team was unaware of the achievements of the project. One of the roles of Tobacco Control Cell is to coordinate with provincial governments and ICT Administration for the implementation of all Tobacco Control Laws including TVA-1958. While commenting on the role of TCC in the implementation of TVA-1958, the Technical Head TCC was of the view that TCC could be supportive for the legislative amendments in TVA like increase in Vendor Fee, earmarking of the revenues and development of standard implementation mechanism across the country. In this way it could not only be implemented more effectively but also it could develop as a replicable model.
- b. Before planning an initiative, it is important to review the similar nature projects executed in the past. This kind of project intervention was executed in 2014 by District Government Faisalabad through Tobacco Control Cell in which tobacco vendors were registered under TVA-1958. It was a complete registration cycle in which vendors were mapped, notices served, registration made and un-registered vendors fined. The lessons learnt through that intervention could have been helpful for TSFC project. The District Government Faisalabad implemented the project through Tehsil Municipal Administration with delegation of powers to the TMOs. The Assistant Commissioners also conducted raids for violation of Tobacco Control Laws; letters and the news clipping are attached at Annex-VI.

3.4 The Intended Benefits & Their Analysis

Tobacco Smoke Free Capital (TSFC) project started the implementation of Tobacco Vendor Act – 1958 in 2015 with the following intended benefits;

- i. Increase in revenue base for Tobacco Control Efforts
- ii. Ensure the implementation of other tobacco control laws particularly the “Prohibition of Smoking and Protection of Non-smokers Health Ordinance 2002”
- iii. Regulating the Tobacco Vendors with the development of a database of tobacco vendors

In this regard different strategies were adopted to achieve the above-mentioned benefits. Following is the brief analysis of these strategies and their outcome;

3.4.1 Increase in the Revenue

The first intended benefit of the TVA-1958 implementation was the increase in the revenue base through collection of tobacco vendor fee. This fee was revised through a notification dated December 31, 2015; copy attached at Annex-VII. As per the notification the tobacco vendor fee was categorized as below;

Table 3 Revised Tobacco Vendor Fee Schedule

Sr. No.	Category / Description	Existing fee in ICT (PRs.) Before Dec. 2015	Revised Fee in ICT (PRs.) After Dec. 2015
1.	One Licensee as a hawker	5	1,000
2.	Licensee and not more than one assistant / employee	5	1,000
3.	Licensee and not more than Two assistant / employee	30	2,000
4.	Licensee and not more than Five assistant / employee	40	3,000

In this regard out of the categories, mentioned in the above Table 3, the license was not granted to the vendors who are doing business in temporary stalls, kiosks or huts etc. The reason for not granting them license was that they were temporary business points and most of them were not regulated by the ICT administration.

The critical analysis of the notification, as attached at Annex-VII, shows that there was no provision of category of vendors having more than five assistant / employee. It should be addressed by the TSFC project.

With the increased fee structure it was expected that a handsome amount of revenue will be generated. It was also intended that the revenue will be used for the tobacco control efforts in the area.

At the moment there is no segregated record of the collection of revenue through TVA – 1958 implementation, however, as per the Excise & Taxation Department as much as Rs. 1.5 million was collected in the year 2016-17. This amount was collected along with other revenues of the department and couldn't be earmarked for the tobacco control efforts. As per the project team, they are in process of earmarking 50% of this revenue for tobacco control in ICT and the proposal is with Chief Commissioner for approval.

3.4.2 Implementation of Tobacco Control Laws

The other intended benefit of the implementation of TVA-1958 was to facilitate the implementation of Tobacco Control Laws particularly the “Prohibition of Smoking and Protection of Non-smokers Health Ordinance 2002”.

It was well perceived and implemented by the project. Other than the deposit of fee for Tobacco Vendor License, the license applicant (vendor) has to submit an affidavit, as mentioned above, to comply with the following sections of “Prohibition of Smoking and Protection of Non-smokers Health Ordinance 2002”;

Table 4 Sections of 2002 Ordinance to be complied with TVA Implementation

Sr. No.	Section	Description
1	Section 5	The shop / Public Place will be Tobacco - Smoke Free
2	Section 7	No display of tobacco advertisement in the shop
3	Section 8	i. No sale of cigarette to Under -18 years of age ii. Display of signage "No Sale of Cigarette to Under -18" iii. No sale of Loose Cigarettes
4	Section 9	Shop will not be situated within 50 meter of any educational institution
5	Section 10	Display of signage "Smoking is an Offence" inside the shop

The detailed implementation status and impact of these sections is discussed in the next chapter; however, it is pertinent to note that it contributed to raised awareness among the tobacco vendors. There were reported incidences that the vendors who couldn't comply with these conditions seized the sale of tobacco products. For example, in G-8/1, 3-shops seized the sale of cigarettes as they were close to (within 50 meters of) educational institutions. Such incidences were reported during the survey and as per the project staff, there are as many as 73 such cases in which vendors quit the tobacco business.

3.4.3 Regulating the Tobacco Vendors

The Tobacco Control Cell officers classified it to be the most important benefit of the TVA-1958. It could provide an opportunity to ensure compliance and enforcement of the Tobacco Control Laws. Moreover, the database will provide an authentic counter-argument about the number of vendors against the number quoted by some other source. This database can also be used to disseminate information related to enforcement and can be used in further research or studies.

When TSFC started the project, there was no database of tobacco vendors available to them. To overcome this situation the project team conducted a mapping exercise in 2015 in which about 1400 vendors were identified in the urban area of ICT. It took 7-8 month to complete this exercise.

After which, on the one hand the efforts were made to bring them in the registration net and on the other hand a database was prepared by the then Director Excise. That database comprised of the information of Tobacco Vendors which could have been used to regulate the working of the tobacco vendors in the ICT. But, unfortunately, due to transfer of that Director Excise, the database is no more available to anyone. It shows that the task was person-oriented and couldn't be institutionalized and hence the benefit couldn't be materialized.

4 Analysis and Findings

The findings of the quantitative data were analyzed and delineated vis-à-vis the structured questionnaire used in the study. The questionnaire was filled from 175 tobacco vendors of ICT urban area. During the survey most of the (about 95%) questionnaires were filled from the owners of the shops and a few (about 5%) from the salesmen due to unavailability of the owner at the time of interview. The study included all the four categories of vendors i.e. single vendor (34%), vendor and single assistant (26%), vendor and two assistants (16%) and vendors and up to 5 assistants (24%). However, it is pertinent to note that the temporary stalls/kiosks were not included in the assessment study as they were not awarded license by the ICT administration.

Following are the findings of quantitative as well as qualitative data along with their analysis;

4.1 Duration of Business

Figure 1 shows the duration of establishment of business by the tobacco vendors. It shows a representative sample vis-à-vis duration of the business as there are 24 (13.71%) vendors who established their business within one year of this survey, 64 (36.57%) vendors have established their business in the last 1-5 years, 38 (21.71%) have been engaged in the tobacco business for the last 5-10 years and as many as 49 (28.0%) have been doing this business for the last more than 10 years.

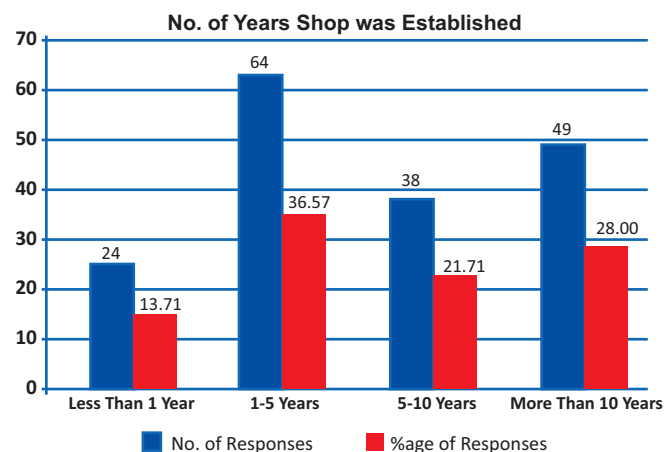


Figure 1 Years of establishment of Tobacco Business

4.2 Knowledge of TVA-1958

Vendors were asked about their knowledge regarding TVA-1958. They were asked whether they were aware of the TVA-1958 and knew that it was mandatory for the tobacco vendors to get registered under TVA-1958?

In response to it, as shown in figure 2, an overwhelming majority of 138 (78.86%) said that they know about TVA-1958. Whereas, 37 (21.14%) said that they are unaware of TVA-1958. There is need to expedite the efforts to sensitize these vendors as well.

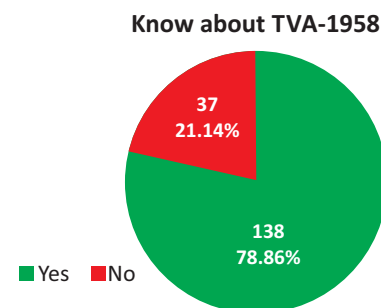


Figure 2 Knowledge about TVA-1958

4.3 Registered Tobacco Vendor

After that the vendors were asked about their registration under TVA-1958. About half of them i.e. 88 (50.29%) said that they are registered tobacco vendors whereas 87 (49.71%) said that they are not registered under this act. The licenses were physically validated before marking them as registered vendors.

This is an alarming situation where about half of the tobacco vendors surveyed are not licensed.

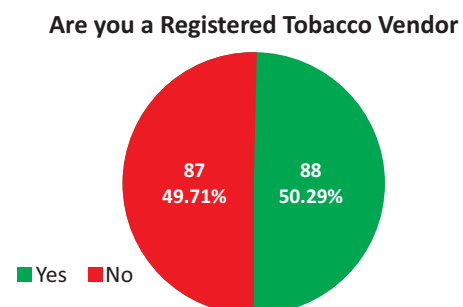


Figure 3 Registered Tobacco Vendor

4.4 License Displayed in Shop

The 88 registered vendors were asked to show their license, whether they have displayed the license in their shops or not. In response to it, as shown in figure 4, 40 (45.45%) vendors said that they have the license displayed in their shops, whereas 48 (54.55%) didn't have the license displayed in the shops. Their licenses were found in the separate cabinets or files but were physically validated to mark them registered.

Is license displayed in shop?

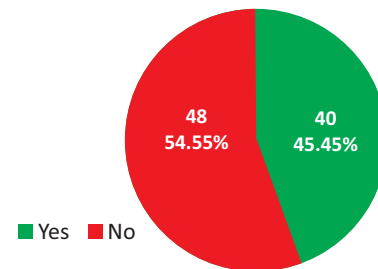


Figure 4 License Displayed in Shop

4.5 Submission of Affidavit

The registered tobacco vendors were asked whether they submitted the affidavit to obtain license. The affidavit is an important tool to raise awareness about Tobacco Control Laws and ensure their effective enforcement. In response to it 86 (97.73%) said that they submitted the affidavit to obtain license. Only 2 (2.27%) said that they didn't submit any affidavit to obtain license. It shows that the system is working as overwhelming majority got the license after due process.

Submission of Affidavit to Obtain License

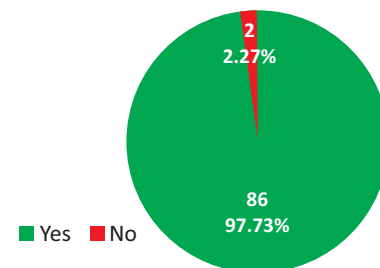


Figure 5 Affidavit Submission for License

4.6 Difficulty in Obtaining License

The registered tobacco vendors were asked whether they faced any difficulty in obtaining license. In response to it 17 (19.32%) said that they faced difficulty in this process, whereas, majority of them i.e. 70 (79.55%) respondents said that they didn't face any difficulty in this process. Only 1 (1.14%) didn't respond to the question.

Difficulty in Obtaining License

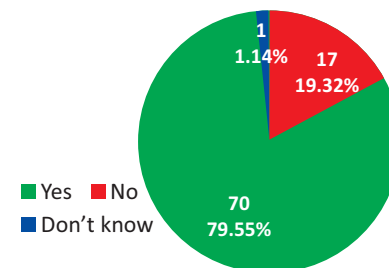


Figure 6 Difficulty in Obtaining License

As mentioned earlier there have been a number of challenges faced by the TSFC project to implement this innovative work. However, it is laudable that the effects of these challenges were not allowed to be spilled over to the beneficiaries.

When the 17 beneficiaries who faced problems were asked about the nature of the problems and how did they manage to overcome them. Most of them said that the problems were due to unawareness of the process and lack of guidance which resulted in the delays and waste of time. These were the vendors who were not exposed to the awareness campaign launched by the TSFC/ICT Administration to aware the vendors about the registration process. The format of affidavit was not available to them. To overcome these problems the project team and the excise department facilitated them but they had to visit the offices again and again.

4.7 Impact of License on sale of Cigarettes

The registered tobacco vendors were asked about any impact of license on their sale of cigarette. In response to it only 6 (6.82%) said that their sale has been impacted and decreased due to tobacco license. However, most of the respondents i.e. 79 (89.77%) said that there is no impact of

Impact of License on the sale of Cigarettes

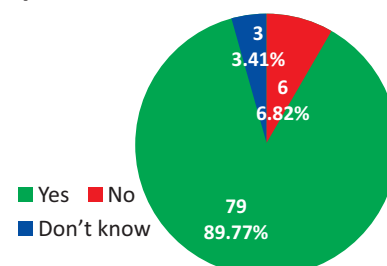


Figure 7 Impact of License on Sale of Cigarettes

license on the sale of cigarette. They were of the view that the license is a bonding between them and government and has nothing to do with the cigarette users. They further added that the sale has been influenced by certain other factors, as mentioned below, like ban on sale of loose cigarettes and no sale to under 18 years of age.

4.8 Sale of Loose Cigarettes

All 175 respondents were asked whether they sell loose cigarettes or not. 38 (21.71%) said that they sell loose cigarettes and 137 (78.29%) said that they don't sell loose cigarettes.

When this data was cross-tabulated vis-à-vis registered tobacco vendors it was found that 15 out of 88 registered vendors were (17.04%) involved in the sale of loose cigarettes. It is below the overall figure of 21.71% which shows that the registration has contributed to some extent to control the sale of loose cigarettes.

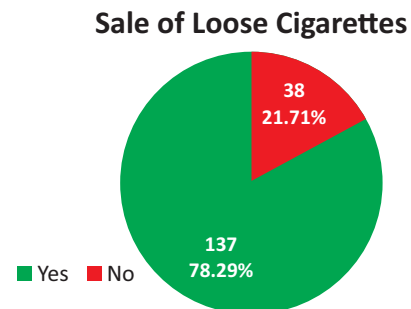


Figure 8 Sale of Loose Cigarettes



Figure 9 Loose cigarettes of different brands collected during the data collection

4.9 Impact of No Sale of Loose Cigarettes

This question was asked from the 137 respondents who don't sale loose cigarettes that what is the impact of ban on loose cigarettes on their income. As shown in figure 10, 70 (51.09%) respondents said that their revenue has decreased due to ban on loose cigarettes.

Moreover, 47 (34.31%) respondents said that there has been no change in their sale due to ban on loose cigarettes. They were of the view that earlier people used to buy loose cigarettes now they purchase it in pack. It just affected the frequency of purchase, but the quantity of cigarettes has not been affected. Only 2 (1.46%) were of the view that their income has been increased as earlier the customers bought loose cigarettes now they have to buy the whole pack. 18 (13.14%) respondents didn't reply to this question.

4.10 Sale to Under 18 & its Impact

The next component of the questionnaire was about the sale of cigarettes to the children under 18 years of age. In response to it most respondents i.e. 174 (99.42%) said that

Impact of No Sale of Loose Cigarettes

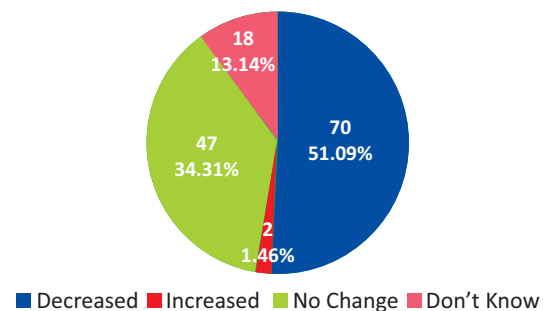


Figure 10 Impact of No Sale of Loose Cigarettes

Impact of ban of Sale to under 18 on Income

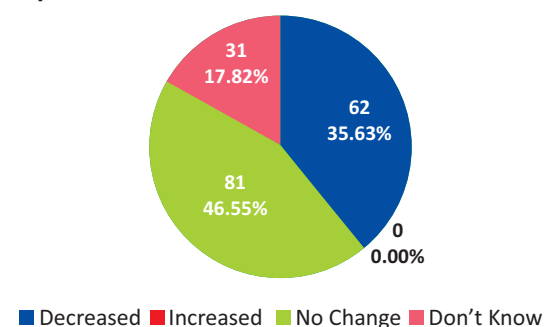


Figure 11 Impact of Ban of Sale to Under 18 on Income

they don't sale cigarettes to under 18. While talking about the impact of no-sale to under 18 on their income the majority of them 81 (46.55%) said that there is no change as they didn't sell cigarettes to children even before. However, 62 (35.63%) said that the sale has decreased. It shows that there is reduction in sale of the cigarettes due to ban on sale to children under 18 years of age. As many as 31 (17.82%) didn't respond to the question.

This impact of sale/revenue was reviewed vis-à-vis three indicators i.e. getting registered under TVA-1958, ban of sale of loose cigarettes and ban of sale to under 18 years of age. The analysis shows that there has been no major impact on revenue of sale of cigarettes due to registration under TVA-1958. However, there was remarkable change in the income of the tobacco vendors because of enforcement of other sections of Tobacco Control Laws. Due to ban on sale of loose cigarettes, 51.09% vendors said that their income decreased and only 1.46% said that it increased. Similarly, 35.63% respondents said that their income decreased due to ban of sale of cigarettes to under 18 years of age, and none of the respondents said that it increased due to this factor.

So we can sum it up as mere registration under TVA-1958 is not enough, the enforcement of other laws is also important to control tobacco use.

4.11 Record of Monthly Sale of Cigarettes

There was a question about keeping the record of sale of cigarettes and present to some authorities. In response to it none of the vendors admitted that they prepared the record of sale of cigarettes. It is an area the project needs to look into to bring the tobacco vendors in tax net and ensure tracking of the sale of cigarettes in future. This can also be associated with the possible benefit of the TVA-1958 implementation i.e. regulating the tobacco vendors.

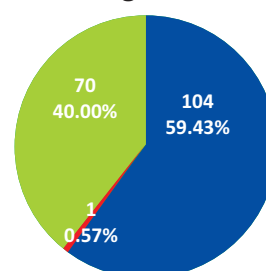
4.12 Minimum Price of Cigarette Pack

The next question was about the minimum price of cigarette pack in the shop. With the introduction of third slab in May 2017 the minimum consumer price was decreased to Rs. 48 per pack. It remained at this level in the budget till September 2018 when it was increased to a minimum price of Rs. 58 per pack. That's why in response to this question, three variables were taken i.e. below Rs. 48 per pack, from Rs. 48-58 per pack and above Rs. 58 per pack. The cigarette packs of below Rs. 58 per pack may be categorized as Illicit Cigarette as, though there are other conditions fulfilled, like PHW, text warning, brand name, manufacturer name and warning of prohibition of sale to under 18. The sale price on these cigarette packs is mentioned as Rs. 48 (Price Rs. 41.03, Sales Tax Rs. 06.97) but in reality it is being sold for around Rs. 30 per pack. Common known brands and their market prices, as surveyed, are shown in table 5 and figure 12;

Table 5 Different Brands of Low Price Illicit Cigarettes in the market

Sr. No.	Brand	Retail Price mentioned (Rs.)	Consumer Price(Rs.)
1.	KISAN	48	30
2.	GOLD STREET	48	35
3.	HERO	48	30
4.	HIWAY	48	30
5.	CHANCE	48	30
6.	GOLD CUP	47.5	30

Minimum Price of Cigarette Pack in the Shop



■ Below Rs. 48 per pack ■ Rs. 48-58 ■ Above Rs. 58 per pack

Figure 12 Minimum Price of Cigarette Pack in a Shop



Figure 13 Illicit Low Price Cigarettes of different brands identified during data collection

When the respondents were asked about the availability of lowest price cigarette pack in the shop, as many as 105 (60%) said that they have low price (below Rs. 58 per pack) cigarettes available to them, whereas 70 (40%) said that they have cigarette packs of above Rs. 58 per pack as shown in figure 13.

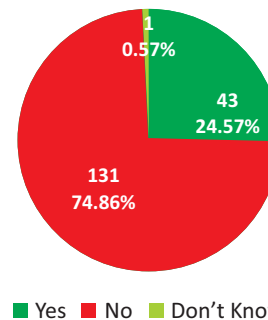
Cross tabulation with registered tobacco vendors shows that 58 out of 88 vendors (65.9%) had the Illicit (low price) cigarettes in their shops, which is even higher than the total 59.43%.

4.13 Availability of Smuggled Cigarettes

The next component was about the availability of smuggled cigarettes in the shops. The imported cigarettes being sold without pictorial health warnings, textual health warning in English and Urdu, retail price or name of the manufacturer are categorized as smuggled cigarettes. Some of most common brands of such cigarettes are shown in figure 15 below.

The respondents were asked about the availability of these cigarettes in their shops. As many as 43 (24.57%) said that they have smuggled cigarettes available in their shops, whereas, 131 (74.86%) said that they don't have such cigarettes.

Availability of Smuggled Cigarettes



■ Yes ■ No ■ Don't Know

Figure 14 Availability of Smuggled Cigarettes



Figure 15 Smuggled cigarettes of different brands available in the market

This data was also cross-tabulated with the registered tobacco vendors. It was found that 23 out of 88 (26.13%) are the registered tobacco vendors involved in the sale of smuggled cigarettes. This number is higher than the cumulative number of 24.57%.

4.14 Signage of No Sale to Under 18 years of age

This was the observation made during data collection that the shop has displayed the signage of “No Sale of Cigarette to Under 18 years of age” as per section 8 of “Prohibition of Smoking and Protection of Non-Smokers Health Ordinance 2002”. It was observed that 58 (33.14%) vendors had this signage displayed in their shops, whereas 117 (66.86%) had not displayed it in the shops.

This data was also cross-tabulated vis-à-vis the registered tobacco vendors. The data shows that 46 out of 88 registered vendors (52.27%) displayed the signage of “No Sale to Under 18 years”. This number is higher than the cumulative number which shows that the TVA implementation has played a positive role in implementation of this clause.

4.15 Location of Shop in 50-M Radius of Educational Institution

Another observation was about the location of the shop whether it is located within 50 Meter radius of any educational institution. As shown in figure 17, it was found that 16 (9.14%) shops were located within 50 Meter radius of any educational institution. It is the violation of section 9 of “Prohibition of Smoking and Protection of Non-Smokers Health Ordinance 2002”.

This data was cross-tabulated with the registered tobacco vendors and it was found that 6 (6.81%) shops of registered vendors were located within 50-M radius of the educational institution.

4.16 TVA – 1958 Implementation and Enforcement of Tobacco Control Laws

The status of implementation of tobacco control laws was analyzed for the 88 registered tobacco vendors. The findings, as depicted in table 6 and figure 18, can be summarized as followings

1. The data of sale of loose cigarettes was cross-tabulated with the registered tobacco vendors; it was found that 15 out of 88 (17.05%) registered vendors were involved in the sale of loose cigarettes.
2. Similarly, it was found that 58 out of 88 (65.91%) were having the Illicit (low price) cigarettes, which is even higher than the overall total (60.00%). This is quite a high number, particularly when we consider that the registered tobacco vendors have been sensitized and made aware of the tobacco control laws.
3. Regarding the sale of smuggled cigarettes, the data shows that 23 out of 88 (26.13%) registered tobacco vendors are involved in the sale of smuggled cigarettes. This is also a high number in the context of registered tobacco vendors.
4. Almost half of the registered tobacco vendors i.e. 42 out of 88 (47.73%) had not displayed the signage of “No Sale to Under 18 years” in their shops.
5. As many as 6 (6.81%) shops of registered vendors were located within 50-M radius of the educational institution.

Signage of No Sale to Under 18

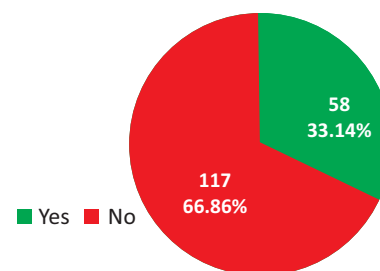


Figure 16 Signage of No Sale to Under 18

Shop within 50-M radius of Edu. Institution

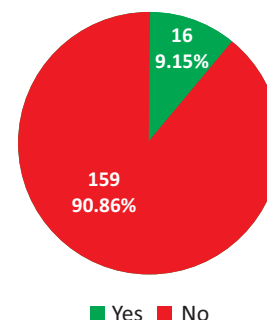


Figure 17 Shop within 50-M Radius of Educational Institution

Table 6 Cross Tabulation of Data for Indicators of Violation of Laws

Indicator for Violation	Overall Data		Registered Vendors		Un Registered Vendors	
	#	%	#	%	#	%
Availability of Loose Cigarettes	38	21.71%	15	17.05%	23	26.44%
Availability of Low Price Illicit Cigarette	105	60.00%	58	65.91%	47	54.02%
Availability of Smuggled Cigarette	43	24.57%	23	26.14%	20	22.99%
No Signage of No Sale to U-18	117	66.86%	42	47.73%	75	86.21%
Shop in 50M radius to Educational Institution	16	9.14%	6	6.81%	10	11.49%

Registration & Enforcement of Tobacco Control Laws

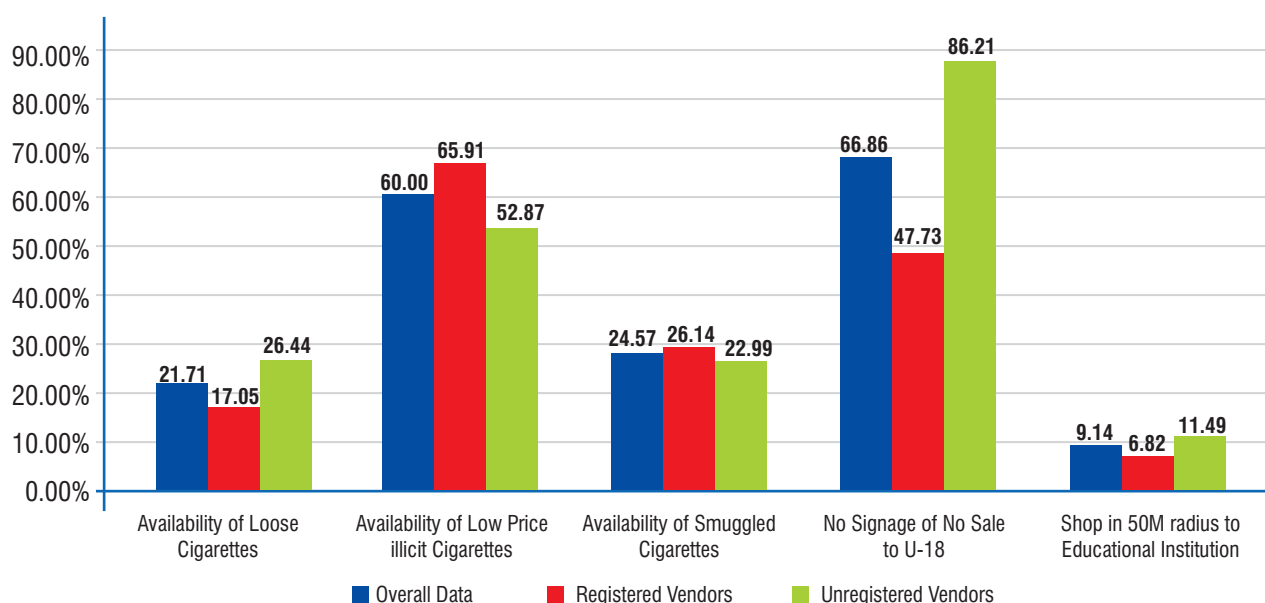


Figure 18 Cross Tabulation of Data for Indicators of Violation of Laws

5 Conclusion

The study was designed to assess the implementation model of TVA-1958. The implementation process and the achievement of the intended benefits were analyzed. As TSFC project was facilitating the ICT Administration in implementation of TVA-1958 for the first time, it can be stated that they started their work from the scratch. However, there were examples of implementation of TVA-1958 like in Faisalabad where it was implemented in 2014 by the District Government under the directions of Tobacco Control Cell, MoNHSRC, Government of Pakistan. The project should have considered the experience of that implementation and incorporated the lessons learnt into their implementation.

It can also be concluded that the project couldn't involve some of the most important stakeholders like Federal Tobacco Control Cell. This involvement could facilitate the implementation of TVA in ICT and its replication in other provinces as well.

Regarding the process to register the tobacco vendors, it can be concluded that the process was well facilitated by the project team as evident from the fact that 79.55% of the registered vendors showed their satisfaction on the registration process as they didn't report any difficulty in obtaining license.

As regards the coverage of the TVA-1958 in the urban area of ICT, it is 50.29%, which is much less than the number estimated by the project. As per the project sources there are 80-90% registered vendors in the urban area of ICT. This gap is because of lack of any database of the vendors or registration record. The database prepared by the excise department is also not available to validate the actual number of vendors and the number of vendors registered under TVA-1958.

The approach of the Tobacco-Smoke Free Capital Project was clear towards the intended benefits i.e. increase in revenue and use it for tobacco control, effective enforcement of tobacco control laws and regulating the tobacco vendors by developing their database. However, the achievement of these benefits is indeterminate. Although there is revenue collected through registration of vendors, but how much is collected there is no record of it, except that excise sources quoted Rs. 1.5 million collected in 2016-17. The revenue collected afterwards is not accounted for / reported anywhere.

Similarly, the tobacco vendors were analyzed for the implementation of Tobacco Control laws. In this regard 5 indicators were taken i.e. sale of loose cigarettes, availability of low price illicit cigarettes, availability of smuggled cigarettes, no signage of "Prohibition of sale to Under 18" and shop within 50 meter radius of Educational Institution. The comparative analysis of the data shows that there is not much improvement in the enforcement indicators of the registered tobacco vendors. This is the dimension the project team should look into.

The third intended benefit was to regulate the registered vendors, to be done through a database developed by the excise department. But during the assessment it became apparent that the database was developed owing to the personal efforts of a Director Excise and after her transfer that database is not traceable i.e. this benefit couldn't be ascertained.

We can, therefore, conclude that the project has been successful in establishing a system of registration of tobacco vendors. However, more systematic approach is required to expand the registration network and consolidate the benefits of this intervention in a more collaborative way.

6 Recommendations and Way Forward

1. The implementation of TVA-1958 may be institutionalized and made part of functions of the ICT Administration & Excise Department. It may not be left to individuals in order to ensure the sustainability of the intervention.
2. The project may deliberate all possible options for earmarking of revenue collected through TVA-1958. It may be used as incentive for the excise department officials and for the tobacco control effort being carried out in the area from where the revenue is being collected.
3. The model may also envisage a “Multi-Sectoral Oversight Body” which includes representatives of the vendors and concerned citizens to act as a democratic platform for cooperative compliance and enforcement.
4. The database of tobacco vendors may be developed in such a manner that it is instrumental for better regulation and cooperative enforcement. This database may also be made publicly available through the website of ICT Administration / TSFC Project.
5. As the TVA-1958 deals with all forms of tobacco, efforts may be made to regulate the sale of Smokeless Tobacco Products including Chewable Tobacco.
6. Currently the duration of license is for one fiscal year. It is recommended that the option may be given to the vendors to get license for 3-years or 5-years upon deposit of fee for the said duration. The vendors willing to get 5-year license may be given some rebate/discount of a proportion of vendor license fee.
7. The project may introduce an incentive system for “Highly Compliant Vendors” so that the tobacco-control efforts are more effective and fruitful. This incentive may be in the form of rebate/discount in the vendor license fee or a cash prize out of the amount earmarked for tobacco control from the revenue collected through TVA-1958. The “Highly Compliant Vendors” may be recommended by the “Multi-Sectoral Oversight Body”.

Annexure – I The West Pakistan (Punjab) Tobacco Vend Act – 1958

THE PUNJAB TOBACCO VEND ACT, 1958 (XXXVIII of 1958)

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Prohibition against dealing in manufactured tobacco without dealer's licence
4. Grant of dealer's licence
5. Penalty for offences under section 3 and for breach of conditions of licence
6. Powers of magistrate to direct payment of licence fees in addition to fine
7. Composition of offences
8. Officers of the Excise and Taxation Department to have powers of investigation
9. Penalty for vexatious search or arrest
10. Cognizance of offences
11. Powers to enter and inspect
12. Powers to make rules
13. Repeal and Savings

TEXT

'THE ²[PUNJAB] TOBACCO VEND ACT, 1958
(XXXVIII of 1958)

[5th May, 1958]

**An
Act**

to consolidate the law relating to the regulation of retail sale of manufactured tobacco in urban areas in the interest of public health on a uniform basis in the Province of ³[the Punjab]

Preamble.— WHEREAS it is expedient to consolidate the law relating to the regulation of the retail sale of manufactured tobacco in urban areas in the interest of public health on a uniform basis in the Province of ⁴[the Punjab];

It is hereby enacted as follows:-

1. Short title, extent and commencement. — (1) This Act may be called ⁵[the Punjab] Tobacco Vend Act, 1958.

⁶[(2) It extends to the whole of the Province of ⁷[the Punjab] except the Tribal Areas.]

(3) It shall be deemed to have come into force from the first of April, 1958.

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

(a) "Collector" means any officer appointed⁸ by Government to discharge throughout any specified local area the functions of a Collector under this Act;

(b) "Commissioner" means the Head of the Excise and Taxation Department in West Pakistan⁹ and includes any other officer appointed by Government to exercise the functions and perform the duties of Commissioner under this Act;

(c) "dealer's licence" means a licence authorising a person to whom it is granted to sell or keep for sale by retail manufactured tobacco;

(d) "Government" means ¹⁰[Provincial Government of the Punjab];

(e) "manufactured tobacco" means tobacco in any shape or form intended for the purpose of smoking, chewing or for use as snuff, or any preparation or admixture of tobacco intended for the said purpose or use, and includes bidis, cigarettes or cigars;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "tobacco" includes the leaves, stalks and stem of the tobacco plant (*nicotiana rustica* and *nicotiana tabacum*); and

(h) "urban area" means any area within the limits of a municipality, ¹¹[town committees], cantonment or railway station.

3. Prohibition against dealing in manufactured tobacco without dealer's licence. — No person who does not grow tobacco himself or with the aid of the members of his family or by tenants or hired labour shall keep for retail sale or sell by retail manufactured tobacco in any urban area without a dealer's licence.

¹For statement of objects and reasons, see Gazette of W.P. 1958 (Extraordinary), p.433.

This Act was passed by the W.P. Assembly on 3rd April, 1958; assented to by the Governor of W.P. on 30th April, 1958; and, published in the W.P. Gazette (Extraordinary), dated 5th May, 1958, pages.791-95.

²Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for "West Pakistan".

³*ibid.*

⁴*ibid.*

⁵*ibid.*

⁶Substituted by the West Pakistan Tobacco Vend (Extension to Karachi) (Amendment) Act, 1964 (XV of 1964).

⁷Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for "West Pakistan".

⁸Every Deputy Director and Assistant Director of Excise and Taxation has been authorised to discharge the duties of a Collector under this section, see Gazette of West Pakistan, 1959, Pt. I, p.59.

⁹Now "Punjab".

¹⁰Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for "West Pakistan".

¹¹Substituted by the West Pakistan Tobacco Vend Act (Amendment) Ordinance, 1965 (XXXV of 1965), for "notified area".

4. Grant of dealer's licence. — (1) The Collector ¹²[or any person authorised by him in this behalf] may issue a dealer's licence.

(2) Every such licence shall be granted—

- (a) on payment of such fees and for such period as may be prescribed by Government; and
- (b) subject to such conditions and in such form and containing such particulars as may be prescribed by the Commissioner.

5. Penalty for offences under section 3 and for breach of conditions of licence. — (1) Whoever, in contravention of the provisions of section 3, keeps for sale or sells by retail manufactured tobacco, or being the holder of a dealer's licence commits a breach of any of the conditions subject to which the licence has been granted shall be punishable with fine which may extend to one hundred rupees.

(2) When any person is convicted under sub-section (1) of a breach of any of the conditions of his licence, the Collector may suspend or cancel his licence.

6. Powers of magistrate to direct payment of licence fees in addition to fine. — When any person who does not hold a dealer's licence is convicted of an offence under sub-section (1) of section 5, the magistrate may direct that such person shall pay, in addition to the fine imposed on him, the fees payable for a dealer's licence.

7. Composition of offences.— The Collector or any magistrate authorised by him may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, a sum of money not exceeding one hundred rupees by way of composition for such offence or alleged offence.

8. Officers of the Excise and Taxation Department to have powers of investigation.— Every officer of the Excise and Taxation Department not below such rank as Government may prescribe¹³ shall have the powers of a police officer in charge of a police station and may investigate offences under this Act without the order of a magistrate and exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case.

9. Penalty for vexatious search or arrest. — Any officer of the Excise and Taxation Department who without reasonable ground or suspicion enters or searches or causes to be searched any building or vexatiously and un-necessarily detains, searches or arrests any person, shall be liable to be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

10. Cognizance of offences.— No magistrate shall take cognizance of any offence punishable under this Act except on the complaint of the Collector or an officer authorised by him in this behalf, within six months of the date on which the offence is alleged to have been committed.

11. Powers to enter and inspect. — Any officer of the Excise and Taxation Department not below such rank as Government may prescribe¹⁴ may—

- (a) enter and inspect at any time within the hours during which sale is permitted or at any other time during which the same may be open, any place in which manufactured tobacco is kept for sale by any person holding a licence under this Act; and
- (b) examine accounts maintained in such place.

12. Powers to make rules. — (1) Government may make rules¹⁵ for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, Government may make rules for all or any of the following matters, namely:-

- (a) prescribing the fees on payment of which and the period for which a licence under this Act may be granted;
- (b) prescribing the rank of officers of the Excise and Taxation Department for the purposes of sections 8 and 11;

¹²Inserted by the West Pakistan Tobacco Vend Act (Amendment) Ordinance, 1959 (IX of 1959).

¹³See rule 5 of the Rules framed under s. 12(1).

¹⁴See rule 5 of the Rules framed under s. 12(1).

¹⁵For rules, see Gazette of West Pakistan, 1959, Pt. I, p.17.

(c) regulating the procedure to be followed by officers in the exercise of their powers and performance of their duties under this Act and prescribing the restrictions subject to which such powers shall be exercised.

(3) The Commissioner may make rules¹⁸ for all or any of the following matters, namely:-

- (a) prescribing the conditions subject to which a licence under this Act may be granted;
- (b) prescribing the particulars to be contained in, and the form of, such licence;
- (c) prescribing the manner in which payment shall be made for such licence fees and the manner in which such licences shall be issued.

(4) The rules made under this section shall be published in the official Gazette.

(5) The rules made under this section shall be laid upon the table of the West Pakistan¹⁷ Provincial Assembly at the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly.

13. Repeal and Savings. — (1) The following enactments are hereby repealed:-

(a) The Bombay (District) Tobacco Act, 1933¹⁸, in its application to the former Province of Sind;

¹⁹(aa) The Bombay (District) Tobacco Act, 1933, in its application to the district of Karachi];

(b) The Punjab Tobacco Vend Fees Act, 1934²⁰;

(c) The North-West Frontier Province tobacco Vend Fees Act, 1938²¹;

(d) The Punjab Tobacco Vend Fees Act, 1934²² as applicable to the former State of Bahawalpur; and

(e) The Baluchistan Tobacco Vend Fees Regulation, 1942²³.

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1) everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, order or notification issued under any of the provisions of the said enactments, shall if not inconsistent with the provisions of this Act, continue in force, and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred or issued under this Act.

(3) Until rules are made under this Act the rules²⁴ made under the Punjab Tobacco Vend Fees Act, 1934²⁵⁽²⁴⁾, in so far as they are consistent with the provisions of this Act, shall be deemed to be rules made under this Act.

¹⁶For rules under this sub-section, see Gazette of West Pakistan, 1959, Pt. III, pp. 9 to 13.

¹⁷Now "Punjab".

¹⁸Bom. II of 1933.

¹⁹Inserted by the West Pakistan Tobacco Vend (Extension to Karachi) (Amendment) Act, 1964 (XV of 1964).

²⁰Pb. V of 1934.

²¹N.W.F.P. II of 1938.

²²Pb. V of 1934.

²³Reg. II of 1942.

²⁴See the Punjab Tax Manual, Vol. I.

²⁵Pb. V of 1934.

Annexure – II Data Collection Tools

Consent Form

I do hereby confirm that I have been informed about the objectives of this assessment and it has been ensured that the information collected from me will be used/published for the purpose of assessment. I have been informed that I have the right to refuse the interview or any part of it. I am providing the following information voluntarily to the best of my knowledge, information and experience.

Name: _____ Designation: _____

Signature: _____ Date: _____

Guide for Interview Questionnaire For Project Management & ICT Administration

1. Intention / Motive

- Why implemented the TVA 1958?
- What were the intended benefits

2. Process

- What is the process to grant the license?
- What is the number of total tobacco vendors in ICT/District? (data source)
- How many of these vendors have been registered?
- What is the coverage of this law (what % of tobacco vendors registered?)
- What is the action taken against non-registered vendors?
- Who is the authority to provide the license?
- What went well?
- What went wrong?

3. Effects

- What is the effect of this law on the sale of cigarette? (Data source?)
- How much revenue collected by implementation of this law?
- What is the utilization of the revenue collected?
- How much of the intended benefits achieved?
- How do you consider the intervention as sustainable

4. Issues & Recommendations

- What kind of problems / issue you faced in the implementation of this law?
- What are your recommendations to facilitate/improve the process on the implementation on this law?
- Any suggestion or recommendation to make the Tobacco Control efforts more effective?

تصدیق نامہ

میں مسمی _____ ولد _____ اس بات کی تصدیق کرتا ہوں
 کہ مجھے اس تحقیق کے مقاصد کے بارے میں آگاہ کر دیا گیا ہے۔ اور اس بات کی یقین دہانی کرائی گئی ہے کہ
 میری فراہم کردہ معلومات کا مقصد صرف اور صرف تحقیق کے لیے استعمال کرنا ہے۔
 میں مندرجہ ذیل تمام معلومات اپنے علم اور تجربہ کی بنیاد پر درست فراہم کر رہا ہوں۔

دستخط/نشان انگوٹھا _____ تاریخ _____
 دکان کا نام _____ ایڈرس _____

سوالنامہ برائے ٹوبیکورٹیلرز

حصہ اول

			1	آپ کی اس دکان کو قائم ہونے کتنا عرصہ ہو گیا ہے۔
ہاں	نہیں	معلوم نہیں	2	کیا آپ کو تمباکو/سگریٹ کی فروخت کے قانون کا علم ہے۔
ہاں	نہیں	معلوم نہیں	3	کیا آپ کے پاس تمباکو/سگریٹ کی فروخت کا لائسنس ہے۔
ہاں	نہیں	معلوم نہیں	4	اگر لائسنس ہے تو کیا آپ نے اس کو اپنی دکان میں کہیں لگایا۔
ہاں	نہیں	معلوم نہیں	5	کیا آپ نے لائسنس لینے کے لئے کوئی بیان حلفی جمع کروایا۔
ہاں	نہیں	معلوم نہیں	6	کیا آپ کو لائسنس لینے میں کوئی دشواری پیش آئی۔
			7	اگر دشواری پیش آئی تو کیا۔
			8	آپ نے اس دشواری کا کیا حل کیا۔
ہاں	نہیں	معلوم نہیں	9	لائسنس لینے سے پہلے آپ کو کبھی تمباکو کی فروخت پر جرمانہ ہوا۔
			10	اگر کبھی جرمانہ ہوا تو کتنا ہوا۔
ہاں	نہیں	معلوم نہیں	11	کیا تمباکو/سگریٹ فروخت کا لائسنس لینے سے آپ کی سیل پر کوئی اثر پڑا۔
کم ہوگئی	زیادہ ہوگئی	کوئی فرق نہیں پڑا	12	معلوم نہیں

حصہ دوم

ہاں	نہیں	معلوم نہیں	13	کیا آپ کھلی سگریٹ فروخت کرتے ہیں۔
کم ہوگئی	زیادہ ہوگئی	کوئی فرق نہیں پڑا	14	معلوم نہیں
ہاں	نہیں	معلوم نہیں	15	اگر نہیں تو کیا کھلے سگریٹ کی فروخت پر پابندی سے آپ کی سیل پر کوئی فرق پڑا۔
ہاں	نہیں	معلوم نہیں	16	کیا آپ 18 سال سے کم عمر کے بچوں کو سگریٹ فروخت کرتے ہیں۔
			17	اگر نہیں تو آپ اس قسم کی صورتحال میں کیا کرتے ہیں۔
کم ہوگئی	زیادہ ہوگئی	کوئی فرق نہیں پڑا	18	18 سال سے کم عمر کے بچوں کو سگریٹ فروخت نہ کرنے پر آپ کی سیل پر کوئی فرق پڑا۔
ہاں	نہیں	معلوم نہیں	19	کیا آپ اپنی ماہانہ سگریٹ کی فروخت کا حساب رکھتے ہیں۔
ہاں	نہیں	معلوم نہیں	20	اگر ہاں تو یہ حساب کسی حکام کو پیش کرتے ہیں۔
ہاں	نہیں	معلوم نہیں	21	آپ کے پاس موجود سگریٹ کی ڈبلی کی کم سے کم قیمت کیا ہے؟ 48 روپے سے کم
				48 روپے سے 58 روپے تک
ہاں	نہیں	معلوم نہیں		58 سے زیادہ
ہاں	نہیں	معلوم نہیں		کیا آپ کے پاس سمگل شدہ سگریٹ بھی موجود ہیں۔

22 کیا آپ تمباکو کی فروخت کے قانون پر عملدرآمد کے بارے میں کوئی مشورہ دینا چاہیں گے۔

23 کیا آپ تمباکو نوشی کی روک تھام کے سلسلے میں کوئی مشورہ دینا چاہیں گے۔

مشاہدہ

- | | | | |
|---|--|-----|------|
| 1 | کیا دکان میں اٹھارہ سال سے کم عمر افراد کو سگریٹ فروخت نہ کرنے کا سائن بورڈ آویزاں ہے۔ | ہاں | نہیں |
| 2 | کیا دکان سکول یا تعلیمی ادارے سے 50 میٹر کے دائرہ میں ہے۔ | ہاں | نہیں |

1 تصویریں وارننگ کوئی اور ہو

2 وارننگ نہ ہونا

3 انگلش اردو میں وارننگ نہ ہونا

4 قیمت کم ہو

5 قیمت پرٹ نہ ہونا

----- جی پی ایس

----- دستخط

Annexure – III Notice for Tobacco Vendors' Registration

NOTICE

EXCISE AND TAXATION DEPARTMENT
MOTOR REGISTERING AUTHORITY
ISLAMABAD CAPITAL TERRITORY
ISLAMABAD

TOBACCO VEND DEALERS LICENCE FORM T-W UNDER SUB SECTION (3) OF SECTION 12 OF THE
TOBACCO VEND ACT 1958

NO _____ / E & T / TOBACCO

DATED: 11/11/2015

117

From:

EXCISE AND TAXATION OFFICER/
MOTOR REGISTERING AUTHORITY
ISLAMABAD.

It has been noticed during the survey that you have not obtained Tobacco license under Tobacco Vend Act 1958 for the year 2015 to 2016 which is clear violation of law. You are therefore directed to get the requisite license for the year 2015–2016 within 07 days after receiving this notice. Failing which necessary legal action would be initiated against you.


Excise and taxation officer

Motor registering authority

Islamabad

Excise & Taxation Officer
Motor Registering Authority
Islamabad

Annexure – IV Template of the Affidavit

**EXCISE & TAXATION DEPARTMENT
ISLAMABAD CAPITAL TERRITORY
ISLAMABAD**

Dated _____

I _____ S/O _____
Owner/ Manager of _____ (Shop/ Store Name and address), do hereby agree and undertake, that "I will abide by the terms and conditions regarding purchase, storage and sale of manufactured tobacco (in any form), issued from time to time by the Excise and Taxation Department, ICT, Islamabad, in the state and also to execute the agreement with the ICT Administration in the attached License under Tobacco Vendor Act 1958.

I _____ S/O _____
Owner/ Manager of _____ (Shop/ Store Name and address), having read and completely understood all sections of "**Prohibition of Smoking and Protection of Non-Smoker's Health Ordinance 2002**" pertaining to the matters hereinafter stated, do hereby agree and undertake to:

- Ensure my Shop/ Public place will be tobacco-smoke free.
- Ensure no display of advertisement (in any form and material) of tobacco products inside/ outside of shop according to tobacco advertisement guidelines.
- Ensure no sale of cigarette Packet without pictorial/ text warnings.
- Ensure no sale of tobacco products to under eighteen-18 years of age and loose cigarettes.
- Ensure my shop will not be situated under 50 meter of any educational institution.
- Ensure signage displaying "Smoking is an Offence" inside the shop/ store

Signature of Owner of the Shop / Manager

(Name of the Shop)

(Name and Address of authorized signatory with seal)

Annexure – V Tobacco Vendors' License

**EXCISE & TAXATION DEPARTMENT
ISLAMABAD CAPITAL TERRITORY
ISLAMABAD**

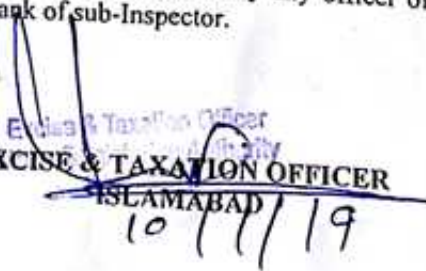
**TOBACCO VEND DEALERS LICENCE FORM T-W UNDER SUB
SECTION (3) OF SECTION 12 OF THE TOBACCO VEND ACT 1958**

S.No. 226 Dated 10-01-2019
Extended upto 30-06-2019

Name & Addr
[Blurred Name and Address]

CONDITION OF THE LICENCE

1. The licence is to be used by the licensee and not more than one assistant or employee at the vend premises shall be in from T-3.
2. No licence shall be issued to or held by any person under 18 years of age and not licensee shall employ any person under the age of 16 years as his assistant or employee.
3. If a licensee changes his vend premises before the expiry of the period of his licence, he shall inform the District Excise & Taxation officer and the necessary amendments/ permitting the use of the small licence at the new vend premises shall be in the licence free charge.
4. Every licence shall produce for inspection his licence of demand by any officer of the Excise & Taxation Department not below the rank of sub-Inspector.


 EXCISE & TAXATION OFFICER
 ISLAMABAD
 10/1/19

Annexure – VI TVA – 1958 Implementation in District Faisalabad

OFFICE OF THE TOWN MUNICIPAL ADMINISTRATION
JINNAH TOWN, FAISALABAD
PHONE # 92-41-920335

To
The Secretary,
Punjab LG & CD Department,
Lahore.

No. 1983/S Dated 16-12-14

Subject: REQUEST TO AUTHORIZE TMOs TO ISSUE LICENSE TO TOBACCO RETAILERS

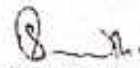
Kindly refer to letter No. 2357/AC(City)/HC dated 27/11/2014 issued by AC(City) on the subject cited above.

It is stated that Town Municipal Administrations are functioning under Section 54-A of Punjab Local Government Ordinance 2001 in which functions of TMAs are very much clear according to which TMAs are not authorized to issue Licenses to the TOBACCO RETAILERS, also it does not cover under Punjab Local Government Fees for Licensing and permits and licensing of professions and vocations) Rules, 2002. Under Rules 3(ii)(d) of said Rules "Wholesale storing, cleaning, pounding and selling of tobacco *except* storing of tobacco required for the preparation of biddies, cigars or cigarette".

Section 4 of "the Punjab Tobacco Vend act, 1958" is reproduced here under "Grant of dealer's licence - (1) The collector ¹²[or any person authorized by him in this behalf] may issue a dealer's licence (2) Every such licence shall be granted- (a) any payment of such fees for such period as may be prescribed by Government; and (b) subject to such conditions and in such form and containing such particulars as may be prescribed by the commissioner.


Accordingly it has conveyed through above said that the District Coordination Officer has authorized TMOs & allowed for issuance of license to the tobacco retailers, but as stated above that TMAs are not authorized for the same.

It is therefore, requested that the matter may kindly be considered in the light of above said letter and necessary amendment in the relevant Rules may be made enabling the TMAs to process the case as desired by worthy DCO (copies attached).


Administrator
TMA, Jinnah Town
Faisalabad

A Copy is forwarded to:

1. The District Coordination Officer, Faisalabad.
2. The Town Municipal Officer, TMA Jinnah Town Faisalabad.
3. The Town Officer (Finance), TMA Jinnah Town Faisalabad.
4. The Town Officer (R), TMA Jinnah Town Faisalabad.


Administrator
TMA, Jinnah Town

S. MR RAZA HUSSAIN (Tobacco Control
Coordinator Faisalabad)

Annexure – VII Revised Tobacco Vendor Fee Notification

TO BE PUBLISHED IN THE EXTRAORDINARY GAZETTE OF PAKISTAN PART III
GOVERNMENT OF PAKISTAN
OFFICE OF THE CHIEF COMMISSIONER
ISLAMABAD CAPITAL TERRITORY

Islamabad, the December 08, 2007

NOTIFICATION

No.5(29)B&A/2007-Vol-III: In exercise of the powers conferred by virtue of Section 12 of the Tobacco Vendor Fee Act (XXXVIII of 1958) and Rule-3 of the Tobacco Vendor Rules 1958 read with the Justice Division's Notification No.17(2) 20-Pub, dated the 07 December 1980, issued in pursuance of Article 2 of the Islamabad Capital Territory (Administration) Order, 1980 (P.O. No.18 of 1980), and all other powers enabling him in this behalf, the Chief Commissioner, Islamabad Capital Territory, is pleased to approve fixation of following rates of fee of Tobacco Dealers License, for one Financial Year, with immediate effect:-

S.No.	Description	Existing fee in ICT (for period of one financial year)	Revised fee in ICT
1.	If the license is to be used by the licensee and not more than five assistants or employees at the vend premises specified in the license.	40/-	Three Thousand
2.	If the license is to be used by the licensee and not more than two assistants or employees at the vend premises specified in the license.	30/-	Two Thousand
3.	If the license is to be used by the licensee and not more than one assistant or employee at the vend premises specified in the license.	5/-	One Thousand
4.	If the license is to be used by the licensee only as a invoker at any public place within the limits of a district specified in the license.	5/-	One Thousand

2. The above mentioned fee shall be deposited in the State Bank of Pakistan National Bank of Pakistan, F-8 Markaz, Islamabad under the relevant Head of Account allocated by the Ministry of Finance.

BY ORDER OF THE CHIEF COMMISSIONER
ISLAMABAD CAPITAL TERRITORY

(MUHAMMAD ALI) PAS
DIRECTOR (DEV/FINANCE)

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

Copy to:-

Annexure – VIII Picture Gallery





ASSOCIATION FOR
BETTER PAKISTAN

SAY NO TO SMOKING



Tobacco Vend Act-1958 prohibits the retail sale of manufactured tobacco without dealer's license

Association for Better Pakistan (ABP) is a registered Non-Government Civil Society Organization working for improved service delivery for the betterment of people of Pakistan, raise awareness about Non Communicable Diseases (NCDs) and to improve the socio-economic status of people of Pakistan.

Following are the major objectives of ABP;

1. To work for better Pakistan by planning and implementing service delivery projects
2. To promote healthy lifestyle by raising awareness about Non-Communicable Diseases (NCDs) and implementing programs to reduce the burden of NCDs
3. To reduce poverty by developing and implementing programs relating to health, education and human resource development.

Association for Better Pakistan

Office No. 4, 2nd Floor, Executive Complex, G-8 Markaz, Islamabad
+92-51-2340104 info@abp.org.pk

Disclaimer:

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