

CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) RULES, 1976

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CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) RULES, 1976

G.S.R. 266 (E), dated 31st March, 1976'.-In exercise of the powers conferred by Section 21 of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (49 of 1975), the Central Government hereby makes the following rules, namely:

1. Short title, extent and commencement :-

- (1) These rules may be called the Cigarettes (Regulation of Production, Supply and Distribution) Rules, 1976.
- (2) They shall come into force on the 1st April, 1976.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (1) "Act" means the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (49 of 1975);
- (2) "police officer" means a police officer not below the rank of a sub-inspector of police;
- (3) "Form" means a Form set out in the Appendix to these rules;
- (4) "section" means a section of the Act.

3. Seizure of package of cigarettes :-

- (1) Every seizure made in pursuance of the provisions of sub-section (1) of Section 9 shall be made in the manner hereinafter

provided in these rules.

(2) The police officer may carry or keep the package so seized in the safe custody of the person from whom it was seized if it is not possible to carry the seized package : Provided that in the event of his keeping the package to seized in the safe custody of the person from whom it was seized, he shall carry one or more packages as sample to be dealt with as hereinafter provided : Provided further that in respect of the package that the police officer keeps in the custody of the person from whom the package was seized, he shall require him to execute a bond in Form C for a sum of money nearly equal to the value of such articles with two sureties for the like amount.

(3) A police officer seizing a package of cigarettes under sub-section (1) of Section 9 , shall prepare a seizure list of such package in Form A and shall seal such package in the manner provided in Rule 4.

(4) The package of cigarettes seized shall be marked with a distinguishing number and shall also be signed by the police officer, the person from whom the package has been seized and two respectable inhabitants of the locality.

(5) The package so seized or one or more samples thereof taken under sub-rule (2), and a copy of the seizure list shall be forwarded for safe custody to the officer in charge of the police station within the local limits of whose jurisdiction the seizure was made, for taking further action for the contravention of the provisions of the Act : Provided that where the police officer is of opinion that the retention in his custody of the seized package of cigarettes for a period exceeding ninety days is necessary, he shall obtain the leave of the District Judge within the local limits of whose jurisdiction the seizure was made, for such retention.

4. Manner of packing and sealing the package of cigarettes seized :-

(1) The package of cigarettes so seized shall be completely wrapped in fairly strong thick (Manilla) paper in such a way that the contents of the package may not be tampered with and the ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

(2) The paper cover shall be further secured by means of strong

twine or thread and the twine or thread shall be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impression of the seal of the police officer of which one shall be on the top of the package, one at the bottom and the other two at the body of the package and knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the police officer.

5. Forms of not to dispose of stock and of bond :-

Where the police officer keeps a package of cigarettes seized under sub-section (1) of Section 9 with the person from whom it is seized, he shall after sealing such package of cigarettes, make an order to the person from whom it is seized in Form B and the person shall comply with such order.

6. Duties of police officer :-

It shall be the duty of police officer,-

(1) to inspect as frequently as may be required all establishments licensed for the manufacture, storage or sale of cigarettes within the local limits of the jurisdiction,

(2) to satisfy himself that the provisions of the Act are being observed,

(3) to investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or of these rules,

(4) to maintain a record of all inspections made and action taken by him in the performance of his duties, including the seizure of stock and to submit copies of such record to the officer in charge of the police station within the local limit of whose jurisdiction such action was taken or, as the case may be, seizure was made,

(5) to make such inquiries and inspections as may be necessary to detect the production, storage or distribution of cigarettes in contravention of the provisions of Act or of these rules,

(6) to stop any vehicle suspected to carry cigarettes for sale or delivery for smoking in contravention of the provisions of the Act or of these rules,

(7) to perform such other duties as may be entrusted to him under these rules.

7. Refund of penalty/fine :-

(1) Where by reason of an order or decision of the Appellate or Revisional Court, any refund of any penalty or Fine imposed under this Act becomes necessary, the appellant or applicant for revision as the case may be, may claim for refund in Form D and every such claim shall be accompanied by a certified copy of the decision or order of the Appellate or Revisional Court, as the case may be.

(2) The claim for refund shall be referred with a period not exceeding ninety days from the date of decision or order of the Appellate or Revisional Court as the case may be: Provided that in computing the said period of ninety days, the time required for obtaining a certified copy of the decision or order of the Court shall be excluded.

(3) The claim shall be presented by the claimant in person or through a duly authorised agent or by post, to the local Treasury Officer.

(4) The Treasury Officer shall, if he is satisfied about the claimant's right to get the refund, make the payment to the claimant or to a person duly authorised by him or by post, and obtain necessary receipt of payment.