



**OFFICE OF THE REGISTRAR**  
**DOW UNIVERSITY OF HEALTH SCIENCES**

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Ref No: DUHS/Reg./2021/10-105

Date: 21.10.2021

**MEMORANDUM**

The DUHS Syndicate in its 87<sup>th</sup> Meeting held on 30.09.2021, vide Resolution / Decision No: Syn-87/30.09.2021/Item-5, unanimously accorded permission for adoption / implementation of HEC Policy on Drug and Tobacco abuse in Higher Education Institutions, 2021 and Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019, , which is applicable to students, faculty, staff and visitors (including individuals associated with outsourced services) in the premises of DUHS.

**(Dr. Ashar Afaq)**

Registrar  
Dow University of Health Sciences  
Karachi

Copy along with the Policy & Act for information and necessary compliance to:

1. All Heads of Constituent Institutions of DUHS with the request to ensure strict compliance of the Policy in its true letter and spirit.
2. The Director, HR Directorate, DUHS.
3. The Director, QEC, DUHS.
4. PA to the Vice Chancellor, DUHS.
5. PA to Pro-Vice Chancellor(s), DUHS.
6. Office Record File.



**HIGHER EDUCATION COMMISSION**

**Policy on Drug and Tobacco Abuse in  
Higher Education Institutions**

**2021**

## Glossary of Terms and Abbreviations

ADTC	Anti-Drug And Tobacco Committee constituted under Section 3 of this policy
ANF	Anti-Narcotics Force
Drug(s)	This includes "narcotic drugs" as defined in the Control of Narcotics Substances Act, 1997 as well as "psychotropic substance" listed in the Schedule to the Act, pharmaceutical drugs, sedatives and tranquilizers described in The Drugs Act, 1976 if used without a prescription or authorization, and alcohol prohibited by The Prohibition (Enforcement of Hadd) Order (4 of 1979)
Drug Abuse	Possession, use or the sale or distribution of such drugs
Focal Person	The Focal Person appointed under Section 3 of this Policy
HEC	Higher Education Commission
HEI	Higher Education Institute
NGO	Non-governmental organization
Smoking	Smoking shall have the same meaning as it does under the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002
Smoke free	Smoke free shall mean the prohibition of smoking and other use of tobacco in accordance with the provisions of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002
Anti-Tobacco Legislation	The 'Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002,' or any other anti-tobacco legislation in the HEI's jurisdiction, as applicable
Illicit Smoking	Smoking in any form for the consumption of drug and is considered as drug abuse.

## 1. AIMS AND OBJECTIVES

- 1.1. Drug abuse and smoking pose serious risks to human health and the social life of the community and have significant economic and environmental costs.
- 1.2. According to the United Nations Office of Drugs and Crime (UNODC)'s 2020 World Drug Report, in 2018, more than 35 million people suffered from the consequences of drug abuse. In fact, the number of drug users worldwide is on the rise with cannabis being the most commonly used drug.<sup>1</sup> Other commonly used drugs include alcohol, methamphetamine, heroin, amphetamine-type stimulus (ATS), cocaine, ecstasy, opium, poly drug (a combination of several drugs), pharmaceutical cocktails, tranquilizers and sedatives. Factors contributing towards drug abuse include easy access to drugs at low prices, rapidly changing social norms, existence and presence of drug dens and cartels, unemployment and economic distress, lack of awareness on drug abuse within the family and in educational institutions, mental health problems (such as anxiety, depression, anger, guilt, grief, low self-esteem, frustration, rejection etc.), curiosity/urge to experiment, influence of media portrayals, peer pressure, lack of support by parents, the family and the community. To address the problem, the Federal Government has passed various laws including the Control of Narcotics Substance Act, 1997 and the Drugs Act, 1976, which proscribes the possession and distribution of illicit drugs and alcohol with penalties for violations provided in the Code of Criminal Procedure up to and including capital punishment.
- 1.3. With respect to smoking, the World Health Organization documents that more than 8 million people die each year from tobacco use with 1.2 million of these deaths from passive smoking alone and many others facing tobacco-related health complications.<sup>2</sup> Accordingly, the Federal Government enacted the Prohibition of Smoking and Protection of Non-smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002) to limit smoking at public places of work or use and in public service vehicles (except in designated areas) and to outlaw tobacco storage, sale, or distribution in the vicinity of educational institutions. Individuals and institutions who violate the law may face the penalty set out in sections 11 (a) and (b) of the Ordinance.
- 1.4. Like all other institutions, universities have a legal responsibility to implement all relevant national laws and policies and should join hands with all stakeholders including psychologists and psychiatrists, social workers, NGOs, and others to address the problem of unlawful drug and tobacco abuse.
- 1.5. To ensure that HEIs contribute to the reduction of drug abuse and smoking, this policy has been made pursuant to the powers granted to the HEC under the Higher Education Commission Ordinance, 2002. It is binding on all HEIs in the country, whether operating in the public or private sectors. Violations or failures to comply with the HEC's policies may lead to regulatory action being taken against non-compliant HEIs. The policy supplements national and provincial legislation on drug and tobacco use including the Drugs Act, 1976, the Control of Narcotics Substances Act XXV, 1997, the Drug Regulatory Act, 2012, and the Prohibition of Smoking in Enclosed Places and Protection of Non-smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002)

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<sup>1</sup> UNODC World Drug Report 2020, <https://www.unodc.org/unodc/press/releases/2020/June/media-advisory---global-launch-of-the-2020-world-drug-report.html>.

<sup>2</sup> Tobacco, Key facts, World Health Organization, <https://www.who.int/news-room/fact-sheets/detail/tobacco#:~:text=Tobacco%20kills%20more%20than%208.%2D%20and%20middle%2Dincome%20countries>.

## 2. SCOPE

- 2.1. This policy covers all public and private sector HEIs and is applicable to students, faculty, staff and visitors (including individuals associated with outsourced services) in the premises of HEIs (campus, class rooms, hostels, play grounds, libraries, laboratories, cafeterias & transport etc.)<sup>3</sup>

## 3. ANTI-DRUG & TOBACCO COMMITTEE AND FOCAL PERSONS FOR DRUG AND TOBACCO ABUSE

- 3.1. Anti-Drug & Tobacco Committee (ADTC): Each HEIs shall constitute an "Anti-Drug & Tobacco Committee" comprising of five members duly notified by the Vice Chancellor/Rector of the HEI. Any sub-campus of the HEI shall also establish its own sub-committee constituted on a similar pattern to perform similar duties.
- 3.2. Composition of the ADTC: The committee shall be headed by the senior most committee member and include:
- Director Student Affairs or senior university officer / faculty designated as Chair of the accessibility committee.
  - two members from the faculty (one male and one female, both female in case of all women university)
  - at least one member from the student body as may be prescribed by the university
  - one representative of psychological wellbeing committee / university's medical center / planning & development department
  - one staff member deputed as secretary to the ADTC.

### General Provisions for work of the ADTC:

- for the purpose of a meeting of the accessibility committee, three members shall constitute a quorum.
  - in absence of the Chair, the senior most member shall act as Chair of the meeting.
  - the Chair and the members shall hold office for the period of three years and shall in no case be eligible for re-appointment for more than one similar term.
  - the Vice Chancellor shall appoint all members of the ADTC except the ex-officio members and the representative of the student body
- 3.3. Roles and Responsibilities of the ADTC: The committee will be responsible for ensuring a drug free and smoke free environment in the HEI and to take measures to safeguard the interests of the students in the following ways:
- by inquiring into, investigating and resolving any matter regarding the usage/consumption, sale and distribution illegal drugs in the HEI;
  - by inquiring into, investigating and resolving any matter regarding the violation of Anti-Tobacco Legislation at the HEI;
  - by coordinating with and connecting students to rehabilitative services including counselling, medical care and helplines when needed;

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<sup>3</sup> Each university may develop its own regulations for application of the policy on campus residential areas.

- iv. by raising awareness on the prevalence, problems and persistence of drug abuse and tobacco consumption;
- v. by providing advice to HEIs regarding the implementation of this policy and relevant legislation; and
- vi. by ensuring effective coordination with all relevant stakeholders inside and outside the HEI.
- vii. maintain close liaison with hostel wardens for implementation of this policy and may relocate the reasonably suspected student for drug abuse or found addicted student.
- viii. By taking any other appropriate measures including but not limited to testing of an accused from any authorized laboratory

3.4. **Focal Person for Drug and Tobacco Abuse:** The member of the ADTC who is from the HEI's administration shall be appointed a Focal Person for matters related to Drug Abuse and unlawful tobacco consumption. The Focal Person will act as a liaison for the members of the HEI to the ADTC. If a student, staff, or faculty member feels that he or she needs medical and/or mental health assistance and counselling or would like to report Drug Abuse or smoking, the student, faculty or staff member may reach out to the Focal Person who will connect the individual to the services requested or refer the matter to the ADTC to begin an inquiry as the case may be.

#### 4. EFFORTS TO PREVENT DRUG AND TOBACCO ABUSE

4.1. HEIs must undertake efforts to prevent drug abuse, smoking and illicit smoking. This section lists actions that HEIs must take as facilitated by the ADTC and the Focal Person.

##### 4.2. Awareness raising against drug abuse and tobacco consumption:

- i. Drug abuse: Possession, use, distribution and sale of drugs is prohibited in Pakistan. Each HEI must ensure that students, staff and faculty are aware of the legal and disciplinary penalties for drug possession, distribution and sale.
- ii. Smoking: HEIs must display labels in accordance with the prohibition of smoking under Anti-Tobacco Legislation. Additionally, all students should be made aware of the adverse effects of smoking on health.

4.3. **Awareness raising strategies:** In order to create and promote awareness and to educate people about the negative effects of drug and tobacco use and its prohibition, HEIs, through the ADTC, shall take the following measures: -

- i. All newly admitted students and newly appointed faculty/staff members shall attend a mandatory hour-long orientation session, arranged by the HEI. The session shall make them aware of this policy and the hazards of drug abuse and smoking.
- ii. An undertaking in the form set forth in Annex-A&B shall be signed by all existing and newly recruited/admitted faculty, staff members, and students, and shall be submitted to the relevant office of the university.
- iii. The HEI shall distribute drug and tobacco awareness material through student handbooks and pamphlets, including in the admissions materials (for awareness of both parents and students), incorporating details about the HEC policy (as well as its web link). This may

include graphical images/pictorial illustrations of the adverse health effects of drug and tobacco consumption.

- iv. The relevant warnings under this policy as well provisions related to punishments for violations shall be displayed on the notice board of each department in the HEIs.
- v. Awareness raising campaigns throughout the academic year including seminars, walks, workshops, and lectures shall be arranged in collaboration with ANF, NGOs, and professionals from reputable rehabilitation centers. Events may be organized if the HEI is in session in connection with the 'International Drug Abuse Day' (June 26<sup>th</sup>) and 'World No Tobacco Day' (May 31<sup>st</sup>).
- vi. To create awareness against drugs abuse and smoking and strengthen prevention interventions, HEC in collaboration with national and international entities will develop and offer self-paced E-Course through National Academy of Higher Education that will be mandatory for all students (before completion of the degree), faculty and administrative staff during one year of launch of this policy.
- vii. Any other programs the ADTC may determine appropriate from time to time.

4.4. Activities and programs: Students must be encouraged to participate in a diverse array of programs as healthy engagements that may prevent any inclination toward smoking or Drug Abuse. These include (but are not limited to):

- i. extra and co-curricular activities on campus such as theater, dramatics etc.
- ii. community service including plantation, distribution of food amongst the disadvantaged, volunteer work at old/shelter homes (the HEI may require community engagement & service hours at the undergraduate level);
- iii. fitness, exercise, sports and athletic activities;
- iv. Students, faculty and administrative staff of the university who have volunteered and worked extraordinarily for implementation of this policy shall be publicly acknowledged and conferred upon the certificate of appreciation on 'International Drug Abuse Day' (June 26<sup>th</sup>) and/or 'World No Tobacco Day' (May 31<sup>st</sup>) annually;
- v. hosting and monitoring of recreational events by HEIs to provide an avenue to bring together students without drug and tobacco use; and
- vi. any other program the ADTC may determine from time to time.

4.5. Engaging student clubs, organizations and societies and collaboration with other organizations: Student societies can additionally be engaged by the HEI in awareness raising activities. HEIs can collaborate with various governmental/non-governmental organizations, effectively working for the cause to eradicate drug abuse and discourage tobacco consumption. Through these liaisons, the students can also be provided with an opportunity to volunteer and facilitate ADTC's workings.

## 5. SUPPORT FOR MEMBERS OF HEIs DEALING WITH DRUG AND/OR TOBACCO ADDICTION/DEPENDENCE

- 5.1. HEIs should ensure that students, faculty, and staff facing drug and/or tobacco addiction/dependence are provided with adequate support. This section lists some of the support HEIs must provide. HEIs are encouraged to provide additional support as they choose.
- 5.2. On campus counsellor/psychologist/psychiatrist: A counsellor, psychologist, or psychiatrist available at the HEI shall help students, staff and faculty members by guiding them through any problems or issues such as peer pressure and demotivation which often lead to drug and tobacco consumption. Any student suffering from any mental health issues, such as anxiety, depression, or post-traumatic stress disorder may also seek assistance of the trained professional. If the student requires further assistance, the counsellor/psychologist/psychiatrist may refer the student to rehabilitative services. For this purpose, the HEI shall maintain a list of such services.
- 5.3. Coordination with Parents: In case a student's parents have been notified pursuant to the provisions of Section 7.2 or Section 7.3 of this policy, the HEI shall endeavor to coordinate with the parents of such students for purposes of helping the students with rehabilitation and facilitating their return to their studies in case of any gap.
- 5.4. Helpline: All HEIs shall establish a helpline that students, faculty and staff can call whenever they face a mental health issue or a situation in which they may have been tempted to use drugs or tobacco. This helpline will be staffed by a trained counsellor and a team of trained volunteers. Volunteers may include student, faculty, or staff. The helpline may refer students to the on-campus counsellor/psychologist/psychiatrist, rehabilitative services, the ADTC or the relevant Focal Person.
- 5.5. De-stigmatization of the affected students and university members: Because students, faculty and staff using drugs may need significant medical and psychological assistance, all those who seek support for drug or tobacco dependence and addiction from the Focal Persons, counsellors/psychologists/psychiatrists and the helpline will receive counselling on a confidential basis. Provided that, in the event that a student requires medical attention for drug use the HEI shall promptly inform the student's parents of the matter and coordinate with them to assure the best care for the student.

## 6. COMPLAINT PROCEDURE

- 6.1. Regular inspection/monitoring: Campus security shall undertake frequent and random visits to the cafeterias, canteens, tuck shops, and other such places susceptible to the sale, usage and distribution of drugs/tobacco and stop any suspicious and illicit activity occurring in contravention of this policy and relevant legislation.
- 6.2. Training programs: Staff and faculty may receive training aimed at understanding behavior indicative of drug abuse so that they may refer such matters to the Focal Person in order to protect the health of the students.
- 6.3. Complaint: Any person associated with the HEI including (but not limited to) the student, faculty member, non-teaching staff, administrative staff, or a visitor may submit a complaint in writing to the Vice Chancellor, stating that any person has engaged in drug abuse, illicit smoking, or the unlawful sale or distribution of drugs/tobacco at the HEI. The identity of the whistle blower/complainant shall be kept

confidential. The Vice Chancellor will forward the complaint to the committee without revealing the identity of the whistle blower. The Focal Person shall maintain a proper record of all complaints.

- 6.4. **Initial Scrutiny:** Each complaint shall be assessed based on shared information. Complaints substantive in nature and associated with sufficient supporting documents/evidence shall be considered for further investigation by the ADTC.
- 6.5. **Investigation:** The ADTC shall investigate all non-frivolous complaints before making its decision through the following process:
- i. Initiation of an inquiry.
  - ii. The body of facts or information (evidence) that the ADTC uses could be:
    - Eye witness evidence
    - Physical evidence – individual found in possession of any illegal substance, individual found intoxicated (proven by a drug test) or individual caught distributing any illegal drugs or tobacco on campus
    - Video recording of the security cameras
  - iii. A personal hearing/s with the accused prior to any checking.
  - iv. Random testing/checking of possessions/individuals by campus security on the recommendation of a committee member.
- 6.6. **Decision:** All complaints shall be decided by the ADTC within one month of their receipt and the ADTC's recommendation shall be communicated to the concerned in writing. The HEI may assign penalties as detailed in section 7 of this policy.
- 6.7. **Appeal:** An appeal to the decision may be made by the aggrieved within seven working days of the receipt of the decision to the Vice Chancellor / Rector, who shall review the recommendations of the ADTC and uphold, minimize, or revert the decision made by the committee within seven working days. The decision taken by the Vice Chancellor / Rector shall be final.
- 6.8. **False Complaint:** In the event that the ADTC determines that a false allegation was made in the complaint with mala fide intent, it may send its findings to the Vice Chancellor / Rector and recommend the Vice Chancellor / Rector take disciplinary action against the complainant.

## 7. PENALTIES

- 7.1. To discourage drug abuse and smoking, the HEI may impose the penalties detailed below.
- 7.2. **Drug Abuse:** For drug-related violations, the HEI may, on recommendation by the ADTC, take disciplinary action against students, staff, faculty, and visitors in the following way:
- i. For first time offenders in case of minor infractions, the ADTC may refer the offender to the in-house counsellor/psychologist/psychiatrist to undergo medical and mental health treatment. This referral must be in writing and require the completion of the counselling or rehabilitative program within a set period.

- ii. In the event of a significant violation and/or repeated violations of this policy, the ADTC may recommend that the HEI issue a warning and ultimately suspend or expel the offender (and in case of students, notify the student's parents). Further, the HEI would have to comply with any reporting requirements under any applicable law.
- iii. If a student, faculty, or staff member is involved in the distribution or sale of illicit drugs, the HEI shall report the violation to the appropriate authorities including law enforcement agencies.
- iv. In the event a visitor is found on the premises engaging in any drug-related offense, campus security shall immediately report the violation to the appropriate authorities including law enforcement agencies.

7.3. Smoking: For smoking-related violations, the HEI may, on recommendation by the ADTC, impose the following penalties:

- i. For a first violation, the ADTC may recommend the HEI issue a warning letter and a notice of displeasure;
- ii. For a second violation, the ADTC may recommend suspension of the student for one week or more from the premises of the HEI with parental notification for students and disciplinary action for faculty and staff as per the HEI's regulations;
- iii. For a third violation or more, the ADTC may recommend a longer suspension depending on the severity of the violation and further disciplinary action for faculty and staff as per HEI's regulations;
- iv. In case any visitor is found smoking in the HEI's premises, the visitor shall be fined Rs. 1,000 by the HEI, and any further necessary action shall be taken in accordance with the Anti-Tobacco Legislation.
- v. In case of any unlawful sale or distribution of tobacco on the premises of the HEI, the violator shall be fined Rs. 5,000 by the HEI and shall be reported to the appropriate authorities including law enforcement agencies.

## 8. ENFORCEMENT OF THIS POLICY

- 8.1. Survey/ Feedback mechanism: An annual survey shall be conducted, asking students and staff members to respond to an anonymous close ended questionnaire related to matters covered under this policy. In case the student body is large, survey shall be conducted through random sampling. The office of the Focal Person shall analyze the findings and present them to the ADTC for review and comment.
- 8.2. Compliance reports: HEIs must submit annual compliance reports along with survey reports by December 31<sup>st</sup> of each year to the HEC in a format prescribed by the HEC from time to time.
- 8.3. Implementation of this policy: Each HEI shall establish the standing ADTC and designate the Focal Person in accordance with the provisions of the policy no later than October 31, 2021 and submit a statement

of compliance with this provision to the HEC by the aforementioned date (including the names and designations of the appointed members). Further, HEIs that do not currently have an on-campus counsellor/psychologist/psychiatrist, or a helpline must make arrangements in this regard by December 01, 2021 (and submit a statement of compliance to the HEC by the aforementioned timeline).

8.4 HEC may assign weightage to the HEIs compliance with this policy in the recurrent grant formula, the ranking criteria and the Institutional Performance Evaluation (IPE)

**UNDERTAKING**

Roll number/ Registration Number	
Program Title	
Name	
CNIC/CRC Number	
Contact Number	
Father/ Guardian's Name	
Father/ Guardian's Contact Number	
Gender	
Date of Birth	
Mark of Identification	
Blood Group	
Any Disability	
Any Existing Medical Problem or Mental-Health Issues	
Taking any Medicine on a Regular Basis (if yes, please give details)	

I \_\_\_\_\_ son/daughter of \_\_\_\_\_ certify that I am/shall not be involved in any kind of drug abuse (bringing into the campus/consuming or encouraging consumption of drug and narcotics substances) or the unlawful use of tobacco products at the HEI. The HEI is authorized to examine me for drug abuse at any time and to take any measure to ensure the implementation of its policies. Moreover, parents will be informed if I will be involved in any drug / tobacco related unlawful activity. Further, I have read and am aware of the provisions of the Higher Education Commission's Policy on Drug and Tobacco Abuse in Higher Education Institutions.

Signature

Signature of Father/ Guardian (for students)

Dated: .....

Dated: .....

**Note:** Please submit this undertaking form at the concerned office after joining the HEI. For current members of the HEI, please submit in accordance with the timelines prescribed by the HEI.

**UNDERTAKING FOR FACULTY AND STAFF**

Name	
Designation	
Department	
CNIC/CRC Number	
Contact Number	
Gender	
Date of Birth	
Mark of Identification	
Blood Group	
Any Disability	
Any Medical Problem or Mental-Health Issues	
Taking any Medicine on a Regular Basis (if yes, please give details)	

I \_\_\_\_\_ son/daughter of \_\_\_\_\_  
 certify that I am/shall not be involved in any kind of drug abuse (bringing into the campus/consuming or encouraging consumption of drug and narcotics substances) or the unlawful use of tobacco products at the HEI. The HEI is authorized to examine me for drug abuse at any time and to take any measure to ensure the implementation of its policies. Further, I have read and am aware of the provisions of the Higher Education Commission's Policy on Drug and Tobacco Abuse in Higher Education Institutions.

**Signature**

**Dated:** .....

**Note:** Please submit this undertaking form at the concerned office after joining the HEI. For current members of the HEI, please submit in accordance with the timelines prescribed by the HEI.



# The Sindh Government Gazette

Published by Authority

**KARACHI THURSDAY JANUARY 30, 2020**

## PART-IV

### PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 30<sup>TH</sup> JANUARY, 2020

**NO.PAS/LEGIS-B-21/2019**-The Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Bill, 2019 having been passed by the Provincial Assembly of Sindh on 18<sup>th</sup> December, 2019 and assented to by the Governor of Sindh on 22<sup>nd</sup> January, 2020 is hereby published as an Act of the Legislature of Sindh.

### THE SINDH PROHIBITION OF PREPARATION, MANUFACTURING, STORAGE, SALE AND USE OF GUTKA AND MANPURI ACT, 2019

SINDH ACT NO. III OF 2020

AN  
ACT

to provide for the prohibition of preparation, manufacturing, storage, sale and use of Gutka and Manpuri in the Sindh.

WHEREAS it is expedient in the public interest to provide for prohibition of preparation, manufacturing, storage, sale and use of Gutka and Manpuri in the Province of Sindh, and to provide for matters connected therewith and incidental thereto; **Preamble.**

It is hereby enacted as follows:-

**PART-I  
PRELIMINARY**

1. (1) This Act may be called the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act, 2019. **Short title and commencement.**

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

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

(i) "addict" means a person physically or mentally dependent on gutka and manpuri or its derivative substances or a person who habitually uses gutka and manpuri or its derivative substances;

(ii) "assets" means any property owned, controlled or belonging to an accused, whether directly or indirectly, or in the name of his or her spouse or relatives or associates whether within or outside Pakistan for which they cannot reasonably account;

(iii) "associate" in relation to an accused, means-

(a) any individual who is or has at the relevant time been ordinarily residing in the residential premises, including out-house and servant-quarters of an accused;

(b) any individual who is or has at the relevant time been managing the affairs of keeping the accounts of an accused;

(c) any individual who is or has been at the relevant time a member;

(d) partner or director or any association of persons or body of individuals;

(e) a trustee of any trust created by an accused.

(iv) "Authorized Officer" means a person authorized under section 18;

(v) "Court" means the Court of Sessions;

(vi) "derivative" means any mixture under any name viz. panparag, gutka or such other mixture which is prepared or obtained by any series of operations from the ingredients as given in clause (vii)

(vi) "Government" means the Government of Sindh;

(vii) "gufka" and "manpur" means—

(a) any mixture which contains any of the forms of cholia (Betel nut), catechu, tobacco, lime and other materials as its ingredients which is injurious to health and not fit for human consumption within the meaning of section 5 of the Sindh Pure Food Ordinance, 1960 and is also in contravention to the provisions of rule 11 of the Sindh Pure Food Rules, 1965;

(b) any substance prepared for human consumption and is posing a serious threat to the health of people and includes such substances as Government may, by notification in the official Gazette, declare to be such substances;

(ix) "manufacture" means in relation to gufka and manpur or its derivative products include—

(a) all processes by which such substances or its derivatives may be obtained;

(b) making or preparing such substances;

(x) "property" means—

(a) all forms of property, whether moveable or immovable, real estate or personal property of every description;

(b) property used to commit, or to abet the commission of an offence punishable under this Act;

(c) all kinds of shares or interests in any corporate body, company, firm, business concern, society or fund; and

(d) all documents of title to land, goods or property, wherever situated, money or valuable security issued by Government;

(xi) "relative" in relation to an accused, means the spouse and/or any lineal descendant of the accused and includes any other person holding property for or on his behalf;

(xii) "rules" means the rules made under this Act.

**PART-II  
PROHIBITION AND PUNISHMENT**

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| 3. No person shall produce, prepare or manufacture any mixture or substance as defined in clause (vi) and (vii) of section 2.  | Prohibition of preparation or manufacture of Gutka and Manpuri.  |
| 4. No person shall possess, offer for sale, distribute or deliver on any terms whatsoever, any substance as defined in clause (vi) and (vii) of section 2.   | Prohibition of sale of Manpuri, gutka and its derivatives.   |
| 5. No person shall import, export or transport and dispatch any substance as defined in clause (vi) and (vii) of section 2.  | Prohibition of Import, export or transport of manpuri, gutka or its derivatives.                                 |
| 6. No person shall own, manage, operate or control any premises, place, equipment or machinery for the purpose of manufacture or production of gutka, manpuri and its derivatives.   | Prohibition on owning, operating premises or machinery for manufacture of manpuri, gutka or its derivatives etc. |
| 7. No person shall knowingly—<br>(a) possess, acquire, convert, assign or transfer any asset which has been derived, generated or obtained, directly or indirectly, either in his own name or in the name of his associates, relatives or any other person, through preparation and manufacture of derivative of gutka and manpuri;<br>(b) hold or possess on behalf of any other person any assets referred to in clause (a); and<br>(c) conceal or disguise the true nature, source, location, disposition, movement, title or ownership of such assets by making false declaration in relation thereto. | Prohibition of acquisition and possession of assets derived from manpuri, gutka and its derivatives offences.    |
| 8. (1) Whoever contravenes the provisions of sections 3, 4, 5, 6, and 7 shall be punishable with imprisonment which may extend to three years but shall not be less than one year and shall also be liable to fine which shall not be less than two lacs (Two hundred thousand) rupees.  | Punishment for contravention of sections 3,4,5,6 and 7.  |

(2) In case of default of payment of fine under sub-section (1), the accused shall undergo an additional imprisonment extending to six months and in case of subsequent offence shall be punished with imprisonment for a term which may extend to ten years but shall not be less than five years and fine which shall not be less than five lacs (five hundred thousand) rupees.

9. No person shall purchase or use gutka, manpuri and its derivative at any place, in transport, at public places, in the offices, in educational institutes or in the hospitals, as may be prescribed.

Purchase and use of gutka or manpuri.

10. Whoever contravenes the provisions of section 9 shall be punishable with imprisonment which may extend to one month but shall not be less than seven days or fine which shall not be less than five thousand rupees.

Punishment for purchase and use of gutka.

11. (1) Whoever hinders or obstructs any officer in discharge of his duties under this Act or willfully furnishes to such officer any information which is false shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine which may extend to two lac rupees but it shall not be less than one lac rupees.

Obstructions to officers.

(2) In case of default of payment of fine under sub-section (1), the accused shall undergo an additional imprisonment which shall extend to four months.

12. The offences under this Act, shall be cognizable, non-bailable and not compoundable except section 9 of this Act which shall be non-cognizable, bailable and compoundable.

Offences.

13. Notwithstanding anything contained in above sections, where the Court finds a person guilty of an offence punishable under sections-3,4,5,6 and 7 this Act and sentences him to imprisonment for a term exceeding three years, the Court shall also order that his assets derived from preparation, manufacturing and trafficking substances as defined in clause (vi) and (viii) of section 2, shall stand forfeited to Government unless the Court is satisfied that the said assets or any part thereof has not been acquired by commission of above said acts, constituting offences under this Act, the burden of proof whereof shall lie on the accused to prove the same.

Forfeiture of assets of an offender.

(1) If the property ordered to be forfeited is immovable, the forfeiting shall in the case of land paying revenue, be made through the Collector of the District in which the property is situated in all other cases:-

- (i) by taking possession; or
- (ii) by appointment of receiver; or
- (iii) by prohibiting the payment of rent or delivery of property to the accused or to any other person on his behalf; or
- (iv) by all or any such method as the Court may deem fit;

### PART III SEARCH AND INVESTIGATION

14. (1) Where an officer, not below the rank of Sub-Inspector of Police or equivalent authorized in this behalf by Home Department, believes on a credible information received to him or a reasonable complaint has been made or a reasonable suspicion or apprehension exists of his having been so concerned, that any substance as defined in clause (vi) and (vii) of section 2, in respect of which an offence punishable under this Act has been committed, is kept or concealed in any building, place, premises or conveyance, he may, without an order of warrant of search from a Magistrate against such person and without affording him an opportunity for the concealment of evidence or escape, such officer may—

**Power of entry, search, seizure and arrest without warrant.**

(a) enter into any such building, place, premises or conveyance.

Provided, that before entering any house prior permission of the SSP of the concerned district shall be taken.

(b) break open doors and windows for his liberation remove any other obstacle to such entry in case of resistance;

(c) seize such substances and other materials used in the manufacture, sale and purchase thereof and any other article which he has reason to believe to be liable to confiscation and any document or other article which he has reason to believe may furnish evidence of commission of an offence punishable under this Act; and

(d) detain and arrest the person whom he has reason to believe to have committed an offence punishable under this Act.

(2) Before or immediately after taking any action under sub-section (1), the officer shall record grounds and basis of his information and proposed action and forthwith send a copy thereof to his immediate superior officer.

15. An officer authorized under section 14 shall—

- (a) seize, in any public place or in transit, any substance as defined in clause (vi) and (vii) of section 2 in respect of which he has reason to believe that an offence punishable under this Act has been committed, alongwith such substances or any other article liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence, of the commission of an offence punishable under this Act; and

**Power to seizure and arrest in public places.**

- (b) detain and search any person whom he has reason to believe to have committed an offence punishable under this Act and if such person has any substance as defined in clause (vi) and (vii) of section 2 in his possession and such possession appears to him to be unlawful, arrest him.

Explanation: For the purpose of this section, the expression "public place" includes any public conveyance, hotel, shop or any other place intended for use by, or, accessible to the public.

16. An officer referred to in section 14 may if he has reason to suspect that any conveyance is, or is about to be, used for the transport of any substance as defined in clause (vi) and (vii) of section 2 in respect of which he suspects that any provision of this Act has been, or is being or is about to be, contravened at any time, stop such conveyance and -

**Power to stop and search conveyance.**

- (a) search the conveyance or part thereof;
- (b) examine and search any goods on or in the conveyance; or
- (c) if it becomes necessary to stop the conveyance, he may use all reasonable force for stopping it.

17. Any person empowered under sections 14, 15 and 16, who-

**Punishment for vexatious entry, search, seizure or arrest.**

- (a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched, any building, place, premises or conveyance;
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any substance as defined in clause (vi) and (vii) of section 2 or any other article or documents relating to any offence under this Act; and
- (c) vexatiously and unnecessarily detains searches or arrests any person, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to three lac rupees.

18. Home Department may, by notification in the official Gazette, authorize one or more persons to act as an Authorized Officer under this Act.

**Authorized Officer.**

19. Government may make rules for carrying out purposes of this Act. **Power to make rules.**
20. No suit, prosecution or other legal proceedings shall lie against Government, any Member of the Police force or any other person exercising any of the powers or performing any duties under this Act or rules made thereunder for anything which is done or intended to be done in good faith, under this Act. **Indemnity.**
21. The provisions of the Code of Criminal Procedure, 1898 shall apply mutatis mutandis to the proceedings under this Act. **Applicability of Code.**
22. Notwithstanding anything contained in any other law, for the time being in force, the provisions of this Act and rules made thereunder shall have over-riding effect. **Over-riding effect.**

**BY ORDER OF THE SPEAKER  
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ  
SECRETARY  
PROVINCIAL ASSEMBLY OF SINDH**