

**THE SINDH PROHIBITION OF PREPARATION, MANUFACTURING,
STORAGE, SALE AND USE OF GUTKA AND MANPURI ACT, 2019**
SINDH ACT NO. III OF 2020

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[30th January, 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 or 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;

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- (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 ¹[Judicial Magistrate of First Class];
- (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-(viii);
- (vii) “Government” means the Government of Sindh;
- (viii) “gutka” and “manpuri” means-
 - (a) any mixture which contains any of the forms of chalia (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;

¹ Substituted words by Sindh Act No. XXVII of 2023, dated 11th August, 2023.

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- (ix) “manufacture” means in relation to gutka and manpuri or its derivative products include-
 - (a) all processed 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 found; 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 (viii) of section 2. | Prohibition of
preparation or
manufacture of
Gutka and
Manpuri. |
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| 4. | No person shall possess, offer for sale, distribute or deliver on any terms whatsoever, any substance as defined in clause (vi) and (viii) 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 (viii) 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- <div style="margin-left: 40px;"> (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; </div> <div style="margin-left: 40px;"> (b) hold or possess on behalf of any other person any assets referred to in clause (a); and </div> <div style="margin-left: 40px;"> (c) conceal or disguise the true nature, source, location disposition, movement, title or ownership of such assets by making false declaration in relation thereto. </div> | 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.

(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 | Punishment for contravention of sections 3, 4, 5, 6 and 7. |

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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:-

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- (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 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 (viii) of section 2, in respect of which an offence punishable under this Act has been committed, is kept or concealed in any building, palace, 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

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- (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-

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

- (a) seize, in any public place or in transit, any substance as defined in clause (vi) and (viii) 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
- (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 (viii) 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 (viii) 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;

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- (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.

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| <p>17. Any person empowered under sections 14, 15 and 16, who-</p> <ul style="list-style-type: none"> (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 presence of seizing or searching for any substance as defined in clause (vi) and (viii) of section 2 or any other article or documents relating to any offence under this Act; and (c) vexatiously and unnecessarily detains searches or arrest 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. | <p>Punishment for vexatious entry, search, seizure or arrest.</p> |
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| <p>¹[17-A. All cases pending in the Court of Sessions, immediately before the commencement of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri (Amendment) Act, 2021, shall stand transferred to the Court of Judicial Magistrate who shall try and proceed further in the cases received to it except in exceptional cases where the transferee court has ordered for is ordered for de novo proceedings in such cases.]</p> | <p>Trail of cases.</p> |
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| <p>18. Home Department may, by notification in the official Gazette, authorize one or more persons to act as an Authorized Officer under this Act.</p> | <p>Authorized Officer.</p> |
| <p>19. Government may make rules for carrying out purposes of this Act.</p> | <p>Power to make rules.</p> |
| <p>20. No suit, prosecution or other legal proceedings shall lie against Government, any Member of the Police force or any other person</p> | <p>Indemnity.</p> |

¹ Inserted new section by Sindh Act No. XXVII of 2023, dated 11th August, 2023.

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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.

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| 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. |