

THE BALOCHISTAN PROHIBITION OF OPIUM SMOKING ORDINANCE, 1960

(W.P. Ordinance IT of 1960)

CONTENTS

SECTIONS

Preamble.

1. Short title and extent.
2. Definitions.
3. Prohibition of opium smoking.
4. Offences and punishments.
5. Penalty when owner fails to give notice of use of place for opium smoking, etc.
6. Penalty for keeping or using a place used for opium smoking.
7. Penalty for offences not otherwise provided for.
8. Presumption raised by presence of opium smoking appliances.
9. Search warrants and powers to search.
10. Powers of excise officers to search without warrant.
11. Procedure for arrest etc.
12. Special powers of excise officer.
13. Bail and security.
14. Aid to excise officer.
15. Confiscation and destruction of opium and things seized.
16. Offences to be triable by first class Magistrate only.
17. Bar of suits and proceedings.
18. Repeal.

SCHEDULE

'THE [BALOCHISTAN] PROHIBITION OF OPIUM SMOKING
ORDINANCE, 1960

(W.P. Ordinance II of 1960)

[20% January, 1960]

An Ordinance to amend and consolidate the law relating
to the prohibition of opium smoking in the Province of
[Balochistan].

Preamble. WHEREAS it is expedient to amend and consolidate the
law relating to the prohibition of opium smoking in the
Province of [Balochistan];

Now, THEREFORE, in pursuance of the Presidential
Proclamation of the seventh day of October, 1958, and having
received the previous instructions of the President, the
Governor of West Pakistan is pleased, in exercise of all powers
enabling him in that behalf, to make and promulgate the
following Ordinance: —

Short title and 1. (1) This Ordinance may be called the *[Balochistan]
extent. Prohibition of Opium Smoking Ordinance. 1960.

4[(2) It extends to the whole of >[Pakistan].

Definitions. 2. In this Ordinance, unless the context otherwise requires,
the following expressions shall have the meanings hereby
respectively assigned to them, that is to say—

(a) “Collector” means any officer appointed by
Government to discharge throughout any
specified local area the functions of a Collector
under this Ordinance;

(b) “excise officer” means an officer of the Excise
Department not below the rank of a Sub-
Inspector;

(c) “Government” means the*[Provincial

a

This Ordinance was promulgated by the Governor of W.P. on 31% July, 1959; published in the W.P. Gazette (Extraordinary),
July, 1960, pages 83-88; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan

2 Subs. by Balochistan A.O. of 1975, for “West Pakistan”.

Spelling of the word “Baluchistan”, wherever it appears in this Ordinance, is corrected by insertion of letter “o” instead of “u”; a
Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

4 Subs. by W.P. Ord. VII of 1964.

5 Subs. by P. O. 4 of 1975, for "the Province of West Pakistan, except the Tribal Areas".
© Subs. by P.O. 4 of 1975, for "Government of West Pakistan".

www.ezqanoon.com

Prohibition of opium 3.

smoking.

Offences and
punishments.

Penalty when owner
fails to give
notice of use of
place for opium
smoking, etc.

Penalty for keeping
or using a place
used for opium
smoking.

Government];

(d) "opium" means any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked, and includes Chandu, Madhak and every other preparation or admixture of opium which may be used for smoking; and

(e) "place" includes a building, house, shop, booth, chhaper, tent, vessel, raft and vehicle or any part thereof.

No person shall manufacture, possess or smoke opium, or possess any implement or apparatus used, or capable of being used, exclusively for the manufacture of opium, or any pipe or utensil for smoking opium.

4. Whoever contravenes the provisions of section 3 of this Ordinance, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

simple or rigorous

5. Whoever being an occupier or owner of, or having any concern in, the management of any place, permits such place to be used, or knowing or having reason to believe that such place is being or is about to be used for the purposes of opium smoking or manufacture of opium in contravention of the provisions of this Ordinance, fails either himself or through his agent or manager to give the earliest possible notice of such

knowledge or belief to the Collector or to an excise officer or to the officer incharge of the nearest police station, shall be punished with fine which may extend to five hundred rupees.

6. Whoever keeps or uses any place or permits any place to be kept for the purposes of opium smoking or manufacture or possession of opium or has in his care or management, or in any way assists in conducting the business or, any place used or kept for the aforesaid purpose, shall be punished with simple or rigorous imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or

Penalty for offences
not otherwise
provided for.

Presumption raised
by presence of
opium smoking
appliances.

Search warrants and
powers to
search.

Powers of excise
officers to
search without
warrant.

with both.

7. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Ordinance and not otherwise provided for herein shall be punished for every such act or omission with a fine which may extend to two hundred rupees.

8. Whenever any person is found in possession of any pipes or utensils ordinarily used for opium smoking or of any apparatus used in the manufacture of opium, it shall be

presumed, unless the contrary is proved, that he has manufactured or smoked opium.

9. If a Collector, a District Magistrate, a Sub- Divisional

Magistrate or a magistrate of the first class, upon information received and after such inquiry, if any, as he considers necessary, has reason to believe that any place is being or is likely to be used for the commission of an offence punishable under section 4, 5 or 6, he may issue a warrant to an excise officer authorizing him—

(a) to enter and search such place by day or night, accompanied by any person whose assistance such officer may consider necessary for the discovery of any opium or any appliance for the preparation of opium or for opium smoking in such place;

(b) to arrest and search all or any such persons as may be found in such place and reasonably, believed by the excise officer to be guilty of an

offence punishable under this Ordinance,
whether they are actually engaged in opium
smoking or not; and

(c) to seize all appliances for opium smoking or for
the manufacture of opium which may be found
in such place.

10. (1) Whenever an excise officer has reason to believe
that an offence punishable under section 4, 5 or 6 has been, is
being or is about to be committed in any place and that a search

Procedure for arrest
etc.

Special powers of
excise officer.

Bail and security.

Aid to excise officer.

Confiscation and
destruction of
opium and
things seized.

1
2

3

That is Act V of 1898.

All Excise Officers have been invested with powers to investigate offences punishable under this Ordinance committed within respective jurisdiction, see Gazette of West Pakistan, Pt. I, p. 266.

That is Act V of 1898.

warrant under section 9 cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, at any time, after recording his reasons, take such action as he could have taken if a warrant in respect of the said offence had been issued to him under section 9.

(2) The excise officer taking any action under sub-section (1) shall, as soon as possible, intimate in writing the action taken and the grounds of his belief to the magistrate having jurisdiction in the place.

11. The provisions of the Code of Criminal Procedure, 1898', relating to arrest, detention in custody, execution of warrants and searches shall be applicable to all actions taken in these respects by an excise officer under this Ordinance.

12. (1) Government may, by notification, invest any excise officer, by virtue of his appointment, with power to investigate any offence punishable under this Ordinance committed within the limits of the area in which such officer exercises jurisdiction.

(2) Every excise officer empowered under sub-section (1) may, within the said limits, exercise, as far as may be, the same powers in respect of such investigation as an

officer incharge of a police station may exercise in a cognizable case under the provisions of Chapter XIV of the Code of Criminal Procedure, 1898°.

13. When any person arrested under this Ordinance is prepared to furnish bail, he shall be released on bail or, at the discretion of the officer making the arrest, on his own bond.

14. Every officer of the Police and Revenue Department shall be bound upon request made in that behalf to render lawful aid to any excise officer while acting under the provisions of this Ordinance.

15. Any implement or apparatus used or capable of being used exclusively for the manufacture of opium and any pipe or utensil for smoking opium, wherever found, shall be confiscated and destroyed under the orders of magistrate having jurisdiction in the area where such implement, apparatus, pipe

www.ezqanoon.com

Offences to be
triable by first
class Magistrate
only.

Bar of suits and
proceedings.

Repeal.

www.ezqanoon.com

or utensil is found.

16. No Magistrate other than a Magistrate of the first class shall try any offence punishable under this Ordinance.

17. No suit or proceedings shall lie in any civil or criminal court for any act in good faith done or ordered to be done in pursuance of this Ordinance.

18. The enactments specified in the first three columns of the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(For Schedule see next page)

Year

1940

1948

1950

1953

1954

Vil

IV

Xi

IV

SCHEDULE

(See SECTION 18)

Short title

3

The Sind Opium Smoking Act,
1940.

The Bahawalpur State Prohibition
of Intoxicants Act, 1948.

The Balochistan Opium Smoking
Regulation, 1950

The Punjab Prohibition of Opium
Smoking Act, 1952.

The North-West Frontier Province
Prohibition of Opium Smoking Act,
1954.

Extent of repeal

4

The whole.

(i) In clause (iv) of
section 2, the
words “and opium

smoking”.

(11) in section 3, clause
(c).

The whole.

The whole.

The whole.