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THE EHTRAM-E-RAMAZAN ORDINANCE, 1981

ORDINANCE No. XXIII OF 1981

[25th June, 1981]

AN

ORDINANCE

to provide for measures observe the sanctity of the month of Ramazan

WHEREAS, in view of the tenets of Islam, it is necessary to provide for measures to observe the sanctity of the month of Ramazan;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Article 89 of the Constitution, read with the Provisional Constitution Order, 1981 (C. M. L. A. Order No. | of 1981), the President is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the Ehtram-e-Ramazan Ordinance, 1981.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition.—In this Ordinance, unless there is anything repugnant in the subject or context, “public place” includes any hotel, restaurant, canteen, house room, tent, enclosures, road lane, bridge or other place to wich the public have access.

3. Prohibition of eating, etc., in public places.— (1) No person who, according to the tenets of Islam, is under an obligation to fast shall eat, drink or smoke in a public place during fasting hours in the month of Ramazan.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may entend to three months, or with fine which may extend to five hundred rupees, or with both.

4. Prohibition of serving eatables in certain public places.— (1) No proprietor, manager, servant, or other person in charge of a hotel, restaurant or canteen, or other public place, shall knowingly and wilfully offer or serve or cause to be offered or served any eatables during fasting hours in the month of Ramazan to any person who, according to the tenets of Islam, is under an obligation to fast.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

5. Exemptions.— Nothing contained in section 4 shall apply in respect of—

(a) a canteen or kitchen maintained in a hospital for serving food to patients;

'T(b) a restaurant, canteen, stall or wheel barrow, or the holder of a vending contract, within the premises of a railway station or in a train or a restaurant or canteen within the premises of an airport, seaport or bus stand or in a or in an aircraft;]

(c) a kitchen or dining-car of a train; or

(d) a kitchen or canteen meant for children within the premises of a primary school.

6. Cinema-houses, theatres, etc., to remain closed during Ramazan.— (1) All cinema-houses, theatres and similar other establishments or institutions shall remain closed during the month of Ramazan from the time of sunset to the expiration of three hours thereafter.

(2) If the proprietor, manager, servant or other person in charge of a cinema- house, theatre or similar other establishment or institution contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

7. Power to enter and arrest.— (1) If any Magistrate, the Chairman of a District Council or a Municipal Committee or a Town Committee, the Mayor of a Municipal Corporation, or the Chairman or a Member of a District Zakat and Ushr Committee has reason to believe that any offence punishable under this Ordinance has been committed by any person in or at a public place he may enter the public place and arrest such person.

(2) Where the Magistrate arresting any person under sub-section (1) is for the time being empowered to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), such Magistrate may try such person at the place where he is arrested in accordance with the provisions contained in sections 262 to 265 of the said Code.

(3) When any person is arrested under sub-section (1) by a person other than a Magistrate referred to in sub-section (2) such person shall, if a bond to his satisfaction is not executed, forward the person arrested to the nearest Police Station, with a report of the circumstances in which such arrest was made.

8. Cognizance of offences and procedure.— (1) Save as provided in sub-section (2) of section 7, no Court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by a person authorised to arrest under sub-section (1) of that section or by the officer in charge of the Police-Station in whose jurisdiction the offence is alleged to have been committed.

(2) Any Magistrate empowered for the time being to try in a summary way the offence specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may try any offence punishable under this Ordinance in accordance with the provisions contained in sections 262 to 265 of the said Code.

(3) The Officer in charge of the police-station to which a person arrested is forwarded under sub-section (3) of section 7 shall make a complaint to a Magistrate within twenty-four hours of the time on which such person is brought to the Police Station.

'Subs. and shall be deemed always to have been so subs. by Ordinance No. XXIX of 1981, s. 2.

(4) The trial of an offence punishable under this Ordinance shall be taken up on a priority basis and shall be concluded as expeditiously as may be administratively possible.

9. Power to make rules.— (1) The Federal Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide that, in a canteen, restaurant or dining-car referred to in clause (a), (b), (c) or (d) of section 5, eatables or articles of smoking shall only be served at a place protected from public view by means of a curtain or otherwise, and specify the classes of persons who may be admitted to any such canteen, restaurant or dining-car during fasting hours in the month of Ramazan.

(3) A person contravening any rule made under sub-section (1) shall be deemed to be guilty of an offence punishable under section 4 and shall be punishable accordingly.

10. Ordinance to override other laws.—The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.