

The Gazette

EXTRAORDINARY  
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"ISLAMABAD, FRIDAY, MAY 20, 1977

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PART I  
Acts, Ordinances, President's Orders and Regulations  
NATIONAL ASSEMBLY SECRETARIAT  
Estegeccetveacd, tlie UH May, e¥F?

The following Acts of Parliament have received the assent of the President and  
the 17th May, 1977, and are hereby published for general information » ~  
ACE Noo ANSTY opr 1007

An Act to prohibit the manufacture, sale and consumption of  
intoxicating liquors.

Whereas it is expedient to prohibit the manufacture, sale and consumption  
of intoxicating liquors.

AND whereas the Proclamation of Emergency referred to in Article 24 of  
the Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—  
Enacted at

#### PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the  
Prohibition Act, 1977,

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

lay "bottle" means a transfer of intoxicating liquor from a cask or other  
vessel) or a bottle, jar, flask, or any other receptacle for (the purpose

of sale, whether any process of manufacture be employed or not,

and includes rebottling;

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Price; Px. 25  
(1648 Ex, Guz.)

(b) "buy? or "buying" includes any receipt by way of gift or other-wise ;

(c) "Collector" includes any person appointed under this Aer to exercise ot perform all er any of the powers or functions of a Colloetor under this Ac -

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idi "intoxicating Jiquor \* inchudes toddy, spirits of winc, wine, beer and all liquids consisting of or containing alcohol normally used for purposes of inloxication ;

fe) "manufacture " fneludes every process, whelher natural or artificial, by which any intoxicating liquor is produced, prepared or blended, and also re-disiillattion and every process for the rectification cf intoxicating liquors :

(fh place" includes u house, shed. enclosure. building, shop, tent and vessel ;

(ig) "police station" jncludgs any place which the Provinetul Govern-ment may. by natiPeation in the official Gazette, declare to be a police station for the purposes of this Aer:

th} \* Probibition Officer" means the Collecler or sey ollteer wanetnted or invested with powers under section 16 ;

(i) "public place' means a s:reet, raad, cheroughfure, park. garden or othet place to which the public have frre access :

(i) "rectification \* includes every process whereby intoxicating liquors are purified, coloured or flavoured by mixing eny material [herewith .

(ky "sale" or "selling" includes any transfer by way of gift or other-wise ; and

(Kh) "transport" means to move from ane place to another.

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## PROHIBITION AND FENAT.TIES

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. Prohibition vf manufacture, etc., of intoxicating Lligaur.- {1} Whoever—

ia} imports. exports, transports, uninufactures or provesses inti icating liquor ; or

tb) bottles any intoxicating liquor for purposes of sale: of

ic) sells intoxicating Siquor: or

fd} allows any of be uct. afaresuid upon premises in his immediate Possession,

shall be punishable with imprisonment for a term which may extend to two years. or with fine which may extend to ten thousand rupees, or with bela.

\_ (2) Nothing in sub-sccion (1} shall be decmed lo apply to the import of intoxicating liquor by a diplomatic agent for consumplien by any such ager.

Explanation.—In this sub-section, “diplomatse agent” has the same meaning as tn the Diptomeatic and Consular Privileges Act, 1932 (TX of 1972).

4. Prohibition of consumption of intoxicating liquor by Muslim citizens.—Any Muslim citizen of Pakistan who consumes or imbibes Liquor 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.

> Section 3 BO, to apply to remain well. Nothing contained in section 3 shall apply to any act done under, and in accordance with, the provisions of this Act or the terms of any rule, regulation, order or licence issued thereunder.

b. Punishment for drinking in public place.— (1) No officer shall detain or arrest any person at a public place on suspicion that he has consumed intoxicating liquor in violation of section 4 and is under the influence thereof, unless he has given to such person in writing to accompany him to a medical practitioner for examination whether he is under such influence or unless such person either refuses to so accompany him or, having been examined by the medical practitioner, is certified to be under such influence.

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

7. Punishment for vexatious delay. Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays (including to 4 Prohibition Officer any person arrested or any article seized under this Act) shall be punishable with fine which may extend to five thousand rupees.

8. Things liable to confiscation. —[1] any case in which an offence has been committed against this Act, the intoxicating liquor, still, utensil or implement or apparatus in respect of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, cars or other vehicles used to hold or carry the same:

Provided that an animal, vessel, car or other vehicle shall not be so liable to confiscation unless the owner or other person in charge thereof knew or had reason to believe that an offence has been committed in respect of or by means of such liquor, still, utensil, implement or apparatus.

O. Confiscation order.— (i) In any case involving anything liable to confiscation under this Act, the court deciding the case may order such confiscation despite the acquittal of the person charged with an offence,

(2) When an offence against this Act has been committed but the offender is not known or cannot be found, or when anything liable to confiscation under this Act is not in the possession of any person and cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the District or any other officer authorised by the Provincial Government in this behalf, who may order such confiscation :

Provided that no such order shall be made until the expiration of fifteen days from the date of seizure of the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

i0, Cognizance of offences, ele. i) Notwithstanding aforesaid contained in the Code of Criminal Procedure, 1898 (Act No. of 1898), cognizance of an offence punishable under this Act shall not be taken except in accordance with the provisions of day provided.

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M1 THE GAZETTE OF PAKISTAN, EXTRAORDINARY, MAY 20, 1977) [Part I

(2) The following offences shall be cognizable, namely :—  
(a) an offence punishable under section 3; and  
(b) an offence punishable under section 4, if committed at a public place.

(3) No court shall take cognizance of an offence punishable under

(a) section 3 or section 4, save on a complaint made by the person in  
respect of whom the offence has been committed : and

(b) section 5, save on a complaint made by, or under the authority of, a  
Prohibition Officer,

## Chapter II

### LICENCES FOR MEDICINAL OR SIMILAR OTHER PURPOSES

11. Licences for bona fide medicinal or other purposes—The Provincial Government or, subject to the control of the Provincial Government, the Collector, may issue licences to any person or in respect of any institution, whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any intoxicating liquor or article containing intoxicating liquor on the ground that such liquor or article is required by such person or in respect of such institution for a bona fide medicinal, scientific, industrial or similar other Purpose, or for consumption by a person other than a person referred to in section 4,

12. Licences to certain organisations—The Provincial Government, or any officer authorised by it in this behalf, may issue a licence to an organization established in Pakistan and carrying on an air transport or maritime shipping service to possess intoxicating liquor for serving it to passengers travelling by the aircraft or vessels of such organisation, not being a Muslim citizen of Pakistan.

13. Forms and conditions of licences.—Every licence issued under this Act shall—

(a) be granted on payment of such fees, if any, for such period and on such condition : and

(b) be in such form and contain such particulars, as the Provincial Government may direct, either generally or in any particular case.

14. Power to cancel or suspend licences—(1) The Collector may cancel or suspend any licence—

(a) if any fee payable by the holder thereof has not been duly paid ; or

(b) if on the event of any breach by the holder thereof or by his servants or by any officer acting with his express or implied permission on his behalf of any of the terms or conditions of the licence ; or

(c) if the holder thereof is convicted of any offence against this Act; or

(d) if the purpose for which the licence is granted ceases to exist,

-01 As and when any licence is cancelled under sub-section (1), the holder thereof shall at once deliver to the Collector the stock of intoxicating liquor or articles containing such liquor lying with him and dispose of such stock to such authorised person as the Collector may specify.

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18. Pevaliy for the breach of condifons of ficiencies. «tn the event of any breach by the holder of a licensee or by his servants or by any one acing with his cpress ar implied permission on his behalf, of any of the lermly and conditions of the licence, such holder shail, in addition lo the cancellation or suspension of the licence, be punishable with imprisonment for a term which may extend to sia months, or with fine which may catend to ten theusand rupees, or wilh both, unless he proves that he exercised all duc diligence ia prevent such breach ; and any person who commits any such breach shall, whether he acts with of without the permission of the holder of ihe licences, also be Rahiz i the same punishment.

#### Cuarren IV ESPABLISHMEN1] AND CONTROL

16, Appoitment of officers. —Uhe Provincial Government may, fram lime to lime, by notificat in the oifiçiat Gazelte,—

fal appvint un ollicer io exercise all the powers af a Callectlor under this Act in any arca specified in the notification and ly have the control og the udminalrien of the provisions af this Act in such areca:

th) appa'ne olficers with such designaiaans, powers and duties us ihe Provincial Government may think fit t assist the Collector or other Prohibiion Officers : and

(e) delegate to any Prohibition Officer aff or any of its powers under ihis Ack

#### CHAPTER ¥ POWERS, DUTIES AND PROCEDURE OF OFFICERS. ETC.

i7. Issue of search warrants— (1) If any Collector, Prohibition Officer or Magisinie, upon information obtained and after such inquiry as he thinks nects-sary, has ccason to believe that un offence under section 3 has been committed. he may issue a warrant for the search for any intoxicating liguor, material, sdll, utensil, implement or apparatus in respect of which the alleged offence has been committed :

Provided that, before issuing such warrant, the Collector, Prohibition Officer or Magistrate sball examine the informant on oath and the examination shath be reduced to writing in a summary manner and be signed by the informant and also by the Collector, Prohibition Officer or Magistrate.

(2) Any person who has been entrusted with the execution of such a warrant may detain and search and, if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person ta be guilty of an offence under section 3.

18. Power to use force in case of resistance to entry, HW any officer empowered to make an eolry under section 17 cannot otherwise make such entry. it shall be Juwful for him to break open any outer or inner door or window and to remove any other obstacles to his enlry to any such place.



19. Searches and custody of offenders.—(1) All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

2) Every person arrested shall, subject to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), regarding bail, be detained in custody at the nearest police station.

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20. Powers of Prohibition Officer.---In addition to the powers conferred upon him by the foregoing provisions of this Act a Prohibition Officer shall have all the powers conferred on the officer in charge of police station while conducting an investigation in a cognizable offence.

[Part I

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#### MISCELLANEOUS

21. Indemnity.—No suit, prosecution or other legal proceeding shall lie against a Provincial Government, a Police Officer, a Prohibition Officer or any other officer in respect of anything which is in good faith done under this Act or the rules made thereunder.

22. Act to override other laws.—This Act shall have effect notwithstanding anything contained in any other law for the time being in force,

23. Power to make rules. --(1) The Provincial Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules--  
(a) for the issue of licences and the enforcement of the conditions thereof &

(b) prescribing the powers to be exercised and the duties to be performed by Prohibition Officers in furtherance of the objects of this Act:

(c) determining the local jurisdiction of Prohibition Officers in regard to Motor Vehicles and establishments

(d) authorising any officer to exercise any power or perform any duty under this Act:

(e) regulating the delegation by the Collectors or other Prohibition Officers of any powers conferred on them by or under this Act ;

(f) declaring in what cases and classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder by an authority other than a court, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith :

(g) for the disposal of articles confiscated and of the proceeds thereof . and

(h) examination of persons referred to in sub-section (1) of section 8.

AED Noo VASA nr 177

Ag Act to amend the Negotiable Instruments Act, 1881

Whereas it is expedient further to amend the Negotiable Instruments Act

IS8t IXXVI of 1881), for the purpose hereinafter appearing ;

Tt is hereby enacted as follows :—

1. Shore title, extent and commencement, -(1} This Act may be called the Negotiable Instruments (Amendment) Act, 1977.