

EXTRAORDINARY
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PART |

Acts, Ordinances, President's Orders and Regolations

NATIONAL ASSEMBLY SECRETARIAT

Estegeccetveacd, tlle UH May, e¥F?

The following Acts of Parhamem cece veel the assent of the President ant

the J7ih May, 1977, and are hereby published [or general information » ~
ACE Noo ANSTY opr 1007

An Act te prwibie te sneanelicnire. sale ened comwereion ad ftoxication Ugaars

Wuekeas it is expediont tu prelitdl the manufacture, sale and cemspmption
of intoxicating liquers .

AND waereds the Pinelamation of Enicigeney referred to in Antiivle 24 af
the Constitution af the Islamic Republic of Pukistan ts in force ;

Li is herchy enacted as follows :—

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PRELIMINARY

1. Short tithe. extent and commencement. (1) This Act may he called the
Prohibitinn Act, 1977,

(2) G extends to the whele of Pakistan.

(3) Te shall come into force al ance.

2. Definitions. Jn this Act, unless there is anything repugount in the subject
or conlest,—

lay "bole * aneans ta transfer incoxicating Tiquar from a cask or ether
vesse] ua botlig, fare flask, por ar strikar receptacle for (he purpose

af sale. whether any process al manufacture be employed or not,

and includes rebotding ;

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Price; Px. 25

(1648 Ex, Guz.]

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

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

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idi "intoxicating Jiquor" includes toddy, spirits of wine, wine, beer and all liquids consisting of or containing alcohol normally used for purposes of intoxication ;

(e) "manufacture" includes every process, whether natural or artificial, by which any intoxicating liquor is produced, prepared or blended, and also re-distillation and every process for the rectification of intoxicating liquors :

(f) "place" includes a house, shed, enclosure, building, shop, tent and vessel ;

(g) "police station" includes any place which the Provincial Government may, by notification in the official Gazette, declare to be a police station for the purposes of this Aer:

(h) "Prohibition Officer" means the Collector or any person appointed or invested with powers under section 16 ;

(i) "public place" means a street, road, thoroughfare, park, garden or other place to which the public have free access ;

(j) "rectification" includes every process whereby intoxicating liquors are purified, coloured or flavoured by mixing any material therewith .

(k) "sale" or "selling" includes any transfer by way of gift or otherwise ; and

(l) "transport" means to move from one place to another.

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PROHIBITION AND PENALTIES

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

ia} imports, exports, transports, manufactures or processes intoxicating liquor ; or

ib) bottles any intoxicating liquor for purposes of sale; or

ic) sells intoxicating Liquor; 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 twe yours. or with fine which may extend to ten thousand rupees, or with bela.

_ (2) Nothing in sub-sccion (1} shull 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, imbibes or invades 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 both.

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

b. Protection of public places.—(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 time to accompany him to a medical practitioner for examination whether he is fit under such influence or unless such person either refuses to go with him, having been examined by the medical practitioner, is certified by him 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 one hundred rupees, or both.

7. Punishment for vexatious delay. Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays (referring to 4 Protection Officer any person arrested or any article seized under this Act shall be punishable with fine which may extend to one 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 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 such liquor, still, utensil, implement or apparatus.

(2) In any case involving anything liable to confiscation under this Act, the court dealing with the case may order such confiscation despite the acquittal of the person charged with the 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, cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector or other Protection 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 goods 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, Cogezance of offences, ele. i) Notwithstanding adyduug cundined in the Code of Criminal Procedure, 1898 (Aci ¥ of 1898), cognizance of un offence punishable under this Act shall not be laken except ip accordance with the provisions of day oeedidodi.

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M1 THE GAZETTE OF PAKISTAN, EXURA.. MAY 20. 1977) [Paar i

(2) The following offences shall be cognizable, namely : -
(at un offence punishable under section 3: and
1h) an offence punishable under section 4, if committed at a public place.

13) Ne court shall take cognizance of an offence punishable under

la} seclion & or section 7, save on a complaint made by the person in
respect of whom the oflence has been committed : and

(by scclion 15, save on a complaint made by, or under the authority of, a
Prohibition Officer,

Cuapter IIT LICENCES FOR MEDICINAL OR SIMILAR OTHER PURPOSES

11. Licences for bona fide medicinal or other purposes---The Proy'ncial Go-
vernment or, subject to the control of the Provincial Government, the Collector, may
issue Sicesnes 10 any petson 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 thar such liquer or article is required by sucit person or in respect
uf such mstitution for a bora fide medicinal, scientific, industrial or sinufar other
Purpose, ar for consumption by a person other than a person referred to in
secon 4,

12. Licences t@ cerlain organisations— ihe Provincia) Government, or any
officer authorised by it in this behalf, may issue a licence to an organization es-
tablished in Pakistan and carrying ov an air transport or maritime shipping service
lo possess intoxicating liquor for serving it to passengers travelling by the air-
craff or vessels of such organisation, not being a Musiim citizen of 'Pakistan.

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

ia?) be granted on payment ol such fees, if any, for such period and on
such condition : and

tb} be in such form and contain such particulars,
us the Pravincial Government may direct, cither generally or in any particular case.

14. Power ta cancel or suspend licences—1) The Collector may cancel or
shaspend any licence—

ie} if any fee payable by the holder thereat be not duly paid ; or

'it tu Ue event of any breach by the hulder thereof or by his servants
ar by any oie acting with his express or implied permission on his
behalf of any of the terms or conditions of the licence ; or

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

tail i ihe purpose tor which the licence is granted ceases to exist,

-01 As and when any licence is cancelled under sub-section (1), the holder
Tiereot stint at ance dees fo the Collector the stock of intoxicating liquor or
articles containing such liquor lying with kim and dispuse of such stuck to such
authorised person as the Collector may specify.

of fees sacs

18. Penalty for the breach of conditions of licences. «In the event of any breach by the holder of a licence or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms and conditions of the licence, such holder shall, in addition to the cancellation or suspension of the licence, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, unless he proves that he exercised all due diligence to prevent such breach ; and any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licences, also be liable to the same punishment.

CHAPTER IV

ESTABLISHMENT] AND CONTROL

16. Appointment of officers. —The Provincial Government may, from time to time, by notification in the official Gazette,—

shall appoint an officer to exercise all the powers of a Collector under this Act in any area specified in the notification and to have the control of the administration of the provisions of this Act in such area:

(b) appoint officers with such designation, powers and duties as the Provincial Government may think fit to assist the Collector or other Prohibition Officers : and

(e) delegate to any Prohibition Officer all or any of its powers under this Act

CHAPTER V POWERS, DUTIES AND PROCEDURE OF OFFICERS. ETC.

17. Issue of search warrants— (1) If any Collector, Prohibition Officer or Magistrate, upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under section 3 has been committed, he may issue a warrant for the search for any intoxicating liquor, material, still, 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 shall examine the informant on oath and the examination shall 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 to be guilty of an offence under section 3.

18. Power to use force in case of resistance to entry, HOW any officer empowered to make an entry under section 17 cannot otherwise make such entry. it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry 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 Provincial Officer shall have all the powers conferred on the officer in charge of police station while conducting any investigation into a cognizable offence.

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MISCELLANEOUS

21. Indemnity.—No suit, prosecution or other legal proceeding shall lie against a Provincial Government, a Police Officer, a Provincial 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 to the official Gazette, make rules for the purpose of carrying out 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 under the conditions thereunder &

(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 MMYUICMS and its functions

(d) authorising persons to exercise any power or perform any duty under this Act;

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

(f) declaring in what cases or 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 any 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 under the provisions of this Act.

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

AED No VASA nr 177
As Act is intended to amend the Negotiable Instruments Act, that

Work is being done to amend the Negotiable Instruments Act

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

It is hereby enacted as follows :—

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