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PART I

Acts, Ordinances, President's Orders and Regulations
NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 20th May, 1977

The following Acts of Parliament received the assent of the President on the 17th May, 1977, and are hereby published for general information:—

ACT No. XXIV of 1977

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 230 of the Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—

CHAPTER I

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,—

- 1a) "bottle" means to transfer intoxicating liquor from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not, and includes rebottling;

(257)

Price : Ps. 25

- (b) "buy" or "buying" includes any receipt by way of gift or otherwise;
- (c) "Collector" includes any person appointed under this Act to exercise or perform all or any of the powers or functions of a Collector under this Act;
- (d) "intoxicating liquor" 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 Act;
- (h) "Prohibition Officer" means the Collector or any officer 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.

CHAPTER II

PROHIBITION AND PENALTIES

3. Prohibition of manufacture, etc., of intoxicating liquors.—(1) Whoever—

- (a) imports, exports, transports, manufactures or processes intoxicating liquor; or
- (b) bottles any intoxicating liquor for purposes of sale; or
- (c) sells intoxicating liquor; or
- (d) allows any of the acts aforesaid 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 both.

(2) Nothing in sub-section (1) shall be deemed to apply to the import of intoxicating liquor by a diplomatic agent for consumption by any such agent.

Explanation.—In this sub-section, "diplomatic agent" has the same meaning as in the Diplomatic and Consular Privileges Act, 1972 (IX of 1972).

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

5. **Section 3 not to apply to certain acts.**—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, notification, order or licence issued thereunder.

6. **Punishment for vexatious arrest at a 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 notice to accompany him to a medical practitioner for examination whether he is in fact under such influence nor unless such person either refuses to so accompany him or, 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 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 forwarding to a Prohibition 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.**—In any case in which an offence has been committed against this Act, the intoxicating liquor, still, utensil, implement or apparatus in respect of or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same:

Provided that an animal, vessel, cart 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 so committed in respect of or by means of such liquor, still, utensil, implement or apparatus.

9. **Confiscation how ordered.**—(1) 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 and not in the possession of any person 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.

10. **Cognizance of offences, etc.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), cognizance of an offence punishable under this Act shall not be taken except in accordance with the provisions of this section.

- (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 6 or section 7, save on a complaint made by the person in respect of whom the offence has been committed; and
 - (b) section 15, save on a complaint made by, or under the authority of, a Prohibition Officer.

CHAPTER III

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 be not duly paid; or
- (b) in the event of any breach by the holder thereof or by his servants or by any one 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.

(2) As and when any licence is cancelled under sub-section (1), the holder thereof shall at once declare 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.

15. **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 licence, 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,—

- (a) 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 designations, powers and duties as the Provincial Government may think fit to assist the Collector or other Prohibition Officers; and
- (c) 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.** If 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.

20. **Powers of Prohibition Officer.**—In addition to the powers conferred on 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 into a cognizable offence.

CHAPTER VI

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 inquiries and investigations;
- (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 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 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 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 6.