

THE SIND GOVERNMENT GAZETTE
November 18, 1979.

THE SIND PROHIBITION RULES, 1979.

CONTANTS

RULES.

PART-I
GOVERNMENT OF SIND
EXCISE AND TAXATION DEPARTMENT
Karachi, the 29th September, 1979.

NOTIFICATION

No. 1(201)79-Excise/4555.-- In exercise of the powers conferred by Articles 21 and 31 of the Prohibition (Enforcement of Hadd) Order, 1979, the Government of Sind are pleased to make the following rules for the purpose of carrying into effect the provisions of the said Order, namely:--

1. (1) These Rules may be called the Sind Prohibition Rules, 1979.
- (2) They shall come into force atonce.
2. In these rules, unless the context otherwise requires, the following expressions shall have meanings hereby respectively assigned to them, that is to say:-
 - (a) "Article" means an Article of the Order;
 - (b) "Director" means the Director, Excise & Taxation of the Division concerned and includes any person appointed to perform the functions of the Director;
 - (c) "Director General" means the Director General, Excise & Taxation and includes any persons appointed to perform the functions of the Director General;
 - (d) "Excise and Taxation Officer" means an Excise and Taxation Officer;
 - (e) "Government" means the Government of Sind;
 - (f) "Licence" means a Licence/under the order for trade in intoxicants;
 - (g) "Order" means the prohibition (Enforcement of Hadd) Order, 1979;
 - (h) "Permit" means a Licence under the order in from PR-II or PR-III for consumption or use of intoxicating liquor;
 - (i) "Special permit" means a Licence under the order in form PR-IV for consumption or use of opium.
3. (1) The Director General shall be the Collector for the, whole province of Sind.
- (2) Subject to the directions of the Director General the

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Director may exercise all or any of the powers of a Collector within his jurisdiction.

(3) The Excise & Taxation Officer or any other Officer may within his jurisdiction exercise such powers of a prohibition officer as may be delegated to him under Article 21.

4. (1) The following Officers shall be the Officers for the purpose of clause (b) of Article 21 of the Order:-

- (a) Excise and Taxation Inspector;
- (b) Excise and Taxation Sub-Inspector;
- (c) Excise and Taxation Jamadar;
- (d) Excise and Taxation Defedar;
- (e) Excise and Taxation Constable.

(2) The Officer mentioned in Sub-Section (1) shall within their jurisdiction exercise such powers of a prohibition officer as, may be delegated to them under Article 21.

5. (1) Any person registered as a medical practitioner under any law for the time being in force and in the employment of Federal or Provincial Government of Local Authority or any Corporation set up by Government shall be authorized medical officer for the purposes of the order.

(2) The person referred to an authorized medical officer for examination under clause (1) of Article 12 may be examined with respect to the presence of intoxicant in his breath or blood stream or stomach, provided that such examination may be dispensed with if the officer can presume the consumption and influence of intoxicant from any symptom such as hang over effects, nausea, head-ache, gastricis, thirst, generalized residual malise, physical or mental incompetence or other after effects of taking an intoxicant.

6. An officer incharge of a police station shall take charge of and keep in safe custody, pending the orders of a Magistrate or a prohibition officer, all articles seized under the order, which may be delivered to him, and shall allow the Prohibition Officer to affix his seal to such articles and to take samples therefrom.

7. Subject to any order passed under section 517 of the Code of Criminal Procedure, 1898, any thing confiscated under Article 15 shall be made over to the Collector or any officer authorized by him in this behalf.

8. (1) An intoxicant confiscated under Article 15 shall be destroyed or disposed of under the orders of the Collector in such manner as he deems fit.

- (2) Anything other than intoxicants confiscated under Article 15 shall be sold in such manner as the Collector may direct.
- (3) The sale proceeds under this rule shall be credited to the sub-head "other items" of the head "VIII-Provincial Excise".
9. (1) An order passed by a Prohibition officer other than the Director or Director General shall be appealable to the Director within sixty days of such order.
- (2) An order passed by a Director shall be appealable to the Director General within ninety days of such order.
- (3) An appeal shall be presented to the appellate authority during office hours personally by the appellant or his counsel.
- (4) Every appeal shall:-
- (i) Be legibly and concisely written or typewritten;
 - (ii) State in brief the facts constituting cause of action;
 - (iii) Clearly set out the relief claimed and grounds thereof;
 - (iv) be accompanied by an authenticated copy of the order appealed against;
 - (v) be verified and signed at the foot by the appellant.
- (5) On receipt of the appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems fit make an appropriate order.
10. Government or any other officer authorized by Government in this behalf may, of its own motion at any time, or on application made within a period of thirty days from the date of the taking of any proceedings or passing of any order by an authority subordinate to it, call for and examine the record of the proceedings or the order, for the purpose of satisfying itself as to the legality or propriety of the same and may pass such order as it may consider fit:
- Provided that no order under this rule, if prejudicial to any person, shall be passed unless such person has been given opportunity of showing cause;
11. (1) The Collector shall be the authority to grant or, as the case may be renew a permit or special permit; provided that permit in from PR-II shall not be renewable.

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- (2) The Director shall exercise the powers under sub-rule (1) subject to the control and directions of the Director General.
12. The Director General or any subordinate officer authorized by him in this behalf may grant on special occasions permits for purchase, possession, transport or consumption of liquor for human consumption subject to the following conditions that the liquor shall be-
- (a) consumed by the permit holder;
 - (b) consumed only on the specified occasion.
13. (1) An application for a permit or special permit shall be made in form PR-I.
- (2) An applicant shall furnish such other information as may be required.
14. The grant or renewal of a permit or special permit may, for reasons to be recorded in writing, be refused.
15. A permit or special permit shall be for such period as may be specified therein, and be non-transferable.
16. The quantity of intoxicating liquor authorized by a permit shall be stated in the permit in Units; and one unit shall for the purposes of these rules be deemed to be equal to one quart bottle of any kind of spirit including liquor or three bottles of wine or medicated wine or sixteen bottles of beer.
17. The Director General may, from time to time, fix the maximum quantity of intoxicating liquor to be allowed to be possessed or consumed under a permit and may increase or decrease this quantity generally or specially or direct as to what kind of liquor be supplied to a consumer or class of consumers.
18. (1) Special permits in PR-IV shall be granted only to opium addicts for their treatment on the recommendation of a medical officer testifying that without opium he is likely to suffer from serious illness causing apprehension of death.
- (2) The quantity of the opium to be sold on special permits shall be determined from time to time by the Director General on the advice of a medical officer.
19. (1) A fee of ten rupees shall be charged for grant or as the case may be for renewal of a permit of special permit.
- (2) The fee under these rules may be paid in cash or deposited in a treasury or a designated bank in favour of the Excise & Taxation Department, Government of Sindh. The receipt shall be issued for the fee received in cash and the amount so received shall be deposited in the treasury without any delay.

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20. The authority granting a permit or special permit may cancel or suspend such permit if he is satisfied that-
- (1) there is any breach of any term or condition of such permit specified under Article 18 or contravention of any provision of the Order, or the rules or orders made thereunder;
 - (2) the purpose for which such permit is granted has ceased to exist; and
 - (3) such permit is being or is likely to be used for sale or supply of an intoxicant to a person other than the one mentioned therein; or
 - (4) if the conditions of such permit provide for its cancellation or suspension at will.
21. (1) On the expiry, cancellation or suspension of any permit or special permit the stock of intoxicant, if any, shall immediately be surrendered to the authority who granted such permit or to any person authorized in this behalf by such authority.
- (2) If the stock under sub-rule (1) is fit for human consumption, the collector shall make arrangements for its disposal in such manner as he may deem fit.
- (3) If any such stock or portion thereof is declared to be unfit for human consumption by the Chemical Examiner, the Collector shall cause the same to be destroyed and no compensation shall be paid therefore.
- (4) When any intoxicant is sold under Sub-Rule (2) the net sale proceeds shall be paid to the person who surrendered such intoxicant.
22. A permit or special permit holder may, from any authorized licensee purchase the intoxicant as specified in the permit.
23. (1) The following classes of licences may be granted or renewed by the authorities and on payment of fees stated against each:-

Kind of Licence	Purpose	Authority to grant	Competent to renew	Fee Chargeable.
INTOXICATING LIQUOR				
Trade and Import of Potable liquor.	For import into export out of the province except on an import or export Licence granted by the Federal Government for transport or sale thereof to the trade only.	Director General	Director	Rs. 6,000
Retail off	For retail sale of potable intoxicating liquor to permit holders only.	Do.	Do.	Rs.10,000

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Duty Free Retail (Off)	For "Off" sale of potable intoxicating liquor to non-Muslims foreign passengers of international flights.	Director General	Director	Rs.10,000
HOTEL	For service of Potable Intoxicating liquor to non-Muslim foreign residents in their own room.	Do.	Do.	The Licence for sale of intoxicating liquor for consumption in a hotel shall be charged yearly at the rate of one hundred times of the averages room rent per day of such hotel, as the case may be calculated by dividing total rent.
CLUB	For "off sale" of potable intoxicating liquor to non-Muslim foreign members and to non-Muslim Pakistani members on religious occasions.	Do.	Do.	(1) Rs. 5,000:- (Five thousand), per annum plus ten percent surcharge on the assessment fee levied. (2) The lump sum amount of Rs.5,000/- shall be paid with thirty days of the commencement of the year and the remaining amount shall be paid with in thirty days after the close of year.
Aircraft and Marine Shipping licence.	For an organization established in Pakistan and carrying on an air Transport or maritime shipping service requiring potable intoxicating liquor for serving to the passengers not being Muslim citizens of Pakistan, during International flights/Voyage.	Do.	Do.	Rs.2,000
Manufacturing of Pak. Made Potable Foreign Liquor.	For manufacture and sale of Pak. made Potable Foreign Liquor to Trade only.	Do.	Do.	Rs. 500
Intoxicants licence (Commercial).	OTHER INTOXICANTS: For purchase and Sale.	Do.	Do.	Rs. 100
Intoxicants licence (Manufacturing).	For purchase and use in the manufacture of Medicinal preparations.	Do.	Do.	Rs 50

Note:- Intoxicants Licence (Manufacturing) shall be granted only to those who possess licence to manufacture particular item of medicinal preparation containing intoxicants, from appropriate authority.

Note:- (1) Intoxicant licence (Commercial) shall be granted to chemists holding licences under Drug Ordinance, 1976 and to Government and Private hospital for sale of morphine, pethedine, jetrium or other dangerous drugs to bonafide patients on presentation of prescription issued by the Registered Medical Practitioner.

Note:- (2) The licences shall be in such form and contain such conditions as may be specified under Article 18.

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24. The retail "Off" licence under rule 23 shall not be granted to a Muslim citizen of Pakistan.
25. Except in the case of an aircraft and maritime shipping, no licensee shall make retail sale of intoxicating liquor to any consumer except on the production of appropriate permit by him.

MANZOORUL HASAN,
Secretary to Government of Sind,
Excise & Taxation Department.

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