

**THE BALOCHISTAN CONTROL ON POSSESSION
AND CONSUMPTION OF DRUGS
ACT, 1973**

(Baln Act V of 1973)

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**¹THE BALOCHISTAN² CONTROL ON POSSESSION
AND CONSUMPTION OF DRUGS
ACT, 1973**

(Balochistan Act V of 1973)

[8th February, 1973]

An Act to provide for the continuance of powers to regulate the possession and consumption of certain drugs in the Province of Balochistan in the public interest to improve the health, morals and well-being of the society;

Preamble.

WHEREAS Quetta being on the route of International illicit traffic of certain drugs;

AND WHEREAS habit of indulging in the misuse of such drugs is spoiling the vitality, health and wellbeing of society;

AND WHEREAS it is expedient to provide for continuance of powers to regulate the possession and consumption of certain drugs in the Province of Balochistan, in the public interest to improve the health. morals and well being of the society;

It is hereby enacted as follows: —

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Control on Possession and Consumption of Drugs Act, 1973,
- (2) It extends to the whole of the Province of Balochistan except the Tribal Areas.
- (3) It shall come into force at once.

Application of other laws not barred.

2. The provisions of this Act shall be in addition to and not in derogation of the Dangerous Drugs Act. 1930 (II of 1930) and the Drugs Act. 1940 (XXIII of 1940) and any other law for the time being in force.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context: —

(a) "Drugs" for the purposes of this Act means

¹ This Act, was passed by the Balochistan Assembly on 12th January, 1973; assented to by the Governor of Balochistan on 31st January, 1973; and, published in the Balochistan Gazette (Extraordinary) No. 10, dated 8th February, 1973.

² Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

Barbituric Acid, its salt, derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts; its derivatives; their salts; with any other substances and any other substance or drug which the Provincial Government may by Notification in the official Gazette in this behalf declare to be drug under this sub-section.

- (b) "Provincial Government" means the Government of Balochistan.
- (c) "Government Drug Analyst" means a person appointed by the Provincial Government as such, by Notification in the official Gazette, having the prescribed qualifications as laid down under the Drugs Act, 1940 (XXIII of 1940).
- (d) "Inspector of Drugs" means a person appointed by the Provincial Government as such, by Notification in the official Gazette, having the prescribed qualifications as laid down under the Drugs Act, 1940 (XXIII of 1940).

Prohibition of certain operations.

4. (1) No person shall: —
- (a) possess any drug save as allowed to the licence holders to import, manufacture, distribute, stock and sell drugs under Drugs Act, 1940 (XXIII of 1940);
 - (b) consume any drug save as prescribed by a Registered Medical Practitioner practising the allopathe system of medicine:

Provided that the Registered Medical Practitioner shall keep record of all such prescriptions.

Offences and penalties.

5. Whoever, in contravention of section 4 of this Act possesses or consumes any drug shall be punished with rigorous imprisonment for a term which may extend to four years and fine which may extend to one thousand rupees:

Provided that the minimum term of imprisonment shall be one year.

Punishment for allowing premises to be

6. Whoever, being the owner or occupier or having the use of any house, room, enclosure, space, vessel, vehicle or place, permits it to be used for the commission by any person of an

used for the commission of an offence.

offence punishable under section 5, shall be punished with rigorous imprisonment for a term which may extend to four years and fine which may extend to one thousand rupees:

Provided that the minimum term of imprisonment shall be of one year.

Subsequent punishment for offences after previous conviction.

7. Whoever, having been convicted of an offence punishable under section 5 or section 6 is guilty of any offence punishable under any of these sections, shall be subject to, for every such subsequent offence, rigorous imprisonment which may extend to eight years and a fine which may extend to two thousand rupees:

Provided that the minimum terms of imprisonment shall be of two years.

Security for abstaining from commission of offences.

8. (1) Whenever any person is convicted of an offence punishable under section 5, 6 or 7, and the Court, Tribunal or Authority convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under these sections, the Court, Tribunal or Authority may at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule 1 of the Dangerous Drugs Act, 1930 (II of 1930) and the provisions of the Code of Criminal Procedure 1898¹, shall, in so far as they are applicable, apply to all matters connected with such bonds as it were bond to keep the peace ordered to be executed under section 106 of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by Appellate or Revisional Court or Authority when exercising powers of Appeal or Revision.

Attempts.

9. Whoever attempts to commit an offence punishable under this Act or to cause such an offence to be committed and in such attempt does any act towards the commission of the offence, shall be punished with the punishment provided for the

¹ That is Act V of 1898.

offence.

- Abetment. 10. Whoever abets an offence punishable under this Act shall whether such offence be or be not committed in consequence of such abetment, and notwithstanding anything contained in section 116 of the Pakistan Penal Code¹ be punished with the punishment provided for the offence.
- Application of procedure as laid down in Act II of 1930. 11. The provisions as contained in Chapter IV from section 22 to 35 of the Dangerous Drugs Act, 1930 (II of 1930) shall apply *mutatis mutandis* to all cases punishable under this Act.
- Exercise of certain powers. 12. The powers conferred under section 23(1) of the Dangerous Drugs Act, 1930 (II of 1930) may also be exercised for the purposes of this Act, by all the Gazetted Senior Class I Officers of the Health Department of the Province including ²[Executive District Officers Health] and Medical Superintendents.
- Analysis of Drugs. 13. All drugs seized under this Act shall be analysed by the Government Drug Analyst or any person having prescribed qualifications as laid down under the Drugs Act, 1940 (XXIII of 1940) appointed by Provincial Government in this behalf and the certificate issued by such Government Analyst or person as the case may be shall be considered as a conclusive evidence in support or otherwise of the prosecution.
- Burden of proof. 14. Where any drugs notified under section 3 are seized under this Act in the reasonable belief that an act to avoid any prohibition or restriction for the time being enforced by or under this Act has been committed in respect of such drugs. or that there is intent to commit such act, the burden of proving that no such act has been committed or there was no such intent shall be on the person from whose possession the drugs were seized.

¹ That is Act XLV of 1860.

² Substituted by Balochistan Ordinance LVI of 2001, published in the Balochistan Gazette (Extraordinary) No. 3, dated 1st January, 2002; for the words "Director Health Service, District Health Officers", with effect from 14th August, 2001.