

THE BALOCHISTAN LAWS REGULATION, 1913

(Baln Regulation II of 1913)

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SCHEDULE

THE BALOCHISTAN LAWS REGULATION, 1913

(Baln Reg. II of 1913)

[18th August, 1913]

A Regulation to consolidate and amend the Regulations declaring the Law in force in ¹[* * *] Balochistan.

WHEREAS it is expedient to consolidate and amend the Regulations declaring the Law in force in ¹[* * *] Balochistan; It is hereby enacted as follows:-

Short title and commencement. 1. (1) This Regulation may be called the ¹[* * *] Balochistan Laws Regulation, 1913, and
(2) It shall come into force at once.

Division of ²[***] Balochistan into districts and tehsils. 2. The ²[Provincial Government], ³[* * *] may, for administrative purpose, divided ¹[* * *] Balochistan into districts, and each of those districts into tehsils, and vary the limits of those districts into tehsils.

Laws in force in ¹[***] Balochistan. 3. (1) So much of each of the enactments specified in Schedule I as is in force in the territories to which the enactment generally applies shall be deemed to be in force in ¹[* * *] Balochistan or in the part thereof specified in the Schedule, subject to the modifications therein stated, and to any amendments ⁴[made on or before the 1st day of April, 1937], to which the enactments are for the time being subject in the territories to which they generally apply.

(2) An enactment ⁵[enacted prior to the 1st day of April, 1937 and] not comprised in Schedule I shall not be deemed to be, or to have been in force in Balochistan or in any part of ¹[* * *] Balochistan unless it is expressed, by special mention of ⁶[* * *] Balochistan or a part of ¹[* * *] Balochistan, to extend thereto, or, 3 after the commencement of this Regulation, is extended ⁷thereto in exercises of the powers conferred by section 5 of the Scheduled Districts Act, 1874⁸ or

¹ The word "British" omitted by Reg. VI of 1953, w.e.f. the 14th August, 1947.

² Subs. for the words "Local Government" by A.O., 1937.

³ The words and comma "with the previous sanction of the [Central Government]," omitted by the W.P. A.O., 1964, s. 2(1) Sch. Part V. The words within brackets were previously subs. for the words "Governor General in Council" by the A.O., 1937.

⁴ Ins. by Reg. VI of 1940, s. 2.

⁵ For list of enactments so extended, see Sch. I *infra*.

⁶ The word "British" omitted by Reg. VI of 1953, w.e.f. the 14th August, 1947.

⁷ For list of enactments so extended, see Sch. I *infra*.

⁸ i.e. Act XIV of 1874.

by any other enactment for the time being in force.

(3) The ¹[Provincial Government] , ²* * * * *
* may, by notification in the ³[Official Gazette] declare that any enactment which is comprised in Schedule I or which may after the commencement of this Regulation, be extended in exercise of any such powers as aforesaid, shall not longer be in force in ¹* * *] Balochistan or in any part of ¹* * *] Balochistan specified in the notification.

⁴[3-A. (1) When in any suit it is necessary for Court to decide any question regarding succession, inheritance, preemption, marriage or caste, or any religious usage or institution, the Muhammadan Law, in cases where the parties are Muhammadans, and the Hindu Law, in cases where the parties are Hindus, shall form the rule of decision, except in so far as that law has been altered or abolished by legislative enactment or is opposed to any custom having the force of law in ¹* * *] Balochistan.

(2) In cases not provided for by sub-section (1) or by any law for the time being in force, the Court shall act according to justice, equity and good conscience.]

Modification of the
⁷[***] Stamp
Act, 1899, as
in force in
⁴[***]
Balochistan.

4. The provision of the ⁵[* * * Stamp Act, 1898,] with respect to the consequences of instruments not being duly stamped, shall be read as not applying to any instrument which may have been executed in ¹* * *] Balochistan before the 19th April, 1890.

Construction of
enactments.

5. (1) For the purpose of facilitating the application of any enactment for the time being in force in ⁶[* * *] Balochistan, a Court may construe the enactment with such alterations not affecting the substance as may be necessary or proper to adopt it to the matter before the Court.

[* * * * *]

6. [Repeals]. Repealed by s. 2 and Sch. of the Repealing Act, 1927⁷.

¹ Subs. for the words "Local Government" by the A.O., 1937.

² The words and comma "with the previous sanction of the [Central Government]" omitted by the W.P. A.O., 1964, s. 2(1) Sch. Part V. The words within brackets were previously subs. for the words "Governor General in Council" by the A.O., 1937.

³ Subs. for the words "Gazette of India" by the A.O., 1937.

⁴ Ins. by Reg. VI of 1939, s. 2.

⁵ Now the Stamp Act, 1899.

⁶ The word "British" omitted by Reg. VI of 1953, w.e.f. the 14th August, 1947.

⁷ i.e. Act XII of 1927.

Bengal Regulations

1812	XI	The Bengal Foreign Immigrants Regulations, 1812.
1818	III	The Bengal State Prisoners Regulation, 1818.

Acts of the Governor General in Council

¹ [1843	V	The Indian Slavery Act, 1843.]
² [1850	XII	The Public Accountants Default Act, 1850.]
1850	XVIII	The Judicial Officer's Protection Act, 1850.
³ [“	XXXIV	The State Prisoners Act, 1850.]
⁴ [*	*	***]
⁵ [1855	XXIV	The Penal Servitude Act, 1855.]
⁶ [*	*	***]
⁷ [1858	III	The State Prisoners Act, 1858.]
⁷ [1859	IX	The Forfeiture Act, 1859.]
1860	XXI	The Societies Registration Act, 1860.
“	XLV	The ⁸ [Pakistan] Penal Code, 1860.
⁹ [1861	V	The Police Act, 1861.]
1861	XVI	The Stage-Carriages Act, 1861.
¹⁰ [1864	III	The Foreigners Act, 1864.
¹¹ [*	**	**]
1865	XV	The Parsi Marriage and Divorce Act, 1865.
¹² [*	**	****]
1867	III	The Public Gambling Act, 1867.
	¹³ [XXII	The Sarats Act, 1867.]
1869	IV	The ¹⁴ [***] Divorce Act.

¹ Rep. by Federal Ord. XXVII of 1981.

² Ins. by Reg. I of 1945, s. 2.

³ Rep. by the Federal Ord. XXVII of 1981.

⁴ Rep. by the Repealing Act, 1927 (12 of 1927)

⁵ Rep. by Act II of 1950, s. III

⁶ Rep. by the Special Laws Repeal Act, 1922 (4 of 1922).

⁷ Rep. by Federal Ord. XXVII of 1981.

⁸ The word “Indian” substituted by A.O. of 1949.

⁹ This Act was repealed by section 185 of the Police Order 2002 (Chief Executive's Order 22 of 2002) which was further repealed to the extent of Balochistan and replaced by the Balochistan Police Act, 2011 (Act X of 2011) published in the Balochistan Gazette (Extraordinary) No. 220 dated 24-8-2011.

¹⁰ Rep. by Central Act, XXXI of 1946.

¹¹ Rep. by the Repealing Act, 1927 (12 of 1927).

¹² Rep. by the Repealing Act, 1927 (XII of 1927).

¹³ Rep. by Reg. IV of 1942.

¹[* * ****]

1870 VII The Court-fees Act, 1870.

In section 7 (v) (b) for the word 'five' the word 'ten' shall be substituted

1871 I The Cattle Trespass Act, 1871.

¹[" V The Prisoners Act, 1871.]

" XXIII The Pensions Act, 1871.

²[1872 I The ²[***] Evidence Act, 1872.]

" III The Special Marriage Act, 1872.

" IX The ²[***] Contract Act, 1872.

" XV The ²[***] Christian Marriage Act, 1872.

³1873 V The Govt. Saving Banks Act, 1873.

1873 X The ²[***] Oaths Act, 1873.

¹[* * ****]

⁴[1874 IV The Foreign Recruiting Act, 1874.]

⁵[" IX The European Vagrancy Act, 1874.]

⁶[" XIV The Scheduled Districts Act, 1874.]

1875 IX The ⁷[***] Majority Act, 1875.

⁸[1876 XIX The Dramatic Performance Act, 1876.]

1877 I The Specific Relief Act, 1877.

Section 9 ⁹[and its application to the ¹⁰Punjab Land Revenue Act, 1887, Chapter VI].

1878 I The Opium Act, 1878.

¹¹[" VI The ¹²[***] Treasure Trove Act, 1878.

⁴[1878 VIII The Sea Customs Act, 1878.

The following provisions only:-

Clause (a) of sec, 3, and sec, 6, 8, 9, 18, 19, 19A, 167 (in so far as it provides for the punishment of the offences mentioned in Item 8 of the Schedule attached thereto), 168, 170, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 186, 188, 189, 190, 191, 192, 193, 197 and 198.]

¹⁴ The Word "Indian" omitted by A.O. 1949.

¹ Subs. by Act III of 1900.

² Rep. by section 166 of the President Order 10 of 1984 (i.e. Qanun-e-Shahadat Order, 1984, published in the Gazette of Pakistan (Extraordinary, Part I), dated 28th October, 1984, at pages 587-647).

³ Ins. by Reg. IV of 1943.

⁴ Rep. by Fed. Ord. XXVII of 1981.

⁵ Rep. by Act II of 1950, s. III.

⁶ Repealed.

⁷ The word "Indian" omitted by A.O., of 1949.

⁸ Ins. by Reg. V of 1939.

⁹ Subs. for the words "only" by Reg. II of 1940.

¹⁰ Repealed by W.P. Act XVII of 1967; and, by Baln. Reg. I of 1973 (as applicable to Tribal Areas).

¹¹ Ins. by Reg. VII of 1941.

¹² The word "Indian" omitted by A.O. of 1949.

1880	XIII	The Vaccination Act, 1880.	
1*	*	*****	
1881	XXVI	The Negotiable Instruments Act, 1881.	
6*	*	*****	
² [1882	XII	The Indian Salt Act, 1882.]	
1883	XIX	The Land Improvement Loans Act, 1883.	
1884.	XII	The Agriculturists Loans Act, 1884.	Section 2 only.
1885	XIII	The [***] ⁵ Telegraph Act, 1885.	
1886	VI	The Births, Deaths and Marriages Registration Act, 1886.	
³ [**	*****	*****]	*****]
1887	VII	The Suits Valuation Act, 1887.	
1887	IX	The Provincial Small Cause Courts Act, 1887.	
⁴ [“	XI	The Sind-Pishin Railway Act, 1887.]	
1888	III	The Police Act, 1888.	
⁵ [1889	IV	The ² [***] Merchandise Marks Act, 1889.]	
⁶ [1889	VII	The Succession Certificate Act, 1889.	
⁷ [*	*	*****]	
⁸ 1890	XI	The ⁹ [***] Courts of Admiralty (Pakistan) Act, 1891.	
1891	XVIII	The Bankers, Books Evidence Act, 1891.	
1892	II	The Marriages Validation Act, 1892.	
1894	I	The Land Acquisition Act, 1894.	
6[*	*	*****]	
1895	XV	The ¹⁰ [Government] Grants Act, 1895.	
¹¹ [1896	XII	The Excise Act, 1896.]	
1897	IV	The ¹² [***] Fisheries Act, 1897.	

¹ Rep. by the Repealing Act, 1927 (XII of 1927).

² Rep. by Central Act, I of 1944, s. 39 and Sch. III.

³ The entries relating to amendments in the Punjab Land Revenue Act, 1887 (XVII of 1887) deleted as the main Act (Act XVII of 1887) repealed by W.P. Act XVII of 1967; and, by Balochistan Regulation I of 1973 (as applicable to Tribal Areas).

⁴ Repealed by Ord. XXI of 1960.

⁵ The entry Ins. by Reg. III of 1954, s. 2.

⁶ Subs. by Act XXXIX of 1925.

⁷ The entries relating to the Indian Official Secrets Act, 1889, the Indian Companies Memorandum of Association Act, 1895, the Indian Companies (Branch Registrar) Act., 1900, the Native Christian Administration of Estate Act, 1901, the Poisons Act, 1904, and the Provincial Insolvency Act, 1907 were repealed by the Repealing Act, 1927 (XII of 1927).

⁸ This entry Ins. by Reg. VI of 1953; (deemed to have been inserted on 14th August, 1947).

⁹ Subs. for “Colonial” by Act, VII of 1953.

¹⁰ Subs. for “Crown” by A.O. of 1961 (with effect from the 23rd March, 1956).

¹¹ Repealed.

¹² The word “Indian” rep. by Act 26 of 1951.

"	VIII	The Reformatory Schools Act, 1897.	
"	X	The General Clauses Act, 1897.	
¹³ ["	XIV	The Indian Short Titles Act, 1897.]	
1898	V	The Code of Criminal Procedure, 1898.	¹⁴ [(1) "High Court" shall mean the ¹⁵ [Sind and Balochistan High Court].] (2) "Pleader" used with reference to any proceeding in any Court, means a legal practitioner having authority from the ³ [Sind and Balochistan High Court] to act in such proceeding or practice in such Court. (3) Notwithstanding anything in section 57 or section 61, an officer in charge of a police station, in any area not specially excepted in this behalf by the order of the ³ [Sind and Balochistan High Court] may detain a person arrested without warrant so long as, in all the circumstances of the case, is reasonable: Provided that when the officer on his own authority detains any such person in custody for a longer period than twenty four hours exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the persons, and, where the detention extends beyond three days, shall submit further reports of the reasons therefore at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.] ¹⁴ [(3a) To sub-section (2) of section 162 the following shall be added namely; "or to affect the provisions of section 27 of that Act".] (4) Notwithstanding anything in section 495, a Court other than a Court especially excepted in this

¹³ Repealed by Ord. XXVII of 1981.

¹⁴ Subs. by W.P. A.O., 1964.

¹⁵ Subs. for "High Court of West Pakistan" by A.O. 4 of 1975.

¹⁴ Inserted by Reg. XII of 1940.

behalf by order of the Judicial Commissioner may allow any police officer to conduct a prosecution.

- (5) The power conferred by clause (c) of sub-section (2) of section 554 shall include a power to make rules regulating the qualifications to be possessed by, and the conditions to be imposed on, legal practitioners applying for authority to practice Criminal in Courts, and the fees, if any, to be paid for the concession of such authority, and for determining the authority by which breaches of such rules shall be investigated, and the penalties which may be imposed”.

1899	IV	The Government Buildings Act, 1899.
¹ [“	VIII	The Indian Petroleum Act, 1899.]
1899	XIII	The Glanders and Farcy, Act, 1899.
2**	**	*****
2**	**	*****
2**	**	*****
³ [1905	IV	The Indian Railway Board Act, 1905.]
1**	**	*****
1908	V	The Code of Civil Procedure, 1908.

In the item relating to the Code of Civil Procedure, 1908, for the entry in the fourth column the following entry shall be substituted, namely:-

“(15) ‘pleader’ means a legal practitioner having authority from the ⁴[Judges] to act or practice in a Civil Court;”

- (2) to section 67 the following sub-section shall be added, namely;-

“(3) No property in land shall be sold in execution of any decree without the previous sanction of the ⁵[Provincial Government] or of an authority specially empowered in this behalf by the ⁶[Provincial

¹ Repealed.

² The entries relating to the Indian Official Secrets Act, 1889, the Indian Companies (Memorandum of Association Act), 1895, the Indian Companies (Branch Registrar) Act, 1900, the Native Christian Administration of Estate Act, 1901, the Poisons Act, 1904, and the Provincial Insolvency Act, 1907 were repealed by the Repealing Act, 1927 (XII of 1927).

³ The Act repealed by the Central Act XXVI of 1951, Schedule I.

⁴ Subs. for words “Judicial Commissioner” by the W.P. A.O., 1964.

⁵ Subs., *ibid* for the words “Judicial Commissioner”.

Government];

The word 'land' in this sub-section means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings other structures on such land.

(3) Sections 100, 101, 102, and 103 shall be omitted.

¹[1908 XIV ²The ³[***] Criminal Law Amendment Act, 1908.

(i) the Provincial Government, and

(ii) the official Gazette shall be respectively construed as references to—

(i) the Chief Commissioner of ⁴[*]Balochistan, and

(ii) the Gazette of India.

(b) In sub-section (2) of section 17A the words “or in a Presidency-town the Commissioner of Police” and the words “or Commissioner of Police, as the case may be” shall be omitted.

(c) In section 17B:-

(i) in sub-section (1) the words “Commissioner of Police” shall be omitted;

(ii) in sub-section (2) the words “or in a Presidency-town the Commissioner of Police” shall be omitted;

(iii) in sub-section (3) the words “of Commissioner or Police as the case may be” shall be omitted;

(iv) in sub-sections (4), (5) and (8), the word “or Commissioner of Police” shall be omitted;

(v) in sub-section (6) the words “in the case of a decision by a

⁶ Subs., for “Chief Commissioner”, *ibid*.

¹ Now the Criminal Law Amendment Act, 1908.

² This entry Ins. by Reg. IX of 1940, s. 2.

³ The word “Indian” omitted by A.O. of 1949.

⁴ The word “British” omitted by Reg. VI of 1953, w.e.f. the 14th August, 1947.

District Magistrate or to the Chief Judge of the Small Cause Court, in the case of decision by the Commissioner of Police” and the words “or Chief Judge of the Small Cause Court, as the case may be” shall be omitted;

(vi) in sub-section (7) the words “or Chief Judge of the Small Cause Court, as the case may be” shall be omitted;

(d) In section 17-E

(i) in sub-section (3) the words “in a District or to the Chief Judge of the Small Cause Court in a Presidency-town” and the words “or chief Judge of the Small Cause Court” shall be omitted.]

(ii) in sub-section (4) the words “or Chief Judge of the Small Cause Court, as the case may be” shall be omitted.

1908	IX	¹ The Indian Limitation Act, 1908.
	XVI	² The Indian Registration Act, 1908.
1911	VIII	³ The Indian Army Act, 1911.
1912	II	The Co-operative Societies Act, 1912.
1913	V	The White Phosphorus Matches Prohibition Act, 1913.
⁴ [1914	II	The Destructive Insects and Pests Act, 1914.]
⁵ [1924	XIX	The Land Customs Act, 1924.]
⁶ [1932	XIV	⁷ The Indian Air Force Act, 1932.]
⁸ [1934	XXVIII	The Indian Rubber Control Act, 1934.]
⁹ [1934	XXXII	¹⁰ The Indian Tariff Act, 1934.

The Act shall be read as if the words “or the British Balochistan Civil Justice Regulation, 1896, as the case may be” were added at the end of sub-section (3) of section 42.

¹ Now the Limitation Act, 1908.

² Now the Registration Act, 1908.

³ See now the Pakistan Army Act, 1952.

⁴ This entry inserted by Reg. IV of 1945.

⁵ This entry inserted by Reg. VI of 1939.

⁶ This entry inserted by Reg. II of 1943, s. 2.

⁷ See now the Pakistan Air Force Act, 1953.

⁸ This entry originally inserted by Reg. I of 1941 was re-inserted with effect from 1st February, 1941 by Reg. VI of 1941. Now repealed.

⁹ This entry inserted by Reg. VI of 1939.

¹⁰ Now the Tariff Act, 1934.

¹[1936 III The Parsi Marriage and Divorce Act,
1936].

Regulations under 33 Vict, c. 3.

1874 VII The Punjab Frontier Jagir Revenue The expression “Lieutenant-
Collection Regulation, 1874. Governor,” wherever it occurs in the
said Regulation, shall be construed to
mean the ²[Provincial Government]
of ³*****] Balochistan.

⁴[* ** ***** *****].

¹ This entry inserted by Reg. I of 1941.

² Subs. for the words “Chief Commissioner” by A.O. 1937.

³ The word “British” omitted by Reg: VI of 1953.

⁴ The entries relating to amendments in the Frontier Crimes Regulation, 1901 (III of 1901) deleted as main Regulation (Regulation III of 1901) stands repealed in its application to the Province of Balochistan.