

**THE GWADAR (APPLICATION OF BALOCHISTAN LAWS)
ORDINANCE, 1962**

(W.P. Ordinance I of 1962)

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**¹THE GWADAR (APPLICATION OF ²[BALOCHISTAN³] LAWS)
ORDINANCE, 1962**

(W.P. Ordinance I of 1962)

[6th January, 1962]

An Ordinance to extend the ²[Balochistan] Laws to Gwadar.

Preamble.

WHEREAS Gwadar, being ceded to Pakistan on the eighth day of September, 1958, became on that day one of the territories included in Pakistan;

AND WHEREAS Article 2 of the Gwadar (Government and Administration) Order, 1958, provides that until otherwise determined by competent authority, Gwadar shall, for purposes of government and administration, and all matters connected therewith, constitute part of the Mekran District in the Kalat Division of the Province of ²[Balochistan];

AND WHEREAS it is expedient to apply to Gwadar all ²[Balochistan] laws which are or may hereafter be in force in the aforesaid Mekran District;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan, in exercise of all powers enabling him in that behalf, is pleased to make and promulgate the following Ordinance:—

Short title and commencement.

1. This Ordinance may be called the Gwadar (Application of ²[Balochistan] Laws) Ordinance, 1962.

Application of Provincial laws.

2. (1) All ²[Balochistan] Acts including all Orders and other enactments, and all notifications, rules by laws or directions made or issued thereunder, which were in force in the District of Mekran in the Kalat Division of the Province of ²[Balochistan] immediately before the eighth day of September, 1958 (hereinafter referred to as the "said day"), shall be deemed

¹ This Ordinance promulgated by the Governor of W.P. was published in the W.P. Gazette (Extraordinary), dated 8th January 1962, pages 77-79; and saved by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

² Subs. by Baln. A. O. of 1975, for "West Pakistan".

³ Spelling of the word "Baluchistan", wherever it appears in this Ordinance, 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.

to have been in force in Gwadar with effect from the said day, and shall continue in force, subject always to such amendments as may have been or may be made therein by or under proper authority.

(2) For the removal of doubt, it is hereby declared that any ¹[Balochistan] Act which became applicable to the Mekran District, on or after the said day, shall extend, or shall be deemed to have extended to Gwadar.

Savings.

3. (1) Any law or legal instrument having the force of law in Gwadar (hereinafter called Gwadar law) in force immediately before the said day, and corresponding to the provisions of any ¹[Balochistan] Act applied by the preceding section, shall stand repealed on and from the said day, and shall be deemed to have been re-enacted by such ¹[Balochistan] Act as if the Gwadar law were ¹[Balochistan] Act and the provisions of the ¹[Balochistan] General Clauses Act, 1956², shall apply accordingly.

(2) Notwithstanding the provisions of sub-section (1), anything done, action taken, right accrued, or liability, penalty, forfeiture or punishment incurred, under any Gwadar law on or after the said day and immediately before the commencement of this Ordinance shall be deemed to have been validly done, taken, accrued or incurred, as the case may be, and the ¹[Balochistan] Act by which such Gwadar law is deemed to have been re-enacted shall, to that extent, be deemed not to have come into force during that period.

(3) Nothing in section 2 shall be deemed to have or ever to have had the effect of retrospectively creating any offence or of retrospectively enhancing the punishment for any offence provided for in any law for the time being in force.

(4) Without prejudice to the other provisions of this Ordinance, the repeal by this Ordinance of any Gwadar law shall not affect—

- (a) the previous operation of any Gwadar law so repealed or the validity, invalidity, effect or consequences of anything already done or suffered thereunder; *or*
- (b) any right, title, privilege, obligation

¹ Subs. for "West Pakistan" by Baln. A.O. of 1975.

² That is West Pakistan Act VI of 1956, published in the W.P. Gazette (Extraordinary), dated 30th June, 1956 at pages 553-556. Adopted by Balochistan Adoption Order, 1975, published in Balochistan Gazette No. 17, dated 9th May, 1975.

or liability, acquired, accrued or incurred thereunder, or any release or discharge, already granted, of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing; *or*

- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Gwadar law so repealed; *or*
- (d) any investigation, legal proceeding or remedy in respect of any such right, title, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Ordinance had not been promulgated; nor shall this Ordinance revive or restore anything not in force or existing at the time of its commencement or affect any law in which any Gwadar law hereby repealed has been applied, incorporated or referred to, or affect any principle or rule of law, or established jurisdiction, form, or cause of pleading, practice, or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that they respectively may have been in any manner affirmed, recognized or derived by, in or from any Gwadar law hereby repealed.

Repeal.

4. The ¹[Balochistan] (Gwadar) Extension of laws Ordinance, 1959², is hereby repealed.

¹ Subs. by Baln. A.O. of 1975, for "West Pakistan".

² That is West Pakistan Ordinance XXXVI of 1959.

