

THE BALOCHISTAN LEVIES FORCE ACT, 2010

(Baln Act IV of 2010)

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'THE BALOCHISTAN LEVIES FORCE ACT, 2010

Preamble

Short title, extent
commencement
and application.

Definitions.

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(ACT NO. IV OF 2010)

[Dated 7" April, 2010]

An Act to reconstruct and regulate Balochistan Levies
Force in Balochistan.

WHEREAS, it is expedite to provide for the regulation
of the Levies for maintenance of public order according to the
law and democratic aspiration of the people;

It is hereby enacted as follows:

1. (1) This Act may be called the Balochistan Levies
Force Act 2010.

(2) It extends to the whole of Balochistan.

(3) It shall come into force at once.

(4) It shall apply to the members of the Balochistan
Levies Force or any other person inducted from other force and
the officers authorized by the Government to command the
Balochistan Levies Force wherever they may be.

2. (1) In this Act unless there is any thing repugnant in
the subject or context—

(a) "Act" means the Balochistan Levies Force Act
2010;

(b) "A-Area" means the areas declared as such by the
Government through a notification where Police
shall act as Law Enforcement Agency;

(c) "B-Area" means the areas declared as such by the
Government through a notification where Levies
shall act as Law Enforcement Agency;

(d) "Competent Authority" means any person or class
of persons declared as such by the Government

This Act was passed by the Balochistan Assembly on 5" April, 2010: assented to by the Governor of Balochistan on 7 April, 2010: published in the Balochistan Gazette (Extraordinary) No. 35, dated 7" April, 2010.

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under the rules;

“Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);

“Commissioner” means the Commissioner of the Division appointed under Balochistan Land Revenue Act, 1967);

“District Coordination Officer’ means the District Coordination Officer as defined in the Local Government Ordinance 20017;

“District Administrative Officer” means an officer appointed by the Government;

“Department” means the Home and Tribal Affairs Department;

“Deputy Commissioner’ means an_ officer appointed as such under the Land Revenue Act, 1967. May include an Additional Commissioner as well;

“Executive District Officer (Revenue) means the EDO(R) appointed under the Land Revenue Act, 1967;

“Government” means the Government of Balochistan;

“Levies Officer” means a member of Balochistan Levies Force who is subject to this Act;

“Prescribed” means prescribed by rules made under this Act;

“Rules” means rules framed under this Act;

“Service” means Balochistan Levies Force Service;

“Secretary” means the Secretary to the Government of Balochistan Home and Tribal Affairs Department; and

““Schedule” means a schedule to this Act.

1 That is W.P Act XVII of 1967, as adopted by the Balochistan Adoption Order, 1975 and amended thereafter from time to time

2 That is Balochistan Ordinance XVIII of 2001; now repealed and replaced by the Balochistan Local Government Act, 2010 (A

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Power to maintain
Balochistan
Levies Force.

Constitution of
Balochistan
Levies Force

Appointments/
Recruitments

Superintendence,
command,
control and
Administration
of Balochistan
Levies Force.

Duties and Functions
of the Levies
Force.

3. The Government shall establish and maintain
Balochistan Levies Force for maintenance of Law and order
and for duties under this Act.

4. (1) The Force shall consist of a Director General to
be appointed by the Government and such number of other
officers/officials as the Government may from time to time
appoint to be the members of the Force.

(2) Notwithstanding anything contained in any other
law for the time being in force the members of the Balochistan
Levies Force shall receive such pay and other privileges as may
be prescribed by the Government from time to time.

5. Recruitments/Appointments in the service shall be made
subject to the rules as prescribed by the Government.

6. (1) The superintendence, command and control over
the Balochistan Levies Force shall vest in the Government.

(2) The Government shall exercise superintendence
and control over Balochistan Levies Force through Home and
Tribal Affairs Department/ Director General.

(3) The Administrative control and supervision of
the Balochistan Levies Force in B area shall be vested in
Commissioner, Deputy Commissioner, Assistant
Commissioner, District Administrative Officer and Executive
District Officer.

7. (1) Subject to law, it shall be the duty of the levies

force to:

(a) Inquire into, investigate all offences relating to or connected with PPC or any other Local or Special law for the time being in force in the B-Area.

(b) Protect life, property and liberty of citizens.

(c) Preserve and promote public peace.

(d) Ensure that the rights and _ privileges, under the law, of a person taken in custody, are protected.

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Prevent the commission of offences and public nuisance;

Collect and communicate and _ share intelligence with other Law Enforcement Agencies affecting public peace and crime in general.

Keep order and prevent obstruction on public roads and in the public streets and thoroughfares and all other places of public resort and in the neighbourhood of and at the places of public worship.

Regulate and control traffic on public roads and streets.

Take charge of all unclaimed property and to prepare its inventory.

Detect and bring offenders to justice.

Apprehended all persons whom it is legally authorized to apprehend and for whose apprehension, sufficient grounds exist.

Ensure that the information about the arrest of a person is_ promptly communicated to the concerned person/ authority.

Enter and inspect without a warrant on

reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort for loose and disorderly characters or where anti-state literature, material is found.

Obey and cooperate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities.

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Perform other duties and exercise powers as are conferred by this Act or any other law for the time being in force.

Assist in preventing members of public from exploitation by any person or organized groups.

Take charge of lunatics at large to prevent them from causing harm to themselves or other members of public and their property.

Prevent harassment of women and children in public places.

(2) The member of the Levies Force shall make every efforts in "B-Area" to:—

(a)

(b)

(c)

(d)

Afford relief to people in distress situations, particularly in respect of women and children.

Provide assistance to victims and road accidents.

Assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims and

Cause awareness among the victims of road accident of their rights and privileges.

(3) It shall be the duty of a Levy officer to lay

information before a competent court and to apply for a
summons, warrant or such other legal process as may, by law,
offence.

be issued against any person suspected of committing an

(4) Balochistan Levies Service shall be an essential
service, it shall be the duty of every Levy officer to obey any
lawful orders given by a senior officer in relation to the
declaration of emergency.

Power of the Levies
Officer.

Delimitation of
Territorial
Jurisdiction of
Levies.

(5) The attitude and responsibilities of the members
of the Levies Force towards the public shall be to:

(a) Behave with the members of the public
with due decorum and courtesy;

(b) Promote amity;

(c) Guide and assist members of the public
particularly the poor, disabled or
physically weak and children who are
either lost or find themselves helpless on
the streets or other public places; and

(d) Aid individuals who are in danger of
physical harm particularly women and
children.

8. The Levies Officers shall for the purpose of registration
of case, and inquiry or investigation under this Act have
throughout B area such powers including the powers relation to
search, arrest of person and liabilities as a Police officer has in
respect of offences under the Code or any other law for the time
being in force.

9. (1) All the registered cases of the Levies Force in
the B area shall be investigated by the investigation staff in the
district under the supervision of the head of investigation, as per
provision of Section 173 of Cr P C (Act V of 1898).

(2) The Government shall confer power of
investigation to any officer of the Levies Force as provided
under Code of Criminal Procedure 1898 (Act V of 1898) for the
cases registered in Levies Police Station in B area.

(3) Government may allow levies force in 'A' area
to help police or in case of hot pursuit or law and order situation
for joint action of levies and police.

(4) Home Department or Commissioner may allow
levies force to enter in 'A' area for action, if law and order
situation or special circumstances require such.

(5) Home Department or commissioner may allow
police force to enter in 'B' area for action, if law and order

Conduct of
Investigation of
cases in B area

Suspension of a Levy

officer.

situation or special circumstances require such.

10. (1) All the registered cases of the Levies Force in the B area shall be investigated by the investigation staff in the district under the supervisions of the head of investigation, as per provision of Section 173 of Cr PC.

(2) The Government shall confer power of investigation to any officer of the Levies Force as provided under Code of Criminal Procedure 1898 (Act V of 1898) for the cases registered in Levies Police Station in B area.

(3) The District Administrative Officer/ District Coordination Officer or officer designated as head of the general or revenue administration/ posted by Government shall act or designate any officer as head of investigation for the cases registered in Levies Police Station in B-area of the district.

(4) The District Administrative Officer/ District Coordination Officer shall not interfere with the process of investigation. However, he shall supervise the progress of all such cases which have a bearing on Public Order. The head of investigation shall provide full support to the Investigation Officer.

(5) Investigation Officer shall not be changed except after due deliberations and the recommendations of Commissioner, Deputy Commissioner of the relevant division and final approval of the Secretary who shall record reasons for change of such investigation.

11. (1) Subject to rules framed by the Government, the Government or an officer authorized in this behalf by the competent authority shall have power to suspend a member of Balochistan Levies Force. Government/competent authority may take further action under rules as prescribed.

(2) The powers and functions vested in a member of Balochistan Levies Force shall remain suspend while such member/officer is under suspension.

(3) A Levy officer or member when off duty, on leave or under suspension shall be liable to be called for duty.

Punishment. 12. (1)

Levies Force, namely:

The following minor and major punishments shall be awarded to the officers and members of Balochistan

(a)

(b)

Minor Punishment.

(i) Censure.

(ii) Forfeiture of approved service upto two years.

(iii) Withholding of promotion upto two years.

(iv) Stoppage of increment for a period of not exceeding two years without cumulative effect.

(v) Fine to amount not exceeding one month's pay.

Major Punishment.

(1) Reduction in rank.

(11) | Compulsory retirement.

(iii) | Removal from service.

(2) Removal from service does not but dismissal from service does disqualify for future employment.

Ground of 13. Where a member of the Levies Force in the opinion of punishment. the Competent Authority—

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(a) is inefficient or has ceased to be efficient or

(b) is guilty of misconduct or

(c) is corrupt or may reasonably be considered

corrupt because;

(1)

he is or any of dependents or any other

person calming through him or on his behalf is in possession (for which he cannot reasonably account) of pecuniary resources or any property disproportionate to his known sources of

income or

Withdrawal from
duty and
Resignation.

Transfer and Posting.

Employment of
additional Levies
at the cost of the
person making
the application

(ii) he has assumed a style of living beyond
his ostensible means. He may impose on
him one or more punishments specified
in section 12.

14. (1) No officer or member of the Levies Force shall
withdraw from the duties of his officer unless expressly allowed
to do so in writing by the competent authority or by an officer
authorized to grant such permission.

Explanation. An officer or member of the Levies
Force who being absent on leave fails without reasonable cause
to report for duty on the expiration of such leave shall be
deemed within the meaning of this Section to withdraw himself
from the duties of his office.

(2) No officer or member of the Levies Force shall
resign his office unless he has given to his superior officer
notice in writing for a period of not less, than two months of his
intention to resign.

(3) No officer or member of Levies Force shall
engage in any private employment/business while he is a
member of the Balochistan Levies Force.

15. | Every member of the Levies Force shall be liable to
serve any where within or outside the province of Balochistan.

16. (1) The Commissioner, Deputy Commissioner or
District Coordination Officer subject to approval of Home
Department may on application/request of any organization,
institution or person depute any additional number of Levies
Force to keep peace, to preserve order, to enforce any
provisions of law, in respect of any particular class or classes of
offences or to perform any other duties imposed on the levies.

(2) Subject to rules, such additional Levies Force
shall be employed at the cost of the organization/institution or
person making the application/request.

(3) If the organization/institution or the person upon

whose request/application such additional Levies Force are employed gives fifteen days notice for the withdrawal of the said Levies Force, the organisation or person shall be relieved

Offence by and
punishment for
Levies officers.

from the cost thereof at the expiration of such notice.

(4) If there is any dispute on payment, the district head of Levies Force refer the written objections of aggrieved party to the Home Department for final decision which shall be final and not challengeable in any court.

(5) | When any loss, damage or death or grievous hurt is caused during course of his duty to any member of the Force, the said organization or person shall pay the amount of compensation on the basis of the rates fixed by the Government or rates previously agreed by both the parties.

(6) Any amount payable under Section 16 (2), (3), (4) and (5) shall be recovered in the same manner as if it were arrears of land revenue.

(7) Amount payable under Section 16 (2), (3), (4) and (5) shall be credited to the Government treasury.

17. Every member of Balochistan Levies Force who—

(a) is found in a state of intoxication while on duty or after having been warned for any duty, or on parade,

(b) strikes or attempts to force any Levy man,

(c) being in command of guard, picket or patrol, refuses to receive any prisoner or person duly committed to his charge, or releases without proper authority any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape, or

(d) being under arrest or in confinement leaves his arrest or confinement before he is set at liberty by proper authority, or

(e) is grossly insubordinate or insolent to his superior officer in the execution of his officer, or

(f) refuses to superintend or assists in the making of any field work or other work of any description ordered to be made,

(g) strikes or otherwise ill uses any member of the

Constitution of
Selection and
Promotion
committees for
Balochistan
Levies Force.

Maintenance of Daily

Diary at Levies
Police Station.

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Balochistan Levies Force subordinate to him in
rank or position,

(h) designedly or through neglect injuries or loses or
fraudulently disposes of his arms, clothes, tools,
equipments, ammunitions, or levies necessities
or any such articles entrusted to him or
belonging to any other person, or

(i) with intent to render himself or any other person
unfit for service, voluntarily causes hurt to
himself or any other person, or

(j) does not, when called upon by his superior
officer so to do, upon ceasing to be a member of
Balochistan Levies Force forthwith or duly
account for, all or any arms, ammunitions,
stores, accoutrement or other property issued or
supplied to him, or in his custody or possession,
as a member of levies or

(k) absents himself without leave, or without
sufficient cause for overstay leave granted to
him, or

(1) contravenes any provision of this Act for which
no punishment is expressly provided shall be
punishable with imprisonment for a term which
may extend to two years or with fine which may
extend rupees fifty thousands or with both and
on conviction from the competent court of law
he shall cease to be a member of the Levies
Force.

18. Subject to the rules framed by the Government there
shall be selection and Promotion Committee comprising of such
members as Government may notify from time to time for
initial recruitment and promotion of employees or Balochistan
Levies Force.

19. (1) A register of Daily Diary shall be maintained at

every Levies Police Station in such form as shall, from time to time, be prescribed and to record therein the names of all complainants, persons arrested, the offences, charge against

Indemnity.

Notification of Rules
and Regulations
in the official
gazette.

Act to override other
laws.

Power to make rules.

Rules of conduct.

them, the weapons or property that shall have been taken from
their possession or otherwise, and the names of witnesses who
shall have been examined.

(2) The District and Sessions Judge of the district
may call for and inspect such diary

20. Except as otherwise expressly provided in this Act no
suit, prosecution or other legal proceeding shall lie against any
member of the Levies Force, Government or any other authority
or person for any thing which is in good faith done or intended
to be done under the Act or any rule made thereunder.

21. — Every rule, regulation and notification made under this
Act shall be notified in the official Gazette.

22. The Provisions of this Act shall be enforced
notwithstanding anything repugnant to contrary contained in
any other law for the time being in force.

23. (1) The Government may make rules for carrying
out the purposes of this Act.

(2) In particular and without prejudice to the
generality of foregoing power such rules may provide for:

(a) regulating the functions and powers of
employees of Balochistan Levies Force,

(b) regulating the classes and grades of, and
the remuneration to be paid to, members
of the Balochistan Levies Force and
their conditions of service,

(c) the conduct of employees of Balochistan
Levies Force,

(d) number and terms and conditions of
service of Levies Force/ministerial staff,

or

(e) Any other matter that the Government

may deem fit.

24. Saving all rules prescribed, appointments made, power

Existing levies Force
deemed to be
constituted under
this Act.

Removal of
difficulties.

conferred order made or passed, summons or warrants issued or served, person arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited so far as they are consistent with this Act be deemed to have respectively been prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred hereunder.

25. | Without prejudice to the provisions contained in this Act the functioning of Levies Force in the Province of Balochistan immediately before the commencement of this Act shall be deemed to be constituted under this Act.

26. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make such order, not inconsistent with the provision of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.