

THE BALOCHISTAN MAINTENANCE OF PUBLIC ORDER
ORDINANCE, 1960

(W.P. Ordinance XXXI of 1960)

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'THE ?[BALOCHISTAN?] MAINTENANCE OF PUBLIC ORDER
ORDINANCE, 1960

(W.P. Ordinance XXXI of 1960)

[2 December, 1960]

An Ordinance to amend and consolidate the law relating
to preventive detention and control of persons and publications
connected with the maintenance of public order in
[Balochistan].

Preamble. '(WHEREAS it is expedient to amend and consolidate the
law providing for preventive detention and control of persons
and publications for reasons connected with public safety,
public interest and the maintenance of public order in the
Province of ?[Balochistan];]

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 is pleased, in exercise of all powers
enabling him in that behalf, to make and promulgate the
following Ordinance: —

Short title and 1. (1) This Ordinance may be called the *[Balochistan]
extent. Maintenance of Public Order Ordinance, 1960.

4[(2) It extends to the whole of the Province of
[Balochistan] except *[* * * *] [the Tribal Areas].'

Definitions. 2. In this Ordinance, unless the context otherwise requires,
the following expressions shall have the meanings hereby
respectively assigned to them, that is to say,—

(a) "Code" means the Code of Criminal Procedure,
1898; and

This Ord. was promulgated by the Governor of W.P. on 1 Dec., 1960; published in the W.P. Gazette (Extraordinary), dated 2nd
1960, pages 4531-4544; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan.

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

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

Subs. by W.P. Ord. XVIII of 1964.

The words "the Federal Capital and" del. by W.P. Ord. XXX of 1962.

Subs., for "Special Areas" by W.P. A. Order 1964.

Extended to the Provincially Administered Tribal Areas of Balochistan by Baln. Regulation I of 1983.

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(b) "Government" means the Government of
TBalochistan].

Power to arrest and 3. (1) Government, if satisfied that with a view to detain preventing any person from acting in any manner prejudicial to suspected public safety or the maintenance of public order, it is necessary persons.

so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for such period as may, subject to the other provisions of this section, be specified in the order, and Government, if satisfied that for the aforesaid reasons it is necessary so to do, may, *[* * *] extend from time to time the period of such detention, *[for a period not exceeding six months at a time. |

[Explanation I]— _ For the purposes of this section—

(i) 'dealing in the black-market' or 'hoarding' as defined in the Hoarding and Black Market Act, 1948°; or

(ii) an act of smuggling punishable under the Sea Customs Act, 1878°, or the Land Customs Act, 1924', or under any other law for the time being in force;

shall be deemed to be an act prejudicial to the maintenance of public order.

[Explanation II— Whoever is or was a member of an association or its Executive Committee, which association is or has been declared to be unlawful under any law for the time being in force in the Province, at any time during the period of seven days immediately before it was so declared to be unlawful, or remains or becomes a member of such an association or is on the Executive Committee thereof after it has been so declared to be unlawful shall be deemed to be acting in a manner prejudicial to public safety and the maintenance of public order for the purposes of this section.]

(2) If a *[Deputy Commissioner] or any other

Subs. by Baln. A.O. 1975, for the words "West Pakistan".

The comma and words, "subject to the other provisions of this section", del. by W.P. Ord. XVIII of 1964.
Add. ibid.

The original explanation renumbered as "1" and "Explanation II" add. by W.P. Act V of 1964.

That is Act XXIX of 1948.

That is Act VIII of 1878.

That is Act XIX of 1924.

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III of 2011, passed by Provincial Assembly of Balochistan on 29th March, 2011; assented by Governor Balochistan on 31st March, 2011.

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servant of Government authorised in this behalf by a general or special order of Government has reason to believe that any person within his territorial jurisdiction has acted, is acting or is about to act in a manner prejudicial to public safety or the maintenance of public order, he shall forthwith refer the matter to Government for orders.

(3) (a) An order of arrest under sub-section (1) may be addressed to a police officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may necessary. The police officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under sub-section (7).

(b) A police officer not below the rank of Sub- Inspector, if satisfied on receipt of credible information that a person against whom an order of arrest or of arrest and detention has been made under this section is present within such officer's jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him '[.] * [and thereupon commit the arrested person to such custody as may be prescribed under sub-section (7), or if he receives any requisition in this behalf from the police officer or other person to whom the warrant of arrest for the person arrested is addressed, make over the custody of the arrested person to such police officer or other person.]

(4) On receipt of a reference under sub-section (2), Government may,—

(a) reject the reference; or

published in Balochistan Gazette (Extraordinary) No. 164 dated 2nd April, 2011. Earlier, the words "Zila Nazim" were substituted words "District Magistrates" by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words "District Administrative Officer in 'B' Area and District Police Officer in 'A' Area" by the Balochistan Ordinance IX of 2002.

1 Subs. by W.P. Ord. XVIII of 1964, for the full-stop.

? Add. ibid.

(b) make an order of arrest and detention in terms of sub-section (1).

(5) 'Government shall constitute a Board consisting of a chairman and two other persons, each of whom is or has been a judge of a High Court, who shall be appointed by the Chief Justice of the High Court of Balochistan. |

*(5-a) No person shall be detained for a period exceeding three months unless the Board has reported, before the expiration of the said period of three months, that there is, in its opinion, sufficient cause for such detention.

(5-b) Where a person is to be detained for a period exceeding three months, Government shall, before the expiration of the said period of three months, refer his case to the Board.

(5-c) A person whose case has been referred to the Board under the provisions of sub-section (5-b), shall not be entitled to appear by any legal practitioner in any matter connected with the case referred to the Board.

(5-d) The Board shall, after considering the material placed before it and the representation, if any, made by the person whose case has been referred to it, hearing such person, if he so desires, and calling for such further information as it may require from Government or may be placed before it by the person detained, submit its report before the expiration of the period of three months specified in sub-section (5-b), to Government whether in its opinion there is sufficient cause of the detention of such person.

(5-e) The proceedings and the report of the Board excepting that part of the report in which the opinion of the Board is specified, shall be confidential.

(5-f) If in any case the Board reports that there is, in its opinion, no sufficient cause for the detention of the person whose case has been referred to it, for a period exceeding three months, Government shall rescind the detention order and direct such person to be released on the expiry of the said period of three months. In case the Board reports that there is in its opinion, sufficient cause for the detention of such person, Government may, subject to the provisions of sub-section (1),

1 Earlier substitute by W.P. Ord. XVIII of 1964 and then substituted again by Balochistan Act VII of 1992 w.e.f 26th August, 1992.
2 Inserted by W.P. Ord. XVIII of 1964.

continue to detain him for such period as it may deem fit.]

(6) Where a detention order has been made under this section the authority making the order shall, as soon as may be [* * * * * * * * *] Communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so:

Provided that the authority making any such orders may refuse to disclose facts which such authority considers it to be against public interest to disclose.

*[6-a] | Where a representation is made to Government under sub-section (6), Government may, on consideration of the representation and giving the person detained an opportunity of being heard, modify, confirm or rescind the order.]

(7) So long as there is in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as Government may from time to time prescribe by general or special order.

(8) If Government or a *[Deputy Commissioner] has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section has absconded or is concealing himself so that such order cannot be executed, Government or the *[Deputy Commissioner], as the case may be, may,—

(a) forward a copy of the order, with a declaration that such person cannot be found, to a magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be arrested and detained were a warrant

1 The words and comma, "but not later than fifteen days from the date of detention", deleted by W.P. Ord. XVIII of 1964.
2 Ins. by W.P. Ord. XVIII of 1964.

“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002.

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Powers of

photographing,
etc., of
suspected
person.

issued by the magistrate;

(b) by order notified in the official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer concerned of the reasons which rendered compliance therewith impossible and _____ of his whereabouts or taken all possible steps to give such information, be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(9) Government may at any time, subject to such conditions as it may think fit to impose, release a person detained under this section and may require him to enter into a bond, with or without sureties, for the due observance of the conditions.

(10) The [Deputy Commissioner] or any servant of Government referred to in sub-section (2), may summon and interrogate or cause the summoning and interrogation of any person, including a person arrested or detained under this section, if in his opinion such interrogation is likely to lead to the discovery of information which may enable the more effective exercise of powers under this Ordinance, whether in respect of the person interrogated or any other person, and the person interrogated under this sub-section shall be bound to answer truthfully all questions pertaining to the subject of the enquiry.

4. (1) Government or other authority making an arrest or directing the arrest of a person under section 3 may by order direct that the arrested person shall—

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III of 2011, passed by Provincial Assembly of Balochistan on 29th March, 2011; assented by Governor Balochistan on 31st March, 2011 and published in Balochistan Gazette (Extraordinary) No. 164 dated 2nd April, 2011. Earlier, the words “Zila Nazim” were substituted by the words “District Magistrates” by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words

“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002

- (a) let himself be photographed;
- (b) allow his finger and thumb impressions to be taken; and
- (c) furnish specimens of his handwriting and signature.

(2) If any person contravenes any order made under this section, he shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

Power to control 5. (1) Government or the [Deputy Commissioner], if suspected satisfied with respect to any particular person that with a view persons. to preventing him from acting in any manner prejudicial to

public safety ?[or public interest] or the maintenance of public order, it is necessary so to do, may by order in writing, give any one or more of the following directions, namely, that such person—

(a) shall not enter, reside or remain in any area that may be specified in the order;

(b) shall reside or remain in any area that may be specified in the order;

(c) shall remove himself from, and shall not return to, any area that may be specified in the order;

3[(d) shall conduct himself in such manner or abstain from such acts, as may be specified to the order;] and

(e) shall enter into a bond, with or without sureties for the due observance of the directions specified in the order.

(2) An order under sub-section (1) made by the [Deputy Commissioner] shall not, unless Government by special order otherwise directs, remain in force for more than

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III of 2011, passed by Provincial Assembly of Balochistan on 29" March, 2011; assented by Governor Balochistan on 31% March, 2011; published in Balochistan Gazette (Extraordinary) No. 164 dated 2" April, 2011. Earlier, the words “Zila Nazim” were substituted by the words “District Magistrates” by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words “District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002.

Subs. by W.P. Ord. XVIII of 1964.

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III 2011, passed by Provincial Assembly of Balochistan on 29" March, 2011; assented by Governor Balochistan on 31% March, 2011 published in Balochistan Gazette (Extraordinary) No. 164 dated 2" April, 2011. Earlier, the words “Zila Nazim” were substituted for the words “District Magistrates” by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words “District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002.

three months from the making thereof.

(3) Government may at any time cancel or vary any order made by the *[Deputy Commissioner] under sub-section (1).

(4) An order under clause (a) of sub-section (1) made by Government may specify as the area to which the order relates, the whole Province or any part thereof, and an order made by the *[Deputy Commissioner] may specify as such area the whole district or any part thereof:

Provided that no such order made by Government shall direct the exclusion or removal from the Province of any person ordinarily resident in the Province and no such order made by the *[Deputy Commissioner] shall direct the exclusion or removal from the district of any person ordinarily resident in that district.

(5) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be [*] communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

*[(5-a) Where a representation is made to Government against an order passed under sub-section (1), Government may, on consideration of the representation and after giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

(5-b) No order under clause (b) of sub-section (1) shall have effect for a period exceeding three months unless the Board constituted under sub-section (5) of section 3 has reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for the making of such order; and the provisions of sub-sections (5-b), (5-c), (5-d), (5-e) and (5-f) of section 3 shall, mutatis mutandis, apply to the reference made to the Board in regard to any such order.]

(6) An order made under sub-section (1) shall

1 The words and comma, "but not later than fifteen days from the date of service of the order", deleted by W.P. Ord. XVIII of 1964.
2 Ins. by W.P. Ord. XVIII of 1964.

Power to control

publications.

remain in force for such period not exceeding two years as may be specified in the order.

6. (1) Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by order in writing addressed to a printer, publisher or editor—

(a) prohibit the printing or publication in any document or class of documents of any matter relating to a particular subject or class of subjects for a specified period, or in a particular issue or issues of a newspaper or periodical;

(b) require that any matter be published in any particular issue or issues of a newspaper or periodical, and may while doing so specify the period during which and the manner in which such publication shall take place;

(c) require that any matter relating to a particular subject or class of subjects shall before publication be submitted for scrutiny;

(d) prohibit for a specified period the publication of any newspaper, periodical, leaflet, or other publication, or the use of any press;

(e) require that the name and address of any person concerned in the supply or communication of any news, report or information be furnished to such authority as may be specified in the order;

(f) require that any document connected with the news, report or information referred to in clause (e) be delivered to such authority as may be specified in the order:

Provided that when an order is made under

clause (a), (c) or (d),—

Power to prohibit

entry into West
Pakistan of
newspapers,
etc.

(i) no such order shall remain in
force for more than two months
from the making thereof;

(2) Where an order has been made under sub-section

(1), the authority making the order shall, as soon as may be,
communicate to such person, the grounds on which the order
has been made, inform him that he is at liberty, to make a
representation against the order to Government and afford him
the earliest opportunity of doing so:

Provided that the authority making any such
order may refuse to disclose facts which such authority
considers it to be against public interest to disclose.

*[(2-a) Where a representation is made to Government
against an order passed under sub-section (1), Government may
on consideration of the representation and giving the person
affected an opportunity of being heard, modify, confirm or
rescind the order.]

(3) In the event of disobedience of an order under
this section Government or the authority issuing the order may,
without prejudice to any other penalty to which the person
guilty of the disobedience is liable, order the seizure of all
copies of any publication concerned and of any printing press or
other instrument or apparatus used in the production of the
publication °[:]

'(Provided that no such order of seizure shall be
passed without giving the printer, publisher or editor affected an
opportunity of showing cause against the proposed order.]

7. (1) Government or any authority authorised by it in
this behalf, if satisfied that such action is necessary for the
purpose of preventing or combating any activity prejudicial to
the maintenance of public order, may, by notification, prohibit
for a specified period the bringing into *[Balochistan] or any
part thereof of any newspaper, periodical, leaflet or other
publication:

Provided that no such order shall remain in force

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Del. by W.P. Ord. XVIII of 1964.

Ins. by W.P. Ord. XVIII of 1964.

The full-stop replaced by colon, by W.P. Ord. XVIII of 1964.

Add. *ibid.*

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

for more than two months from the making thereof:

Provided further that the person against whom an order has been made may within ten days of the passing of the order make a representation to Government or the authority aforesaid which may on consideration thereof modify, confirm or rescind the order.

(2) In the event of disobedience of an order under this section, Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any newspaper, periodical, leaflet or other publication concerned [:]

*[Provided that no such order of seizure shall be passed without giving the person affected an opportunity of showing cause against the order.]

Power to secure 8. (1) The *[Deputy Commissioner] may, by order in reports of writing depute one or more police officers not below the rank of public head constable, or other persons to attend any public meeting meetings.

for the purpose of causing a report to be made of the proceedings.

(2) Any such order shall operate as a direction to the persons responsible for the convening or the conduct of the meeting to admit free of charge the persons so deputed.

Explanation—For the purpose of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or

otherwise.

Services of orders 9. (1) Where under the provisions of this Ordinance in writing, any power is to be exercised or any order or direction given by

order in writing, then that order in writing—

(a) if it is an order addressed to any servant of Government or authorising any servant of Government to take any action, shall

The full-stop replaced by colon, by W.P. Ord. XVIII of 1964.

Add. *ibid.*

Subs. for the words [“District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area”] by the Balochistan Act III of 2011, passed by Provincial Assembly of Balochistan on 29th March, 2011; assented by Governor Balochistan on 31st March, 2011 and published in Balochistan Gazette (Extraordinary) No. 164 dated 2nd April, 2011. Earlier, the words “Zila Nazim” were substituted by the words “District Magistrates” by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words “District Administrative Officer in ‘B’ Area and District Police Officer in ‘A’ Area” by the Balochistan Ordinance IX of 2002.

Power to issue

search
warrants.

be given in original or by a copy to the servant of Government concerned and shall be his authority for the doing of all things which he is required or enabled to do under the order;

(b) if it is an order made in respect of or addressed to any person not being a servant of Pakistan, may be served in original or by a copy of the order on the person in respect of whom it is made or to whom it is addressed in the manner provided in the Code for the service of a summons;

(c) if it is an order addressed to the public generally, may be served by publication in such manner as the authority making the order considers best adapted for informing the persons concerned.

(2) | Any person on whom an order is served as provided in clause (b) or clause (c) of sub-section (1) shall be deemed to have had notice of such order, and where the person to be served is a corporation, company, bank or association of persons the order may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it at, or sending it addressed to the corporation, company, bank or association by post to, its registered office, or where there is no registered office, at or to the place where it carries on business.

(3) Where a provision of this Ordinance empowers an authority, officer or person to take action by notified order, the provisions of sub-sections (1) and (2) shall not apply in relation to such order, and all persons whom the order concerns shall, upon its notification, be deemed to have been duly informed of it.

10. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include the power to issue warrants for—

(a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act

prejudicial to public safety or the maintenance of

General power of

Power to give effect

search.

to orders, etc.

public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches, made under the authority of any warrant issued and to the disposal of any property seized under this section.

11. Any authority on which any power is conferred by or under this Ordinance may by general or special order authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or conditions prescribed in the exercise of such power.

12. (1) Any authority, officer or person who is empowered by or in pursuance of this Ordinance to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this
Ordinance there is no authority, officer or person empowered,
to take action prescribed by or under this Ordinance,
Government may take or cause to be taken such steps and use,
or cause to be used, such force as may in the opinion of

Penalty.

Abetment of
offences.

Offences
committed by
corporation or
association.

Dissemination of
rumours, etc.

Government be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) The power to take steps under sub-section (1) or sub-section (2) includes the power to enter upon any land or other property whatsoever.

13. Whoever contravenes any provision of this Ordinance or disobeys or neglects to comply with any order made or direction given in accordance with its provisions shall, where no express provision is made by this Ordinance for the punishment of such contravention, disobedience, or negligence, be punished with imprisonment which may extend to three years, or with fine, or with both.

14. Whoever abets the commission of an offence punishable under this Ordinance shall, whether the act, abetted is or is not committed in consequence of the abetment, be punished with the punishment provided for the offence.

15. Where the person committing an offence punishable under this Ordinance is a corporation, company, bank or association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punished with the punishment provided for the offence unless he proves that the offence was committed without his knowledge or consent.

16. © Whoever—
(a) makes any speech, or

(b) — by words whether spoken or written or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,

shall be punished with imprisonment which may extend to three

years, or with fine, or with both if such speech, statement, rumour, or report—

(i) causes or is likely to cause fear or alarm to the public or to any section of the public;

(ii) furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order.

Possession or

conveyance of
prescribed or
prohibited
documents.

Wearing or display

of uniforms or
emblems.

Tampering with

public servants.

Sabotage.

17. (1) Whoever, without lawful authority—

(a) has in his possession, or on premises in
his occupation or under his control, or

(b) carries for delivery to another person
otherwise than through the post,

any document in respect of which a notification under section 7
is in force, or of which the importation has been prohibited
under the Sea Customs Act, 1878', or in respect of which an
order of forfeiture has been made under any law for the time
being in force or any document prejudicial to public safety or
the maintenance of public order shall, unless he proves that he
was unaware of the nature of the document, be punished with
imprisonment which may extend to one year, or with fine, or
with both.

(2) Whoever allows, his name or address to be used
to facilitate transmission through the post or otherwise to any
person other than the person for whom it purports to be
intended of any document of the nature referred to in sub-
section (1) shall be punished with imprisonment which may
extend to one year, or with fine, or with both.

18. | Whoever makes or has in his possession or wears,
carries or displays any uniform, flag, banner or emblem
signifying, or which has been declared by Government by
notification to signify association with a movement prejudicial
to public safety or the maintenance of public order or with the
promotion of any activity prejudicial to public safety or the
maintenance of public order shall be punished with
imprisonment which may extend to one year, or with fine, or
with both, and any such uniform, flag, banner or emblem
wherever found shall be forfeited to Government.

19. | Whoever induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant shall be punished with imprisonment which may extend to one year, or with fine, or with both.

20. (1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to,—

(a) any building, vehicle, machinery,

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That is Act VHI of 1878.

Representation

against certain
orders.

apparatus or other property used, or
intended to be used, for the purposes of
Government or any local authority;

(b) any railway (as defined in the Railways
Act, 1890), tramway, road, canal, bridge,
culvert, causeway, aerodrome or any
telegraph, telegraph line or post (as
defined in the Telegraph Act, 1885');

(c) any rolling-stock of a railway or
tramway, or any aircraft;

(d) any building or other property used in
connection with the production,
distribution or supply of any essential
commodity, any sewage works, mine or
factory.

(2) The provisions of sub-section (1) shall apply in
relation to any omission on the part of a person to do anything
which he is under a duty, either to Government or to any public
authority or to any person, to do, as they apply to the doing of
any act by a person.

(3) If any person approaches or is in_ the
neighbourhood of any such building, place or property as is
mentioned in sub-section (1) in circumstances which afford
reason to believe that he intends to contravene that sub-section,
he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to
contravene any of the provisions of this section, he shall be
punished with imprisonment for a term which may extend to
three years, or with fine, or with both.

7[20-A (1) Where a representation is received under sub-
section (5) of section 5 against an order under clause (a), clause
(c), clause (d), or clause (e) of sub-section (1) of section 5,
Government shall, if the order represented against is not
rescinded or cancelled and the order is to have effect for a
period exceeding three months, forward the case, including the
representation, to the Board constituted under sub-section (5) of
section 3.

(2) Where a representation is made to Government

That is Act XIII of 1885.

Ins. by W.P. Ord. XVIII of 1964.

Procedure for trial
of offences.

Offence under
Ordinance to
be cognizable
and non-
bailable.

Jurisdiction of
Courts barred.

Effect of orders,
etc.,
inconsistent
with other
enactment.

Operation of other
penal laws not

under the provisions of sub-section (3) of section 6 or sub-section (2) of section 7, Government shall, as soon as may be, forward the case, including the representation, to the Board constituted under sub-section (5) of section 3.

(3) The Board shall, after considering the representation and such further information or material as may be placed before it by Government or the person making the representation, and giving such person an opportunity of being heard, submit its report together with its recommendations to Government.

(4) If the Board reports that the order against which the representation is made is unjustified, the Government shall vacate the order. |

21. (1) In any area the Government may by notification direct that all the offences under this Ordinance, shall, notwithstanding anything in the Code, be tried in accordance with the procedure prescribed for the trial of summons cases by Chapter XX of the Code, subject in the case of summary trials to the provisions of sections 263 to 265 of the Code.

(2) The provisions of sub-section (1) shall apply to the trial of offences mentioned therein committed before the notification aforesaid.

22. Notwithstanding anything contained in the Code every offence punishable under this Ordinance shall be cognizable and non-bailable.

23. Except as provided in this Ordinance no proceeding or order taken or made under this Ordinance shall be called in question in any court and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Ordinance.

24. Any order made, and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

25. Nothing contained in this Ordinance shall be deemed to

barred.

[Delegation of powers.

Power to make rules.

Repeal and savings.

prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

26. Government may, by order in writing, direct that the power under sub-section (1) of section 3 shall, subject to such restrictions as may be specified, be exercisable by any [Deputy Commissioner] within his jurisdiction.]

27. Government may make rules? not inconsistent with the provisions of this Ordinance, to carry into effect the purpose thereof.

28. (1) (a) Sections 3, 4, 6, 7, 12, 17, 21, 22, 28, 29 and 30 of the Balochistan Public Safety Regulation, 1947, and sections 3, 4, 6, 7, 12, 17, 21, 22, 28, 29 and 30 of the Balochistan States Union Public Safety Regulation are hereby repealed.

(b) The following Acts are hereby

repealed:—

(i) the Bahawalpur State Public Security Act, 1944,

(ii) the North-West Frontier Province Public Safety Act, 1948%,

(iii) the Punjab Public Safety Act, 19495, °[*]

(iv) the Khairpur Public Order and Detention Act, 19547; *[and]

'I(v) the Sind State Prisoners Regulation, 1827 (Sind Regulation XXV of 1827).]

Subs. by Balochistan Ordinance IX of 2002, for section 26.

Subs. for the words ["District Administrative Officer in 'B' Area and District Police Officer in 'A' Area"] by the Balochistan Act III 2011, passed by Provincial Assembly of Balochistan on 29" March, 2011; assented by Governor Balochistan on 31' March, 2011.

published in Balochistan Gazette (Extraordinary) No. 164 dated 2TM4 April, 2011. Earlier, the words "Zila Nazim" were substituted by the words "District Magistrates" by the Balochistan Ordinance XXIV of 2001 w.e.f 14-8-2001; and then it were substituted by the words

"District Administrative Officer in 'B' Area and District Police Officer in 'A' Area" by the Balochistan Ordinance IX of 2002.
3 For the W.P. Public Order Detenu Rules, 1962, see Gazette of West Pakistan, 1962, pt. I, p.389-391; and

ibid. Extraordinary, p. 3527.

o ON DOD a

Add. ibid.

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That is NWFP Act III of 1948.

That is Pb Act XVIII of 1949.

The word "and" del. By W.P. Ord. IX of 1963.

That is Khairpur Act XI of 1954.

Add. by W.P. Ord. IX of 1963.

10 Application of

W.P.
Ordinance
XXXI of 1960,
to Tribal Areas
of Province of
Balochistan.

(2) All such orders (whether notified or not) made and directions issued under the enactments repealed under sub-section (1) as were in force immediately before the commencement of this Ordinance shall, so far as they are not inconsistent with the provisions of this Ordinance, continue in force and shall be deemed to have been made and issued under this Ordinance.

The Balochistan Maintenance of Public Order
Ordinance, 1960 (W.P. Ordinance No, XXXI of 1960), as in force in the Province of Balochistan immediately before the commencement of this Regulation, and, so far as may be, all rules, notifications and orders made or issued thereunder, shall apply to the Provincially Administered Tribal Areas of Balochistan.]

10 See Balochistan Regulation I of 1983.