

(W.P. Act VI of 1956)

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'THE 7?[BALOCHISTAN?] GENERAL CLAUSES

Preamble.

Short title and
commencemen
t.

Definitions.

Act.

Acceding State.

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ACT, 1956

(W.P. Act VI of 1956)

[30% June, 1956]

An Act to facilitate the interpretation of *[Balochistan]
Acts and to shorten the language used therein.

WHEREAS it is expedient to shorten the language used
in the Acts passed by the ?[Balochistan] Legislature and to
make certain provisions for the construction of, and other
matters relating to such Acts and certain other Acts in force in
[Balochistan];

It is hereby enacted as follows:-

1. (1) This Act may be called the *[Balochistan]
General Clauses Act, 1956.

41(2) It shall be deemed to have come into force on
and from the 14th day of October, 1955.]

[(3) It extends to the whole of the Province of
[Balochistan], except the Tribal Areas].

2. In this Act, and in all *[Balochistan] Acts unless there is
anything repugnant in the subject or context—

(1) "abet" with its grammatical variations and
cognate expressions shall have the same meaning
as in the Pakistan Penal Code‘;

(2) "act" used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done shall extend also to illegal omissions;

(3) "Acceding State" shall mean any territory in the Indo-Pakistan sub-continent which the '[Federal] Government recognizes as a State, whether

This act was passed by the W.I. Assembly on 2nd June, 1956: assented to by the Governor of the W.P. on 30th June, 1956: a published In the W.P. Gazette (Extraordinary), dated 30th June, 1956, pages 553-556.

Subs. by Baln. A.O. of 1975. for 'West Pakistan'.

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 18" June, 1989.

Subs. by W.P. Act III of 1957, for the original sub-section (2) reading as "It shall come into force at".

Add, by W.P. Ord. VII of 1964, approved by the W.P. Assembly on 10th June. 1964.

i.e. Act XIV of 1860.

Subs. for "Central", by Baln. A.O. of 1975.s

described as a State or otherwise, and which has acceded to Pakistan; and

Non Acceding "non-acceding State" shall mean any State so State. recognized which has not so acceded; Affidavit. (4) "affidavit" shall include affirmation and

declaration in the case of persons by law allowed to affirm or declare instead of swearing;

Bahawalpur. (4-a) "Bahawalpur" shall mean _ the _ territories comprised in the State of Bahawalpur immediately before the fourteenth day of October, 1955;

Balochistan. (4-b) "Balochistan" shall mean the territories comprised in the Chief Commissioner's Province of Balochistan immediately before the fourteenth day of October, 1955;

Balochistan State (4-c) "Balochistan State Union" shall mean _ the Union. territories comprised in the Balochistan States Union immediately before the fourteenth day of October, 1955.]

Barrister. (5) "barrister" shall mean a barrister of England or Ireland or a member of the faculty of Advocates in Scotland;

British India. (6) "British India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty's Dominions which were for the time being governed by His Majesty through the Governor-General of India or through any Governor or officer subordinate to the Governor-General of India, and as respects any period after that date and before the establishment of the Federation of Pakistan means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioners' Provinces, except that a reference to British India in an Indian Law passed or made before the commencement of Part III of the Government of India Act, 1935,

* Clauses (4-a) to (4-c) inserted by W.P.A.O., 1964.

British possession.

*[Federal] Act.

*[Federal]
Government.

Clause (8) deleted by W.P. A.O. 1964.

ss WN BF

Ins. ibid.

Subs. for "Central" by Baln. A.O. of 1975.

The words "or to be done" del. by W.P. A.O. of 1964.

shall not include a reference to Berar.

(7) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession;

(9) ["Federal] Act" shall mean an Act of the [Federal] legislature, and shall include an Act made by the Governor- General under section 67-B of the Government of India Act;

(10) ?["Federal] Government" shall.—

(a) in relation to anything done before the commencement of Part III of the Government of India Act, 1935, mean the Governor-General in Council or the authority competent at the relevant date to exercise the functions corresponding to those subsequently exercised by the Governor-General;

(b) in relation to anything done after the commencement of Part II of the said Act, but before the establishment of the Federation of Pakistan mean, as respect matters with respect to which the Governor-General was by or under the provisions of the said Act then in force required to act in his discretion, the Governor-General and as respects other

matters, the Governor-General in
Council; and

(c) in relation to anything done 3[** *]
after the establishment of the
Federation of Pakistan, '[but before the
twenty-third day of | March, 1956],

*Central
Legislature.

ss WN BF

Ins. ibid.

mean the Governor-General; and
shall include—

(i) in relation to functions
entrusted under sub-section (1)
of section 124 of the said Act to
the Government of a
Province, the Provincial
Government acting within the

scope of the authority given
to it under that sub-section;
and

(i1) in relation to the
administration 'before the
fourteenth day of October, 1955)
of a Chief Commissioner's
Province, the Chief

Commissioner acting within the
scope of the authority given to
him under sub-section (3) of
section 94 of the said Act;

*I(d) in relation to anything done or be done
after 14.8.1973 mean Federal
Government as stated in Article 90 of the
Constitution of the Islamic
Republic of Pakistan, 1973.]

(11) 3>"Central Legislature" shall mean the Governor
General in Council acting in a legislative
capacity under the Government of India Act,
1833, the Government of India Act, 1853, the
Indian Councils Acts, 1861 to 1909; or any of
those Acts, or the Government of India Act,
1915, the Indian Legislature acting under the
Government of India Act or the Government of
India Act, 1935, or the Federal Legislature acting
under the Government of India Act, 1935 [or the
Parliament under the Constitution of 1956 or the
National Assembly acting under the Constitution
of 1962], as the case may require;

Add. by W.P. A.O of 1964 and further subs. by Baln. A.O. of 1975.

Now "Federal", see P.O. 4 of 1975.

Ins. by W.P. A.O of 1964.

Chapter.

Collector.

Colony.

Commencement.

Commissioner.

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

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"Chapter" shall mean a chapter of the
[TBalochistan] Act in which the word occurs;

"Collector" shall mean the Chief Officer-in-charge of the revenue administration of a District and shall include a Deputy Commissioner;

"Colony"—

(a) in any act passed after the commencement of Part III of the Government of India Act, 1935, shall mean any part of His Majesty's Dominions exclusive of the British Islands, 7[* * * *] of India and Pakistan (and before the [fifteenth day of August, 1947] British India] any Dominions as defined in the Statute of Westminster, 1931, any Province of State forming part of any of the said Dominions, and British Burma; and

(b) in any Act passed before the commencement of Part III of the said Act, shall mean any part of His Majesty's Dominions exclusive of the

British Islands and of British India, and in either case where parts of those Dominions are under both a central and local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony;

"Commencement" used with reference to 'TBalochistan] Act shall mean the day on which the Act comes into force;

"Commissioner" shall mean the Chief Officer-in-charge of the Revenue and_ General

Subs. by W.P.A.O., 1964, for the words "establishment of these Dominions".

The words, "the Dominions" del. by W.P. A.O., 1964.

Sub-section (13) subs. by W.P. A.O., 1964, and omitted by Baln.. A. O., 1975.

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

Sub. by W.P. Act VIII of 1964.

Constitution.

Consular Officer.

Deputy
Commissioner.

District Judge.

District Court.

Document.

Enactment.

Father.

1 Ins. by W.P. A. Order, 1964.

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

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Administration of a Division and shall include an
Additional Commissioner of sub-division;]

"Constitution" means the Constitution of the
Islamic Republic of Pakistan brought into force
on the eight day of June, 1962;]

"Consular Officer" shall include consul- general,

consul, vice-consul, consular agent, pro-consul
and any person for the time being authorised to
perform the duties of consul-general, consul,

vice-consul or consular agent;

"Deputy Commissioner" shall mean the Chief Officer-in-charge of the General Administration of a District;

"District Judge" shall mean the Judge of a Principal Civil Court of original jurisdiction, but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"District Court" shall mean the Principal Civil Court of Original Civil Jurisdiction of a district but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;

"enactment" shall include an ordinance and a Regulation and any provision contained in any *[Balochistan] Act, Ordinance or Regulation;

"father" in the case of anyone whose personal law permits adoption, shall include an adoptive father;

Financial Year.

Gazette.

Good faith.

Government.

High Court.

Immovable
property.

Imprisonment.

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Subs. by W.P. Ord. LIV of 1959.

Subs. for "of April" by Baln. A.O., 1975.

Subs. ibid, for "West Pakistan".

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"Financial year" means—

(a) as respects the period before the first day of *[July], 1959, the year commencing on the first day of *[July] and ending on the thirty first day of March;

(b) as respects the period from the, first day of *[July], 1959, to the thirtieth day of June, 1959, both days inclusive, that period;

(c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June;]

"Gazette" or "Official Gazette" shall mean the [Balochistan] Gazette published under the authority of the Governor of *[Balochistan];

"good faith" a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;

"Government" or "the Government" shall mean the *[Federal Government) or the Government of the Province of 4[Balochistan], as the case may be;

"High Court" used with reference to civil proceedings shall mean the highest civil court of appeal not including the Federal Court in the Province or part thereof in which the Act containing the expression operates;

"immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

"imprisonment" shall mean imprisonment of

Subs. by Baln. A.O., 1975, for the words "Central Government".

Del. by W.P. A.O., 1964.

India. (33)
India Act. (34)
Karachi area. '1(34-a)
Khairpur area. '1(34-b)
Local authority. (35)
Magistrate. (36)

6

i.e. Act XLV of 1860.

* Clauses (34-a) and (34-b) ins. by W.P. A.O. of 1964.

either description as defined in the Pakistan
Penal Code, 1860°;

"India" shall mean—

(a) as respects any period before the
establishment of the Federation
of Pakistan, British India together
with all territories of any Indian
ruler then under the suzerainty of His
Majesty, all territories under the
suzerainty of such an Indian ruler, and
the tribal areas; and

(b) as respect any period after the
establishment of the Federation of
Pakistan all territories for the time being
included in the Dominion of India,
excluding the territories of Jammu and

Kashmir, Junagarh and Manavadar

"India Act" or "Indian Act" shall mean an Act
made by the Governor-General of India in
Council;

"Karachi Area" shall mean the District of
Karachi, except the villages specified in the
Schedule to the Karachi (Federal Territory
Order, 1960;]

"Khairpur" shall mean the territories comprised in
the State of Khairpur immediately before the
fourteenth day of October, 1955.]

"Local authority" shall
corporation, municipal committee, district board,

body of Port Trustees, or Commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund;

mean a municipal

"Magistrate" shall include every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure for the time being in force;

Master.

Month.

Movable property.

North West

frontier.

North West

Frontier province

Act.

Notification.

Oath.

Offence.

Pakistan.

Pakistan Law.

Clause (39-a) Ins. ibid.

Subs. for "West Pakistan" by Balln. A.O. of 1975.

Subs. by W.P. A.O., 1964.

i.e. the Constitution of Islamic Republic of Pakistan (1974).

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"Master" used with reference to a ship shall mean any person — (except a pilot or harbour Master) having for the time being control or charge of the

ship;

"Month" shall mean a month reckoned according to the British Calendar;

"Movable property" shall mean property of every description except immovable property;

"North-West Frontier" shall mean the territories comprised in the North West Frontier Province immediately before the fourteenth day of October 1955.]

"North-West Frontier Province Act" — shall

mean an Act made by the Local Legislature or the Governor of the North-West Frontier Province under the Government of India Act, or by the Provincial Legislature or the Governor of the North-West Frontier Province (as it existed immediately before the establishment of *[Balochistan] under the Government of India Act, 1935;

"notification" shall mean a notification published under proper authority in the official Gazette;

"oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

"Offence" shall mean any act or omission made punishable by any law for the time being in force;

"Pakistan" shall have the same meaning as in Article 1 of the Constitution;*]

"Pakistan Law" shall mean any Act, Ordinance, Regulation, Rule, Order, or Bye-Law which before the establishment of the Federation of

Pakistan had the force of law in British India or any part thereof, or thereafter has the force of law in Pakistan or any part thereof, other than a Federated State, but does not include any Act of Parliament or any Order in Council, Rule or other instrument made under an Act of Parliament;

Part. (46) "part" shall mean a part of [Balochistan] Act in which the word occurs;

Person. (47) "person" shall include any company or association or body of individuals, whether incorporated or not;

Political Agent. (48) "political agent" shall mean the principal officer by whatever name called, representing the 'Federal Government] in an Acceding State or group of Acceding States or in any territory or place in the tribal areas or leased areas;

Privy Council. (49) "privy council" shall mean the Lords and others for the time being of Her Most Honourable Privy Council;

Province. (50) "Province" shall mean the province of [Balochistan];

Provincial (51) "Provincial Government" shall mean __ the Government. Government of *[Balochistan];

Public nuisance. (52) "public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code';

The Punjab. 4[(52-a) "the Punjab" shall mean the territories comprised in the Province of the Punjab immediately before the fourteenth day of October 1955;]

Registered. (54) "registered" used with reference to a document shall mean registered in *[Balochistan] under the law for the time being in force for the

Subs. for "Central Government" by Baln. A.O of 1975.
Subs. for "West Pakistan" by ibid.

i.e. Act XLV of 1860

Clause (52-a) inserted by W.P. A.O. of 1964.

Del. by Balochistan A.O. of 1975.

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Rule.

Schedule.

Schedule District.

Section.

Ship.

Sign.

Sind or Sindh.

Son.

Sub-section.

Swear.

i.e. Act XLV of 1874.

Clause (60-a) Ins. by W.P. A.O. of 1964.

Omitted by Balochistan A.O. of 1975.

Del. by W.P. A.O. of 1964.

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registration of documents;

"rule" shall mean a rule made in exercise of a

power conferred by any enactment and shall include a regulation made as a rule under any enactment;

"schedule" shall mean a schedule to the Act in which the word occurs;

"schedule district" shall mean a "schedule district" as defined in the Scheduled Districts Act, 1874!;

"section" shall mean a section of the Act in which the word occurs;

"ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

"sign" with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expression;

"Sind" or "Sindh" shall mean the territories comprised in the Province of Sind immediately before the fourteenth day of October, 1955;

"son" in the case of anyone whose personal law permits adoption, shall include an adopted son;

"sub-section" shall mean a sub-section of the section in which the word occurs;

"swear" with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

Tribal Areas.

Vessel.

2West Pakistan Act.

Will.

Writing.

Year.

Coming into
operation of
enactments.

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Clause (65-a), Ins. by W.P. A.O., 1964.

Now Balochistan.

3.

3[(65-a) "Tribal Areas" shall mean the areas in the

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Province of °West Pakistan which, on the
thirteenth day of October, 1955, were —

(a) the tribal areas of Balochistan, the Punjab
and the North-West Frontier; and

(b) the States of Amb, Chitral, Dir and
Swat; |

"vessel" shall include any ship or boat or any
other description of vessel used in navigation;

"West Pakistan Act" shall mean an Act made by
the Provincial Legislature or the Governor of the
Province of *West Pakistan [* * * *], and shall
include North-West Frontier Province Act,
Punjab Act and Sind Act and any Act applying

to the former Province of Balochistan and the
States of Bahawalpur and Khairpur and
Balochistan States Union;

"will" shall include a codicil and every writing
making a voluntary posthumous disposition of

property;

"writing" expressions referring to "writing" shall
be construed as including references to printing,
lithography, photography and other modes of
representing or reproducing words in a visible
form; and

(70) "year" shall mean a year reckoned according to the
Gregorian calendar.

GENERAL RULES FOR CONSTRUCTION

Where any *[Balochistan] Act is not expressed to come
into operation on a particular day, then, it shall come into
operation, *[on the day on which the assent thereto of the
Governor is first published in the official Gazette], and in every
such Act the date of the first publication thereof shall be printed

The word figure and comma "under the Government of India Act, 1935", omitted, *ibid.*
Subs. for "West Pakistan" by Baln. A.O. of 1975.

Subs. for the words "if it is an Act of the Legislature, on the day on which the assent there to of the Governor-General as the c

require, is first published in the official Gazette, and if it is an Act of the Governor, on the day on which it is first published as a
the official Gazette", by W.P. A.O., 1964, s. 2(1), Sch. Part VII.

Effect of Repeal.

Repeal of Act
making textual
amendment in
Act.

either above or below the title of the Act and shall form part of
every such Act.

4. (1) Where this Act or any other '[Balochistan] Act
repeals any enactment then, unless a different intention appears,
the repeal shall not —

- (a) revive anything not in force or
existing at the time at which the
repeal takes effect;
- (b) affect the previous operation of any
enactment so repealed or anything duly
done or suffered thereunder; or
- (c) affect any right, privilege, obligation or
liability acquired, accrued or incurred
under any enactment so repealed; or
- (d) affect any penalty, forfeiture or
punishment incurred in respect of any
offence committed against any enactment
so repealed; or
- (e) affect any investigation, legal proceeding
or remedy in respect of any such right,
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 the
Repealing Act had not been passed.

(2) The provisions of sub-section (1) shall apply on
the expiry or withdrawal of any Ordinance promulgated by the
Governor '[* * * *]' as if it had been repealed by a
[Balochistan] Act.

5. Where any 7[Balochistan] Act repeals any enactment by
which the text of any enactment was amended by the express
omission, insertion or substitution of any matter, then, unless a
different intention appears, the repeal shall not affect the
continuance of any such amendment made by the enactment so
repealed and in operation at the time of such repeal.

1 The words "under section 88 of the Government of India Act, 1935, or Article 102 of the Constitution" del. by W.P. A.O.,1964

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

Revival of repealed enactments.

Construction of reference to repealed enactments.

Commencement and termination of time.

Computation of time.

Measurement of

6. In any *[Balochistan) Act it shall be necessary, for the purpose of reviving either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

7. "(1) Where this Act or any other *[Balochistan] Act repeals and re-enacts, with or without modification, any provision of a former enactment then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provisions so re-enacted.

3[(2) Where any "[Federal] Act or any Act of the Parliament repeals and re-enacts, with or without modifications, any provision of a former enactment, then references in any [Balochistan enactment] or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so enacted. |

8. In any °[Balochistan] Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time to use the word "from" and for the purpose of including the last in a series of days or any other period of time to use the word "to".

9. Where, by any '[Balochistan] Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the Limitation Act, 19087, applies.

10. 'In the measurement of any distance, for the purpose of distance. any '[Balochistan) Act, the distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Duty to be taken 11. Where, by any enactment now in force or hereafter to be prorata in in force, any duty of customs or excise, or in the nature thereof, Section 7, re-numbered as sub-section (1) and sub-section (2) add. by W.P. Act III of 1957. Subs. for "West Pakistan" by Baln. A.O. of 1975.

Subs. for "Central" by Baln. A.O. of 1975.

Subs. ibid for "West Pakistan enactment".

ie. Act 1X of 1908.

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enactments.

Gender and
number.

Power conferred to
be exercisable
from time to
time.

Power to appoint to
include power
to appoint ex-

Officio.

Power to appoint to
include power
to suspend or
dismiss.

Substitution of
functionaries.

Successors.

is leviable on any given quantity, by weight, measure or value
of any' goods or merchandise, then a like duty is leviable
according to the same rate on any greater or less quantity.

12. In all '[Balochistan) Acts, unless there is anything
repugnant in the subject or context—

(a) words importing the masculine gender shall be
taken to include female; and

(b) — words in the singular shall include the plural, and
vice versa.

POWERS AND FUNCTIONARIES

13. | Where, by or under any '[Balochistan] Act, any power is
conferred upon any authority, then that power may be exercised
by such authority, from time to time or as occasion requires.

14. Where by any '[Balochistan) Act, any power to appoint
any person to fill any office or execute any function is
conferred, then, unless it is otherwise expressly provided, any
such appointment may be made either by name or by virtue of
office.

15. Where, by any '[Balochistan] Act, a power to make any
appointment is conferred, then, unless different intention

appears, the authority having for the time being power to make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.

16. In any '[Balochistan) Act, it shall be sufficient, for the purpose of indicating the application of law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

17. In any '[Balochistan] Act, it shall be sufficient for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession to express its relation to the functionaries or corporations.

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

Official, Chiefs and
subordinates.

Construction of
orders to issue
under
enactments.

*[Rules and Orders,

etc: to be
published.

Power to make to

include power
to add to,
amend, vary or
rescind orders,
rules or bye-
laws.

Making of rules of

bye-laws and
issuing of
orders between
passing and
commencemen
t of
enactments.

Provisions

applicable to

1

18. In any '[Balochistan] Act, it shall be sufficient for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or sub-ordinates lawfully performing the duties of that office in the place of their superiors, to prescribe the duty of the superior.

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

19. Where, by any '[Balochistan] Act, a power to issue any notification, order, scheme, rule, form or bye-law is conferred, then, expressions used in the notification, order, scheme, rule, form or bye-law shall unless there is anything repugnant in the

subject or context, have the same respective meanings as in the Act conferring the power.

19-A. All rules, orders, regulations and circulars having effect of law and made or issued under any enactment shall be published in the official Gazette.]

20. | Where, by any "[Balochistan] Act, a power to issue notifications, orders, rules, scheme, form or bye-laws is conferred then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind, any notifications, orders, rules, scheme, form, bye-laws so issued.

21. Where, by any '[Balochistan] Act, which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to orders with respect to the application of the Act or respect to the establishment of any Court or office or the appointment of any judge or officer thereunder or with respect to the person by the time when, or the place where, or the manner in which, or whom, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act, but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

22. Where, by any *[Balochistan] Act, a power to make rules or bye-laws is expressed to be given subject to the

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

Ins. by Baln. Ordinance XIV of 2002, made on 2TM September, 2002 and published in the Balochistan Gazette (Extraordinary) dated 6" September, 2002.

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

making of rules

or bye-laws

after previous

publication.

Continuation of
appointment,
notification,
orders, etc.,
issued under
enactments
repealed and
re-enacted.

condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise laws after provides, the following provisions shall apply, namely:-

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or if the condition with respect to previous publication so requires, in such manner as the Provincial Government, prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in official Gazette of rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

23. Where any '[Balochistan] Act, is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions re-enacted continue in force, and be deemed to have been made or issued under, the provisions so re-enacted unless or until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued under the

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

Recovery of fines.

Provision as to
offences
punishable
under two or
more
enactments.

Meaning of service
by post.

Citation of
enactments.

Application to

- 1 ie. Act V of 1898.
- 2 ie. Act XLV of 1860.

provisions so re-enacted.

MISCELLANEOUS

24. Sections 63 to 70 of the Pakistan Penal Code¹ and the provisions of the Code of Criminal Procedure² for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any Act, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

25. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

26. | Where any '[Balochistan] Act authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the documents, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

27. (1) In any *[Balochistan] Act and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any [Balochistan] Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

4[28. The provisions of this Act shall apply in relation to any

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

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Ordinances and Ordinance promulgated by the Governor as they apply in

Regulations.

Repeal.

Subs. by W.P. A.O., 1964.

Now deemed to be "Balochistan".

i.e. Sind Act XXII of 1947.

Ins. by W.P. Ord, VII of 1964.

i.e. Pb. Act I of 1898.

i.e. N.W.F.P. Act II of 1932.

Oo BR OW NP A

relation to Acts made by the Provincial Legislature of 'West
Pakistan].

29. The following enactments are hereby repealed:-

(1) The Sind General Clauses Act, 1947°;

3[(a) The Sind General Clauses Act, 1947, as
applicable in the District of Karachi;]

(2) The Punjab General Clauses Act, 18987;

(3) The Punjab General Clauses Act, 1898°, as
applicable to the Districts of Bahawalnagar,
Bahawalpur and Rahimyar Khan; and

(4) The North-West Frontier Province General
Clauses Act, 1932>.