

THE BALOCHISTAN LAWS REGULATION, 1913

(Baln Regulation II of 1913)

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SCHEDULE

THE BALOCHISTAN LAWS REGULATION, 1913

Short title and
commencement.

Division of [***]
Balochistan
into _ districts
and tehsils.

Laws in force in

Balochistan.

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Reg. VI of 1940, s. 2.

(Baln Reg. II of 1913)

[15" August, 1913]

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

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

1. (1) This Regulation may be called the '[* * *]
Balochistan Laws Regulation, 1913, and

(2)

2. The *[Provincial Government], *[* * *] may, for

It shall come into force at once.

administrative purpose, divided '[* * *] Balochistan into
districts, and each of those districts into tehsils, and vary the
limits of those districts into tehsils.

3 86)

Schedule I as is in force in the territories to which the

So much of each of the enactments specified in

enactment generally applies shall be deemed to be in force in
'* * *) Balochistan or in the part thereof specified in the
Schedule, subject to the modifications therein stated, and to any
amendments "[made on or before the 1st day of April, 1937], to
which the enactments are for the time being subject in the
territories to which they generally apply.

(2) An enactment *[enacted prior to the 1st day of
April, 1937 and] not comprised in Schedule I shall not be
deemed to be, or to have been in force in Balochistan or in any
part of '[* * *) Balochistan unless it is expressed, by special
mention of °[* * *) Balochistan or a part of ![* * *) Balochistan,
to extend thereto, or, 3 after the commencement of this
Regulation, is extended 'thereto in exercises of the powers
conferred by section 5 of the Scheduled Districts Act, 1874° or

The word "British" omitted by Reg. VI of 1953, w.e.f. the 14 August, 1947.
Subs. for the words "Local Government" by A.O., 1937.

The words and comma "with the previous sanction of the [Central Government]," omitted by the W.P. A.O.,
The words within brackets were previously subs. for the words "Governor General in

1964, s. 2(1) Sch. Part V.
Council" by the A.O., 1937.

For list of enactments so extended, see Sch. I infra.
The word "British" omitted by Reg. VI of 1953, w.e.f. the 14th August, 1947.
For list of enactments so extended, see Sch. I infra.
i.e. Act XIV of 1874.

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Modification of the

7] Stamp

Act, 1899, as

in force in

Balochistan.

Construction of
enactments.

by any other enactment for the time being in force.

(3) The [Provincial Government], ° * * * * *

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

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

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

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

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

[* * RRR RK

6. [Repeals]. Repealed by s. 2 and Sch. of the Repealing Act, 1927.

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

The words and comma "with the previous sanction of the [Central Government]" omitted by the W.P. A.O., 1964, s. 2(1) Sch. F.

The words within brackets were previously subs. for the words "Governor General in Council" by the A.O., 1937.

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

Ins. by Reg. VI of 1939, s. 2.

Now the Stamp Act, 1899.

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

i.e. Act XII of 1927.

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Bengal Regulations

1812 XI The Bengal Foreign Immigrants Regulations, 1812.

1818 II The Bengal State Prisoners Regulation, 1818.

Acts of the Governor General in Council

111843 Vv The Indian Slavery Act, 1843.]

[1850 XI The Public Accountants Default Act, 1850.]

1850 XVII The Judicial Officer's Protection Act, 1850.

3." XXXIV The State Prisoners Act, 1850.]

ap * eK]

5[1855 XXIV The Penal Servitude Act, 1855.]

71858 I The State Prisoners Act, 1858.]

711859 Ix The Forfeiture Act, 1859.]

1860 XXII The Societies Registration Act, 1860.

. XLV The @*[Pakistan] Penal Code, 1860.

[1861 Vv The Police Act, 1861.]

1861 XVI The Stage-Carriages Act, 1861.

1011864 III The Foreigners Act, 1864.

Lips ae 3K *]

1865 XV___ The Parsi Marriage and Divorce Act, 1865.

12[%k ae 3K eK]

1867 II = The Public Gambling Act, 1867.

BIXXII The Sarats Act, 1867.]

1869 IV The '4[***] Divorce Act.

Rep. by Federal Ord. XX VII of 1981.

Ins. by Reg. I of 1945, s. 2.

Rep. by the Federal Ord. XXVII of 1981.

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

Rep. by Act II of 1950, s. II

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

Rep. by Federal Ord. XX VII of 1981.

The word "Indian" substituted by A.O. of 1949.

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

10 Rep. by Central Act, XXXI of 1946.

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

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

8 Rep. by Reg. IV of 1942.

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1870 VIL The Court-fees Act, 1870. In section 7 (v) (b) for the word 'five' the word 'ten' shall be substituted

1871 I The Cattle Trespass Act, 1871.

[“ V___ The Prisoners Act, 1871.]

XXIII The Pensions Act, 1871.

211872 I The ?[***] Evidence Act, 1872.]

. II The Special Marriage Act, 1872.

IX The 7[***] Contract Act, 1872.

XV The 7[***] Christian Marriage Act, 1872.

31873 V_ The Govt. Saving Banks Act, 1873.

1873 X ~~ The ?[***] Oaths Act, 1873.

IDK * HE]

411874 IV The Foreign Recruiting Act, 1874.]

s[“ Ix The European Vagrancy Act, 1874.]

6” XIV The Scheduled Districts Act, 1874.]

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

811876 XIX The Dramatic Performance Act, 1876.]

1877 I The Specific Relief Act, 1877. Section 9 °[and its application to the 'Punjab Land Revenue Act, 1887, Chapter VI].

1878 I The Opium Act, 1878.

uy VI The [***] Treasure Trove Act, 1878.

4[1878 Vill The Sea Customs Act, 1878. The following provisions only:-

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

4 The Word “Indian” omitted by A.O. 1949.

Subs. by Act III of 1900.

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

Ins. by Reg. IV of 1943.

Rep. by Fed. Ord. XXVII of 1981.

Rep. by Act II of 1950, s. III.

Repealed.

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

Ins. by Reg. V of 1939.

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

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

11 Ins, by Reg. VII of 1941.

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

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1880 XII The Vaccination Act, 1880.

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1881 XXVI The Negotiable Instruments Act, 1881.

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2[1882 XII The Indian Salt Act, 1882.]

1883 XIX The Land Improvement Loans Act,
1883.

1884. XII The Agriculturists Loans Act, 1884. Section 2 only.

1885 XII The [***]> Telegraph Act, 1885.

1886 VI The Births, Deaths and Marriages
Registration Act, 1886.

1887 VII The Suits Valuation Act, 1887.

1887 IX The Provincial Small Cause Courts
Act, 1887.

aq" XI The Sind-Pishin Railway Act, 1887.]

1888 II The Police Act, 1888.

511889 IV The ?[***] Merchandise Marks Act,
1889.]

[1889 VII The Succession Certificate Act, 1889.

81890 XI The °[***] Courts of Admiralty
(Pakistan) Act, 1891.

1891 XVIII The Bankers, Books Evidence Act,
1891.

1892 II The Marriages Validation Act, 1892.

1894 I The Land Acquisition Act, 1894.

6 * eK]

1895 XV The !°[Government] Grants Act, 1895.

"11896 XII The Excise Act, 1896.]

1897 IV The !7[***] Fisheries Act, 1897.

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

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

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

4 Repealed by Ord. XXI of 1960.

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

Subs. by Act XXXIX of 1925.

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

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

° Subs. for "Colonial" by Act, VII of 1953.

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

un Repealed.

12 The word "Indian" rep. by Act 26 of 1951.

8

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VUI The Reformatory Schools Act, 1897.

x The General Clauses Act, 1897.

By" XIV The Indian Short Titles Act, 1897.]

1898 Vv The Code of Criminal Procedure, 1898. '[(1) "High Court" shall mean the [Sind and Balochistan High Court].]

(2) "Pleader" used with reference to any proceeding in any Court, means a legal practitioner having authority from the *[Sind and Balochistan High Court] to act in such proceeding or practice in such Court.

(3) Notwithstanding anything § in section 57 or section 61, an officer in charge of a police station, in any area not specially excepted in this behalf by the order of the *[Sind_ and Balochistan High Court] may detain a person arrested without warrant so long as, in all the circumstances of the case, is reasonable: Provided that when the officer on his own authority detains any such person in custody for a longer period than twenty four hours exclusive of the time necessary for the journey from the place of arrest to the nearest Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging — the detention of the persons, and, where the detention extends beyond three days, shall submit further reports of the reasons therefore at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.]

41(3a) To sub-section (2) of section 162 the following shall be added namely;

"or to affect the provisions of

section 27 of that Act”.]

(4) Notwithstanding anything § in section 495, a Court other than a Court especially excepted in this

8 Repealed by Ord. XXVII of 1981.

4 subs. by W.P. A.O., 1964.

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

14 Inserted by Reg. XII of 1940.

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The Government Buildings Act, 1899.

The Indian Petroleum Act, 1899.]

The Glanders and Farcy, Act, 1899.

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The Indian Railway Board Act, 1905.]

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The Code of Civil Procedure, 1908.

Repealed.

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

(5) The power conferred by clause (c)
of sub-section (2) of section 554
shall include a power to make
rules regulating the qualifications
to be possessed by, and the
conditions to be imposed on,
legal practitioners applying for

authority to practice Criminal in Courts, and the fees, if any, to be paid for the concession of such authority, and for determining the authority by which breaches of such rules shall be investigated, and the penalties which may be imposed”.

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

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

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

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

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

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The Act repealed by the Central Act XXVI of 1951, Schedule I.
Subs. for words “Judicial Commissioner” by the W.P. A.O., 1964.

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

111908 XIV 2The 3[***] Criminal Law Amendment

Act, 1908.

Wn FP ®D

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

Now the Criminal Law Amendment Act, 1908.

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

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

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

(3)

(b)

(c)

Government];

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

Sections 100, 101, 102, and 103 shall be omitted.

(i) the Provincial Government,
and

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

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

(ii) the Gazette of India.

In sub-section (2) of section 17A the words “or in a Presidency-town the Commissioner of Police” and the words “or Commissioner of Police, as the

case may be” shall be omitted.

In section 17B:-

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

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

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

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

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

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IX

XVI

VIII

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II

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XIV

XXVIII

XXXII

'The Indian Limitation Act, 1908.

?The Indian Registration Act, 1908.

3The Indian Army Act, 1911.

The Co-operative Societies Act, 1912.

The White Phosphorus Matches

Prohibition Act, 1913.

The Destructive Insects and Pests Act,
1914.]

The Land Customs Act, 1924.]

7The Indian Air Force Act, 1932.]

The Indian Rubber Control Act, 1934.]

The Indian Tariff Act, 1934.

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Now the Limitation Act, 1908.

Now the Registration Act, 1908.

See now the Pakistan Army Act, 1952.

This entry inserted by Reg. IV of 1945.

This entry inserted by Reg. VI of 1939.

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

See now the Pakistan Air Force Act, 1953.

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

This entry inserted by Reg. VI of 1939.

10 Now the Tariff Act, 1934.

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

(v1) in sub-section (7) the words
"or Chief Judge of the Small
Cause Court, as the case may
be" shall be omitted;

(d) Insection 17-E

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

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

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

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[1936 II The Parsi Marriage and Divorce Act,
1936].

Regulations under 33 Vict, c. 3.

1874 VII The Punjab Frontier Jagir Revenue

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Collection Regulation, 1874.

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This entry inserted by Reg. I of 1941.
Subs. for the words "Chief Commissioner" by A.O. 1937.
The word "British" omitted by Reg: VI of 1953.

The expression "Lieutenant-
Governor," wherever it occurs in the
said Regulation, shall be construed to
mean the *[Provincial Government]
of 3[****] Balochistan.

TCS CS CCE

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