

**THE BALOCHISTAN (EMERGENCY ADMINISTRATION)
REGULATION, 1935
(Baln Regulation II of 1935)**

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**THE ¹BALUCHISTAN (EMERGENCY ADMINISTRATION)
REGULATION, 1935**

(Baln Reg. II of 1935)

[26th June, 1935]

A Regulation to provide for the administration of ²[* * * * * Balochistan] during the state of emergency resulting from the recent earthquake.

WHEREAS it is expedient to provide for the administration of ²[Balochistan] during the state of emergency resulting from the recent earthquake; It is hereby enacted as follows:-

Short title,
commencement and
duration.

1. (1) This Regulation may be called the ¹[* * * * * Balochistan] (Emergency Administration) Regulation, 1935.

(2) It shall come into force on such date³ as the ⁴[Provincial Government] may, by notification in the ⁵[official Gazette], appoint.

(3) Section 2, 3, 4, 5, and 6 shall in the first instance remain in force for one year only:

Provided that the ⁴[Provincial Government] ⁶[* * * * * * *] may, by notification in the ⁵[official Gazette], from time to time extend the said period by any period not exceeding six months.

Rules.

2. (1) The ⁴[Provincial Government] may make rules to provide for the public safety, health and convenience and for the protection of public and private property, and such rules shall have effect notwithstanding anything inconsistent therewith contained in any law for the time being in force.

(2) Such rules may provide that any contravention thereof, or of any order issued there under or supplementary thereto, shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

(3) The penalty, if any, for the contravention of a rule shall be specified therein.

¹ Spelling of the word "Baluchistan", wherever it appears in this regulation, is corrected by insertion of letter "o" instead of "u", as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

² Sub. For the words "British Balochistan" by the W.P.A.O., 1964, s.2(1), Sch. Part V.

³ Came into force on the 28th June, 1935, see Gazette of India, Extraordinary, 1935, p.245.

⁴ Subs. for the words "Local Government" by the A.O., 1937.

⁵ Subs, ibid, for the words "Gazette of India".

⁶ The words and comma "with the previous sanction of the [Central Government]" omitted by the W.P.A.O., 1964, s.2(1), Sch. Part V. The words in brackets were previously subs. for the words "Governor General in Council" by the A.O., 1937.

- (4) The ¹[Provincial Government] shall caused any rule made under this section to be published in such manner as appears to the ¹[Provincial Government] to be best fitted to bring it to the notice of those affected.
- Power to give effect to rules, if disobeyed. 3. If any person disobeys or neglects to comply with any rule made under section 2, the ¹[Provincial Government] or any person authorised in this behalf by such rule, may take or cause to be taken such action as the ¹[Provincial Government] or person authorised thinks necessary to give effect to the rule.
- Penalty for obstruction. 4. Whoever impedes the lawful exercise of any power conferred by this Regulation, or by any rule made under section 2, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.
- Special power of Courts. 5. Subjects to the provisions of this section, but otherwise subject to the provisions of the Code of Criminal Procedure, 1898²,-
- (a) any Magistrate of the First class specially empowered in this behalf by the ¹[Provincial Government] may try in the summary way provided in Chapter XXII of the said Code any offence made punishable under section 2, and may pass any sentence provided for such offence in the rule; and
- (b) notwithstanding anything contained in any law, there shall be no appeal by a convicted person in any case tried summarily under clause (a), in which a Magistrate passes a sentence of imprisonment not exceeding six months, and no Court shall have authority to revise any order or sentence made or passed in any such case or to transfer any such case or to make any order under section 491 of the said Code, or have any jurisdiction of any kind, in respect of any such case.
- Validation of regulations and order made before commencement of this Regulation. 6. Contraventions of any regulation or order made or issued during the period from the 30th of May, 1935, upto the commencement of this Regulation, by any officer acting in the exercise of control, civil or military, for the purpose of providing for the public safety, health or convenience or for the protection of public or private property, shall be deemed to be contraventions of a rule made under section 2 and shall be triable and punishable as if any sentence authorised by any such regulation or order were a sentence authorised by a rule made

¹ Subs. for the words "Local Government" by the A.O., 1937.

² i.e. Act V of 1898.

under section 2.

Validation of sentences passed before commencement of this Regulation.

7. Any sentence passed during the period from the 30th of May, 1935, upto the commencement of this Regulation, by any officer or tribunal acting in the exercise of control, civil or military, for the purpose of providing for the public safety, health or convenience or for the protection of public or private property, in respect of any contravention of a regulation or order, made or issued within the same period in the exercise of such control, shall be deemed to have been legally passed shall not be questioned in any manner new whatsoever:

Provided that nothing in this section shall be deemed to derogate from the power of the ³[Central Government] or of the ⁴[Provincial Government] to suspended, remit or commute sentences under any law for the time being in force, otherwise.

Indemnity.

8. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for, or on account of, or in respect of, any act, matter or thing ordered or done, or purporting to have been ordered or done,-

- (a) under this Regulation, or
- (b) during the period from the 30th of May, 1935, upto the commencement of this Regulation, in the exercise of control, civil or military, for the purpose of providing for the public safety, health or convenience or for the protection of public or private property:

Provided that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter where such person has not acted in good faith and a reasonable belief that his action was necessary for the aforementioned purposes.

³ Subs. for the words "Governor General in Council" by the A.O., 1937. Now "Federal".

⁴ Subs. *ibid*, for the words "Local Government".

