

**THE BALOCHISTAN CRIMINAL AND CIVIL
JUSTICE AND LAWS EXTENSION
REGULATION, 1939**

(Baln Regulation VI of 1939)

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THE ¹BALUCHISTAN CRIMINAL AND CIVIL JUSTICE AND LAWS EXTENSION REGULATION, 1939

(Baln Reg. VI of 1939)

A Regulation to amend the law relating to the administration of Criminal and Civil Justice in ²[* * *] Balochistan and to extend thereto certain enactments.

WHEREAS it is expedient to amend the law relating to the administration of Criminal and Civil Justice in ¹[* * * Balochistan] and to extend thereto certain enactments;

It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Regulation may be called ²[* * *] Balochistan Criminal and Civil Justice and Laws Extension Regulation, 1939.

(2) It extends to the whole of ²[* * *] Balochistan.

(3) It shall come into force on such date as the ³[Provincial Government] may, by notification in the official Gazette, appoint.

Insertion of new section 3-A in Regulation II of 1913. 2. After section 3 of the ²[* * * Balochistan] Laws Regulation, 1913 (hereinafter referred to as the said Regulation), the following section shall be inserted, namely:-

“(3-A).Law to be administered. (1) when in any suit it is necessary for a Court to decide any question regarding succession, inheritance, pre-emption, 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 or 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 ²[* * * 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

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 Subs. for the words “British Balochistan” by the W.P A.O., 1964, s. 2(1), Sch. Part V.

³ Subs. *ibid* for the words “Chief Commissioner”.

conscience.”

Amendment of
Schedule I, Reg.
II of 1913.

3. In the first Schedule to the said Regulation,-

(a) in the item relating to the Code of Criminal Procedure, 1898¹, for the entry in the fourth column the following entry shall be substituted, namely :-

“(1) ²[High Court, shall mean ³[Sind and Balochistan High Court].]

(2) “Pleader”, used with reference to any proceeding in any Court, means a legal practitioner having authority from the ³[Sind and Balochistan High Court] to act in such proceeding or practise 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 ³[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 person, 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.

⁴[(3-a) To sub-section (2) of section 162, the following

¹ i.e. Act V of 1898.

² Subs. for the “Original amendment in paragraph (1)” by W.P.A.O., 1964, s. 2(1), Sch. Part V.

³ Subs. for “High Court of West Pakistan” by P.O. 4 of 1975.

⁴ Ins. by Reg. 12 of 1940, s. 2.

shall be added, namely:-

“on 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 behalf by order of the ¹[Judge], 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 in Criminal 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”;
- (b) in the item relating the Code of Civil Procedure, 1908², for the entry in the fourth column the following entry shall be substituted, namely:-
- “(1) For clause (15) of section 2, the following clause shall be substituted, namely:-
 - “(15) ‘pleader’ means a legal practitioner having authority from the ²[Judges] to act or practise 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 ³[Provincial Government] or of an authority specially empowered in this behalf by the

¹ Subs. for the words “Judicial Commissioner” by the W.P.A.O., 1964, s. 2(1), Sch. Part V.

² i.e. Act V of 1908.

³ Subs. for the words “Chief Commissioner” by the W.P. A.O., 1964, s.2 (1), Sch. Part V.

²[Provincial 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 and other structures on such land.

(3) Section 100, 101, 102 and 103 shall be omitted;”

(c) after the item relating to the White Phosphorus Matches Prohibition Act, 1913 the following items shall be inserted, and shall be deemed to have been so inserted on the 24th day of January, 1938, namely:-

“1924 XIX The land Customs Act, 1924. Section 5 only.

1934 XXXIV The Indian Tariff Act, 1932.”

Repeals.

4. The ¹[* * * Balochistan] Criminal Justice Regulation, 1896² and the ¹[* * * Balochistan] Civil Justice Regulation, 1896³ are hereby repealed.

Transitory provisions Regulation pending criminal case.

5. Any proceeding pending in a Criminal Court immediately before the commencement of this Regulation, shall, upon the commencement of this Regulation, be deemed to be transferred to the Court exercising the Jurisdiction under this Regulation which corresponds as far as may be to the jurisdiction of the Court in which the proceeding is pending, and the Court to which the proceeding is so transferred shall proceed to deal with the case as if it were a case pending in that Court:

Provided that if the ⁴[Sind and Balochistan High Court] so directs in any particular case, any such pending proceeding

¹ Subs. for the words “British Balochistan” by W.P. A.O., 1964, s. 2(1), Sch, Part V.

² i.e. Reg. VIII of 1896.

³ i.e. Reg. IX of 1896.

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

may be continued and disposed of by the Court in which the proceeding is pending as if the British Balochistan Criminal Justice Regulation, 1896², were still in force.

Interpretation.

6. Any reference by whatever form a words Interpretation in any law, rule notification or order in force immediately before the commencement of this Regulation to an authority competent at that time to exercise any powers or authorities or discharge any functions in any part of ⁵[Balochistan] shall, where a corresponding new authority has been constituted by this Regulation, have effect, until duly repealed, cancelled or amended, as if it were a reference to that new authority.

Validity of previous notification etc.

7. The enactment of this Regulation shall not render invalid any notification, order, commitment, attachment or rule duly made or issued or anything duly done before the commencement of this Regulation, and any such notification, order, commitment, attachment or rule or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this regulation by the competent authority and under and in accordance with the provisions applicable to such a case.

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⁵ Now to be construed as referring to the districts of Kalat, Khara, Makran, Pishin, Sibi, Duki, Quetta, Bolan, Kohlu, Marri Bugti, Loralai, Zhob, Dalbandin, see W.P. (Adaptation and Revision of Law) Act, XVI of 1957, s. 3(i), Sch. 1.