

**THE BALOCHISTAN PUBLIC SAFETY
REGULATION, 1947**

(Baln Reg. I of 1947)

CONTENTS

SECTIONS

CHAPTER I

1. Short title, extent and commencement.
- 1-A. Application of Interpretation Act, 1889.
2. Definitions.

CHAPTER II
EMERGENCY POWERS

3. Repealed by West Pakistan Ordinance No. XXXI of 1960, s. 28(1)(a).
4. Repealed by West Pakistan Ordinance No. XXXI of 1960, s. 28(1)(a).
5. Power to control educational institutions.
6. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(a).
7. apers, etc.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).
8. Power to control supply of commodity of general use.
9. Power to control water and electric supplies.
10. Power to prohibit or regulate the use of vehicles or animals.
11. Power to prohibit drilling.
12. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 2(1)(a).
13. Power to prohibit meetings or processions.
14. Service of order in writing.
15. Power to issue search warrants.
16. General power of search.

17. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1) (a).
18. Power to give effect to orders, etc.

CHAPTER III OFFENCES AND PENALTIES

19. General.
20. Evasion of provisions for taking the possession of property.
21. Repealed by West Pakistan Ordinance, XXXI of 1960, s. 28(1)(a).
22. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1) (a).
23. Abetment of offences.
24. Boycott of public servants.
25. Punishment for participating in a mock funeral ceremony.
26. Molestation.
27. Membership of quasi military organisation.
28. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1) (a).
29. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1) (a).
30. Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(I) (a).
31. Power to direct payment by parent or guardian of fine imposed on a young person.
32. Offence committed by corporation or association.
33. Imposition of collective fine in dangerous disturbed area.
34. Awarding compensation to sufferers in dangerously disturbed areas.

CHAPTER IV PROCEDURE FOR THE TRIAL OF OFFENCES

35. Procedure for trial of offences.
36. Amendment of Act I of 1872.
37. Amendment of Act V of 1898.

38. Procedure relating to miscellaneous matters arising out of trial.

CHAPTER V
SPECIAL PROVISIONS RELATING TO
THE PAYMENT OF CERTAIN LIABILITIES

39. Power to declare notified areas and notified liabilities.
40. Power to collect an arrear of a notified liability as an arrear of land revenue.

CHAPTER VI
SUPPLEMENTAL

41. Offences under the Regulation to be cognisable and non-bailable.
42. Special provisions regarding bail.
- 42-A Delegation of powers.
43. Jurisdiction barred.
44. Operation of other panel laws not barred.
45. Effect of order, etc., consistent with other enactments.

THE SCHEDULE

**THE 'BALOCHISTAN PUBLIC SAFETY
REGULATION, 1947**

(Baln Reg. I of 1947)

[1st October, 1947]

A Regulation to provide for the maintenance of public safety in Balochistan.

WHEREAS it is expedient to provide for the maintenance of public safety in Balochistan.

It is hereby enacted as follows:-

CHAPTER I

- | | |
|--|---|
| Short title, extent and commencement. | 1. (1) This Regulation may be called the Balochistan Public Safety Regulation, 1947.
(2) It shall extend to the whole of ² Balochistan.
(3) It shall come into force at once. |
| Application of Interpretation Act, 1889. | I-A. The Interpretation Act, 1889 applies for the interpretation of this Regulation as it applies for the interpretation of an Act of Parliament. |
| Definitions. | 2. In this Regulation, unless there is anything repugnant in the subject or context—
(a) "the Code" means the Code of Criminal Procedure, 1898; ³
(b) "dangerously disturbed area" means any area declared as such by notification, by the ⁴ Chief Commissioner or any part thereof;
(c) "Chief Commissioner" means the Chief Commissioner of Balochistan. |

CHAPTER II

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 Now to be construed as referring to the Districts of Kalat, Kharan, Mekran, Pishin, Sibi, Dukl, Quetta, Bolan, Kohlu, Marri, Bugti, Loralai, Zhob, Dalbandin, *see* W.P. (Adaptation and Revision of Laws) Act, 1957, s. 3(i).
Sch. I.

³ i.e. Act V of 1898. Central Acts. Volume IV. p. 9.

⁴ Now to be construed as referring to the Provincial Government of West Pakistan, *see* W.P. Act, XVI of 1957, s. 3(4)(1).

EMERGENCY POWERS

3. [Power to arrest and detain suspected person.] Repealed by West Pakistan Ordinance No. XXXI of 1960, s. 28(1)(a).

4 [Power to control suspected persons.] Repealed by West Pakistan Ordinance No. XXXI of 1960, s. 28(1)(a).

Power to control educational institutions.

5. (1) The ¹Chief Commissioner or any servant of the Government authorised by him in this behalf either generally or in respect of a particular class of institutions, if satisfied that any educational or other institution is being conducted a manner prejudicial to the public safety or the maintenance of public order, may-

- (a) close the institution, and take possession of any land or buildings occupied by or utilised for the institution together with any property therein or thereon, for such period as he considers necessary, or
- (b) remove from the managing body of the institution any member thereof, or require the managing body or person in control to dismiss any teacher or any employee or to expel any student, or
- (c) withhold any grant made to the institution by Government or prohibit the payment to the institution of any grant made to it by any local authority.

(2) The ¹Chief Commissioner may by notification prohibit in any area the establishment of any educational or other institution without the previous sanction of a specified authority.

6. [Power to control publications.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(a).

7. [Power to prohibit entry into Balochistan of newspapers, etc.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).

Power to control

8. (1) If in the opinion of the ²Chief Commissioner, it

¹ Now to be construed as referring to the Provincial Govt. of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

² Now to be construed as referring to the Provincial Govt. of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

supply of
commodity of
general use.

is necessary for the public advantage to control the supply of commodity of general use in any area the ¹Chief Commissioner may, by notification, make a declaration to that effect.

(2) In any area to which a declaration under subsection (1) extends the ¹Chief Commissioner, the ¹[Provincial Government] or any servant of the Government, authorised in this behalf by general or special order of the Chief Commissioner may exercise all or any of the following powers in regard to the commodity to which the declaration relates, namely-

- (a) by general or special order in writing to require any trader to make a return, in such form and within such time and to such authority as may be specified in the order, of the stock of such commodity held by him or consigned to him or under order on his account; of any contracts for the supply to or by him of such commodity or for or in connection with the production or manufacture of such commodity and of any other dealing by him therein; of the person, with whom and the prices at which any such contracts or other dealings were made or had or the prices at which such commodity has been bought or sold by him of the cost of production of such commodity, so far as it may be known to him and the profits usually made or expected by him on the sale thereof, and of any other matters specified in the order with respect to which, in the opinion of the ²Chief Commissioner or other authority making the order, it is desirable to obtain information for the purpose of controlling the price of such commodity;
- (b) by notification to prescribe the conditions under which (including the maximum price at which and the persons by whom and to whom) such commodity may be

¹ Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

² Now to be construed as referring to the Provincial *Govt.* of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

sold; and such conditions may be general for the whole area or may vary as regards different localities therein, and different conditions may be prescribed for different classes of such commodity;

- (c) by order in writing, to require a trader to place the whole or any portion of his stock, whether immediately available or not, at the disposal of the ¹Chief Commissioner at such time and place and in such manner as may be specified in the order, on receiving payment therefore at the price or prices fixed under clause (b).

(3) In this section the expression "trader" includes a manufacture, producer, warehouse keeper or vendor and, in the case of a vendor, a wholesale or retail vendor, whether acting on his own behalf or on behalf of any other person, and, if not acting on his own behalf, the person on whose behalf he is acting.

Power to control water and electric supplies.

9. (1) If, in the opinion of the ¹Chief Commissioner or any authority authorised by him in this behalf, it is necessary in order to ensure the carrying on of any under taking or the supply of water or electricity the ¹Chief Commissioner or such authority may

- (a) by order in writing require the owner or person in charge of the undertaking or of anything ancillary thereto, or the person in control of any establishment ancillary thereto, to take or abstain from taking such action in respect of the undertaking as may be specified in the order; or
- (b) after giving notice in writing to the owner or person in charge of the undertaking or of anything ancillary thereto or to the person in control of any establishment ancillary thereto, or if such owner or person has disobeyed or neglected to comply with an order made under clause (a) without such notice,

¹ Now to be construed as referring to the Provincial *Govt.* of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

assume control of such undertaking, thing or establishment and take such order therewith as may, in the opinion of the ¹Chief Commissioner or such authority, be necessary to secure the continuance of such undertaking.

(2) The ¹[Provincial Government], if satisfied that any person employed in or in connection with an undertaking for the supply or transmission of water or electricity is acting in any manner prejudicial to the public peace or the maintenance of public order may by order in writing require the employer of such person to dismiss such person from his employment, and may further prohibit the re-employment of such person in or in connection with—

- (a) the maintenance and working of air transport including aerodromes;
- (b) road transport;
- (c) any system of public conservancy or sanitation;
- (d) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or
- (e) any Industry, business or establishment engaged in the production or supply to the public of any commodity notified by the ²Chief Commissioner in this behalf.

(3) Nothing in this section shall apply to, or in relation to any undertaking under the control of Government.

Power to prohibit or regulate the use of vehicles or animals.

10. (1) In this section—

- (a) "vehicle" means any vehicle used, or capable of being used, for the purpose of road transport;
- (b) "animal" means any animal used, or capable of being used, for the transport of persons or goods.

(2) The ³[Provincial Government], if in his opinion

¹ Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

² Now to be construed as referring to the Provincial *Govt.* of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

it is necessary for the public advantage may by order in writing—

- (a) regulate, restrict or prohibit the use upon any road of any vehicle or animal;
- (b) require any vehicle as a condition of use to carry a permit issued by him containing such conditions as he may think fit;
- (c) require any person owing or having in his possession or under his control any vehicles or animal to comply with any direction contained in the order as to the management or use thereof, or to place the vehicle or animal at the disposal of the District Magistrate or of any person specified in the order either absolutely or by way of hire and either for immediate or future use.

(3) The ¹[Provincial Government] may cancel any permit issued by him and may impound or take possession of any vehicle which is being or has been used without the permit necessary as a condition of use, or in contravention of any order made under sub-section (1) or of any condition attached to any permit issued by him.

(4) The ¹[Provincial Government] may -

- (a) require accommodation to be provided on any vehicle for any passengers or goods and, for this purpose, exclude from such vehicle any passengers or goods which it is already carrying or about to carry;
- (b) require that any specified persons or classes of persons or person proposing to travel to specified destinations, or any specified goods or classes of goods or goods consigned to specified destinations, shall not be carried on any vehicle or animal;
- (c) exclude or eject any passenger from any vehicle or prohibit the use by any

³ Subs. for the words “District Magistrate” by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

specified person or class of persons of any specified road, or specified vehicle or specified animal.

(5) The ¹[Provincial Government] may, by order in writing, regulate or prohibit the sale, supply, delivery, or use of motive fuel, oil or accessories intended for motor vehicles.

Power to prohibit drilling.

11. The ¹[Provincial Government] may, by order in writing prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the practice of taking part in or being concerned in any exercise, movement, evolution or drill which is either of a military nature or involves the use or preparation for the use of weapons of offence.

12. [Power to secure reports of Public meeting.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 2(1)(a).

Power to prohibit meetings or processions.

13. The ¹[Provincial Government] may, by order in writing, prohibit either generally or in a specified area or for a specified time the holding of any procession or demonstration in any public place, or of any public meeting, or the carrying in public of anything capable of being used as a weapon of offence.

Explanation- For the purposes of this section the expression "public meeting" has the meaning attached to it in section 12 and any assembly of more than five persons, wherever it takes place, if for the purpose of a procession or demonstration in a public place or a public meeting, shall be deemed to be a procession, demonstration or public meeting as the case may be.

Service of order in writing.

14. (1) Where under the provisions of this Regulation and 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 the Government or authorising any servant of the Government to take any action, shall be given in original or by a copy to the servant 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

¹ Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

addressed to any person not being a servant of the Government 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 summon;

- (c) if it is an order addressed to the public generally may be served by publication in such manner as the District Magistrate 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 any of the provisions of this Regulation 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.

Power to issue search warrants. 15. 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 Regulation or any act prejudicial to the public safety or the maintenance of 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 the clause;

and the provisions of 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.

General power of search.

16. Any authority on which any power is conferred by or under this Regulation 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 condition prescribed in the exercise of such power.

17. [Powers of photographing etc., of suspected persons.]
Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).

Power to give effect to orders, etc.

18. (1) Any authority, officer or person who is empowered by or in pursuance of this Regulation to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Regulation, take or cause to be taken, such steps and use, or caused 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 Regulation there is no authority, officer or person empowered to take action under sub-section (1) the ¹Chief Commissioner may take or cause to be taken, such steps and use, or caused to be used such force as may in the opinion of the Government be reasonably necessary for securing compliance with or for

¹ Now to be construed as referring to the Provincial *Govt.* of W.P. *see* W.P. Act. XVI of 1957, s. 3(4)(i).

preventing or rectifying any breach of such provision.

(3) For the avoidance of doubts it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

CHAPTER III

OFFENCES AND PENALTIES

General. 19. Whoever contravenes any provision of this Regulation 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 Regulation for the punishment of such contravention, disobedience or negligence, be punishable with imprisonment which may extend to three years, or with fine, or with both.

Evasion of provisions for taking the possession of property. 20. Where any person authorised by or under this Regulation has in pursuance of powers conferred by or under this Regulation given notice that he or some other person duly authorised by him has taken or intends to take possession of any property, whoever having control of such property, sells, removes or secretes the same or any part thereof, or dispose of the property otherwise than in accordance with any directions issued to him for its disposal shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

21. [Discrimination of rumours.] Repealed by West Pakistan Ordinance, XXXI of 1960, s. 28(1)(a).

22. [Possession or conveyance of prescribed or prohibited documents.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).

Abetment of offences. 23. Whoever abets the commission of any offence under this Regulation shall, whether the act abetted is or is not omitted in consequence of the abetment, be punishable with the punishment provided for the offence.

Boycott of public servants. 24. (1) Whoever refuses to deal or do business with, or to supply goods or let a house or land to, or to render any customary service to, any public servant or any person in whom a public servant is interested, or refuses to do so on the terms on which such things would be done in the ordinary course, or

abstains from such professional or business relations as he would ordinarily maintain with such public servant or person, or threatens such public servant or persons with any such refusal or abstention, shall be punishable with imprisonment which may extend to one year, or with fine, or with both:

Provided that no person shall be convicted under this section if the court is satisfied that his refusal, abstention or threat as aforesaid was not intended to harass the public servant affected thereby in the discharge of the duties of his office or employment or to cause him to terminate his services or fail in his duty or commit a breach of discipline.

(2) For the purpose of this section the expression "public servant" includes a public servant as defined in section 21 of the ¹Indian Penal Code, a servant of a local authority, a village chowkidar and any person employed in, or in connection with, an undertaking specified in the Schedule.

Punishment for participating in a mock funeral ceremony.

25. Whoever, with intent to annoy any person or with the knowledge that annoyance is likely to be caused to any person performs or takes part in or abets the performance of any mock ceremony resembling any ceremony associated with or consequent upon death, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Molestation.

26. Whoever -

- (a) with Intent to cause any person to abstain from doing to do any act which such person has a right to do or to abstain from doing obstructs or uses violence to or intimidates such person or any member of his family or person in his employ or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be or persistently follows him from place to place or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or
- (b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person, may thereby be deterred from entering or approaching or

¹ Now the Pakistan Penal Code, Vol. I. p. 125, i.e. Act XLV of 1960.

dealing at such place,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Membership of
quasi military
organisation.

27. Whoever takes part in the control or management of, or in the organisation or training of, or is a member of any body of persons organised and trained or equipped or the purpose of enabling them to be employed in usurping the functions of the police or organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of force or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

28. [Wearing or display of uniforms or emblems.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).

29. [Tampering with public servants.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(1)(a).

30. [Sabotage.] Repealed by West Pakistan Ordinance, No. XXXI of 1960, s. 28(I)(a).

Power to direct
payment by
parent or
guardian of fine
imposed on a
young person.

31. (1) Where any young person under the age of 16 years is convicted by any Court of an offence under this Regulation or of any offence which in the opinion of the Court is connected with the circumstances that rendered this Regulation necessary and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian:

Provided that no such order shall be made unless the parent or guardian has had an opportunity to appear before the Court and be heard.

(2) In any such case the Court may direct by its order that in default of payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment as if the parent or guardian had himself been convicted of the offence for which the young person is convicted.

Offence committed
by corporation
or association.

32. Where the person committing an offence punishable under this Regulation is a corporation, company, bank or an association of persons, any Secretary, Director or other officer

or person concerned with the management thereof shall be punishable with punishment provided for the offence unless he proves that the offence was committed without his knowledge or consent.

Imposition of
collective fine
in dangerous
disturbed area.

33. (1) The ¹Chief Commissioner or the ²[Provincial Government] if satisfied that the inhabitants of any dangerously disturbed area are or have been since the 20th August, 1947, concerned in the commission of offences or other acts which are prejudicial to the maintenance of Law and Order, or to the public revenues, or are or have been since the said date harbouring persons concerned in the commission of such offences or acts, may forthwith impose a collective fine on the inhabitants of that area.

(2) An order made by the ³[Provincial Government] under sub-section (1) shall be reported forthwith by him to the Provincial Government and the Provincial Government may thereupon amend, vary or rescind such order.

(3) The authority imposing a collective fine on the inhabitants of an area under sub-section (1) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(4) The ¹[Provincial Government], after such inquiry, shall apportion the fine imposed under sub-section (1) among the inhabitants who are liable collectively to pay it and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants. In apportioning the fine the ¹[Provincial Government] may, in his discretion, also take into account the respective degrees of culpability of such inhabitants.

(5) (1) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(2) Without prejudice to the generality of the foregoing power, and in particular, the ¹[Provincial Government] may forthwith recover such fine payable by any person

¹ Now to be construed as referring to the Provincial Government of W.P., *see* W.P. Act, XVI of 1957. s. 3(4)(i).

² Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

³ Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

by seizure and sale of his entire movable property and uncut or ungathered crops.

Explanation— For the purposes of this section, the "inhabitants" of an area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Awarding compensation to suffers in dangerously disturbed areas.

34. (1) If in any dangerously disturbed area, death or grievous hurt or loss of or damage to property has been caused by or has ensued since the 20th August, 1947, from the misconduct of the inhabitants of such area or any class or section of them, the ¹[Provincial Government] shall after such inquiry as he may deem necessary -

- (a) declare the persons to whom injury has been caused by or has ensued from such misconduct;
- (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and
- (c) assess the proportion in which the same shall be paid by the inhabitants of such area, who shall not have been exempted from liability to pay under the next succeeding sub-section:

Provided that the ¹[Provincial Government] shall not take action under this sub-section unless he is of opinion that the person who suffered the injury was himself free from blame in respect of the occurrence which led to such injury.

(2) It shall be lawful for the Provincial Government by order to exempt any person or class or section of such inhabitants from liability to pay any portion of such compensation.

(3) Every order passed by the ²[Provincial Government] under sub-section (1) shall be subject to revision

¹ Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

² Subs. for the words "District Magistrate" by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

by the Provincial Government, but save as aforesaid shall be final.

(4) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

(5) All monies payable under this section shall be recoverable by the ¹[Provincial Government] as a fine or as arrears of land revenue.

(6) Any amount recovered as fine from any person under the last preceding section shall be set off against such amount as may be payable by him under this section.

Explanation— In this section the word "inhabitants" shall have the same meaning as in the last preceding section.

CHAPTER IV

PROCEDURE FOR THE TRIAL OF OFFENCES

Procedure for trial of offences. 35. All offences under this Regulation, or under any other law for the time being in force in a dangerously disturbed area, and in any other area all offences under this Regulation and any other offence under any other law which the ¹Chief Commissioner may certify to be triable under this Regulation shall be tried by the courts and according to the procedure prescribed by the Code:

Provided that in all cases the procedure prescribed for the trial of summons cases by Chapter XX of the Code shall be adopted, subject in the case of summary trials to the provisions of sections 263 to 265 of the Code.

Amendment of Act I of 1872. 36. Notwithstanding anything contained in the ²Indian Evidence Act, 1872, when the statement of any person has been recorded by any magistrate, such statement may be admitted in evidence in any trial under this Regulation if such person is dead or cannot be found or is incapable of giving evidence and the court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

Amendment of Act V of 1898. 37. For the purpose of trials under this Regulation³, the Code shall be deemed to have been amended as follows:-

¹ Now to be construed as referring to the Provincial Govt, of W.P., see W.P. Act, XVI of 1957. s. 3(4)(1).

² Now the Evidence Act, 1872 (1 of 1872); repealed by the Qanun-e- Shahadat, 1984 (Order No. 10 of 1984).

³ i.e. Regulation XLV of 1860.

- (1) (i) For sections 208 to 220 inclusive the following shall be deemed to have been substituted, namely:- “When it appears from a police report that the offence is one triable exclusively by a Court of Sessions or punishable with transportation or imprisonment exceeding 7 years, the Magistrate shall on perusal of the police report or when the accused appears or is brought before him, make over the case to the Sessions Court having jurisdiction and shall forward the accused, if in custody and shall send all police reports relating to the case to that Court; and that Court shall thereupon proceed with the trial of the case following the procedure for the trial of summons cases.”
- (ii) All reference in the Code to commitment shall be deemed to have been omitted.
- (2) Section 268 and section 350 of the Code shall be deemed to have been omitted.
- (3) The following shall be deemed to have been added as sub-section (3) of section 340, namely:—
- "If it appears to the Court that any accused person has had a reasonable opportunity of engaging a pleader and has neglected or omitted to do so, and if, in the opinion of the Court it is necessary for the purposes of justice that such accused should be defended by pleader, the Court may direct any pleader to appear before it and conduct the defence of the accused. Any pleader so directed shall receive remuneration according to a scale to be laid down by the Provincial Government and any sums so paid to him, ¹[*****] be recovered from the accused as an arrear of land revenue."
- (4) The following proviso shall be deemed to have been added to sub-section (1) of section 344, namely:—

¹ The words “may if the District Magistrate so directs”, omitted by Ordinance II of 2002; published in the Balochistan Gazette (Extraordinary) No. 5, dated 23rd January, 2002.

"Provided also that no adjournment or postponement shall be granted by reason of the absence of a witness other than a witness summoned by the Court or of the pleader for the accused, unless the Court is satisfied that such absence is due to circumstances beyond the control of the accused, the witness or pleader and that adjournment or postponement is necessary for the ends of justice."

(5) The following shall be deemed to have been substituted for sub-section (8) of section 526, namely—

"If in any inquiry under Chapter VIII or Chapter XVIII or any trial, any party interested intimates to the Court that he intends to make an application under this section, the Court shall upon his executing, if so required, a bond with or without sureties, of an amount not exceeding Rs. 1,000 that he will make such application within seven days, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon, provided that the Court shall not be bound to adjourn the case, if for reasons to be recorded, it considers the application to be frivolous and provided that no such application shall be entertained unless made at the first hearing on which the accused is present."

(6) The following shall be deemed to have been inserted as section 540B, namely:-

"Where an accused has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may at any stage of the trial by order in writing made after such inquiry as it thinks fit, dispense with the attendance of the accused for such period as it may think fit and proceed with the trial in his absence. Such an order will, however, not affect the right of the accused to being represented by a pleader at any stage of the trial, or being present in person if he has become capable of appearing,

or appears in Court and undertakes to behave in an orderly manner. Notwithstanding anything contained in the Criminal Procedure Code¹ no finding, sentence or order passed shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with as above."

Procedure relating to miscellaneous matters arising out of trial.

38. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and so far as they are not inconsistent with the provisions of this Regulation shall apply to all matters connected with, arising from or consequent upon trials held under this Regulation.

CHAPTER V

SPECIAL PROVISIONS RELATING TO THE PAYMENT OF CERTAIN LIABILITIES

Power to declare notified areas and notified liabilities.

39. (1) The ²Chief Commissioner may, by notification, declare that any part of the Province or the whole Province shall be a notified area for the purposes of this Chapter.

(2) The ²Chief Commissioner may further, by the same or by subsequent notification, declare that in such notified area any tax, rate, cess or other due or amount payable to Government or to any local authority or payable under any law or custom having the force of law for any services rendered to the community or any rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

(3) Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability, and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever shall be punishable with imprisonment which may extend to 2

¹ Central Acts. Vol. IV. p. 9.

² Now to be construed as referring to the Provincial Govt. of W.P. *see* W.P. Act. XVI of 1957. s. 3(4)(i).

years, or with fine, or with both.

Power to collect an arrear of a notified liability as an arrear of land revenue.

40. (1) Any person to whom an arrear of a notified liability is due may apply in writing to the Collector to realise it, and the Collector may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person to whom an arrear of a notified liability is due from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him may recover such excess in accordance with law from the person on whose behalf the Collector has realised it.

CHAPTER VI

SUPPLEMENTAL

Offences under the Regulation to be cognisable and non-bailable.

41. Notwithstanding anything contained in the Code any offence punishable under this Act shall be cognisable and non-bailable.

Special provisions regarding bail.

42. Notwithstanding anything contained in the Code, no person accused or convicted of an offence made punishable by this Regulation shall, if in custody, be released on bail or on his own bond, unless—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application and the offence is one punishable under any section of this Regulation that the ¹Chief Commissioner may be notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

Delegation of powers.

42-A. ²[The Provincial Government may, by notification in the official Gazette, direct that any power or duty which is conferred or imposed under this Regulation on the Provincial

¹ Now to be construed as referring to the Provincial Government. of W.P., see W.P. Act, XVI of 1957, s. 3(4)(i).

² Ins. by W.P. Ordinance No. XXIX of 1956, s. 2.

Government or any Officer or authority, shall, in such circumstances under such conditions as the Provincial Government may specify, be exercised or discharged by any Officer or authority specified in the said notification.]

- Jurisdiction barred. 43. Except as provided in this Regulation no proceeding or order taken or made under this Regulation shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or intended to be done under this Regulation or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Regulation.
- Operation of other panel laws not barred. 44. Nothing contained in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence, punishable under this Regulation.
- Effect of order, etc., consistent with other enactments. 45. Any order made, and any other action taken, under this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Regulation or in any instrument having effect by virtue of any enactment other than this Regulation.

THE SCHEDULE

[See SECTION 24(2)]

All undertakings relating to—

- (a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road transport, telegraph, telephone, broadcasting and postal services, hospitals and services, connected with the safeguarding of the public health, mines, fire brigades, printing presses;
- (b) the manufacture, storage or distribution of store or equipment required by Government for its departments or services;
- (c) any system of public conservancy or sanitation;
- (d) the upkeep of roads and bridges;
- (e) any industry, business or establishment engaged

in the production or supply to the public of light, heat, power, water or motive fuel; or

- (f) any industry, business or establishment engaged in the production or supply to the public of any commodity notified by the ¹Chief Commissioner under sub-section (2) of section 8 of this Regulation.

—

¹ Now to be construed as referring to the Provincial Govt. of W.P., *see* W.P. Act XVI of 1957, s. 3(4)(i).