

**THE BALOCHISTAN GENERAL CLAUSES
ACT, 1956**

(W.P. Act VI of 1956)

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**¹THE ²[BALOCHISTAN³] GENERAL CLAUSES
ACT, 1956**

(W.P. Act VI of 1956)

[30th June, 1956]

An Act to facilitate the interpretation of ²[Balochistan] Acts and to shorten the language used therein.

Preamble.

WHEREAS it is expedient to shorten the language used in the Acts passed by the ²[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 ²[Balochistan];

It is hereby enacted as follows:-

Short title and
commencement.

1. (1) This Act may be called the ²[Balochistan] General Clauses Act, 1956.

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

⁵[(3) It extends to the whole of the Province of ²[Balochistan], except the Tribal Areas].

Definitions.

2. In this Act, and in all ²[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 Code⁶;

Act.

(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;

Acceding State.

(3) "Acceding State" shall mean any territory in the Indo-Pakistan sub-continent which the ⁷[Federal] Government recognizes as a State, whether

¹ This act was passed by the W.P. Assembly on 2nd June, 1956: assented to by the Governor of the W.P. on 30th June, 1956: and, published in the W.P. Gazette (Extraordinary), dated 30th June, 1956, pages 553-556.

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

³ 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 18th June, 1989.

⁴ Subs. by W.P. Act III of 1957, for the original sub-section (2) reading as "It shall come into force at".

⁵ Add. by W.P. Ord. VII of 1964, approved by the W.P. Assembly on 10th June, 1964.

⁶ i.e. Act XIV of 1860.

⁷ 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 State.

"non-acceding State" shall mean any State so 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.

¹[(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 Union.

(4-c) "Balochistan State Union" shall mean the 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,

¹ Clauses (4-a) to (4-c) inserted by W.P.A.O., 1964.

shall not include a reference to Berar.

British possession.

(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;

(8) ¹[* * * * *]

²[Federal] Act.

(9) ²["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;

²[Federal] Government.

(10) ²["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 III 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, ⁴[but before the twenty-third day of March, 1956],

¹ Clause (8) deleted by W.P. A.O. 1964.

² Subs. for "Central" by Baln. A.O. of 1975.

³ The words "or to be done" del. by W.P. A.O. of 1964.

⁴ 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
- (ii) in relation to the administration ¹[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;

²(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.]

²Central
Legislature.

(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 ⁴[or the Parliament under the Constitution of 1956 or the National Assembly acting under the Constitution of 1962], as the case may require;

¹ Ins. *ibid.*

² Add. by W.P. A.O of 1964 and further subs. by Baln. A.O. of 1975.

³ Now "Federal", see P.O. 4 of 1975.

⁴ Ins. by W.P. A.O of 1964.

- Chapter. (12) "Chapter" shall mean a chapter of the ¹[Balochistan] Act in which the word occurs;
- (13) ⁶[* * * * *]
- Collector. (14) "Collector" shall mean the Chief Officer-in-charge of the revenue administration of a District and shall include a Deputy Commissioner;
- Colony. (15) "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 ⁸[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. (16) "Commencement" used with reference to ¹[Balochistan] Act shall mean the day on which the Act comes into force;
- Commissioner. ²[(17) "Commissioner" shall mean the Chief Officer-in-charge of the Revenue and General

¹ Subs. for "West Pakistan" by Baln. A.O., 1975.

⁸ Subs. by W.P.A.O., 1964, for the words "establishment of these Dominions".

⁷ The words, "the Dominions" del. by W.P. A.O., 1964.

⁶ Sub-section (13) subs. by W.P. A.O., 1964, and omitted by Baln.. A. O., 1975.

¹ Subs. by Baln. A.O., 1975. for "West Pakistan".

² Sub. by W.P. Act VIII of 1964.

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

- Constitution. ¹[(17-a) "Constitution" means the Constitution of the Islamic Republic of Pakistan brought into force on the eight day of June, 1962;]
- Consular Officer. (18) "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. (19) "Deputy Commissioner" shall mean the Chief Officer-in-charge of the General Administration of a District;
- District Judge. (20) "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. (21) "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. (22) "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. (23) "enactment" shall include an ordinance and a Regulation and any provision contained in any ²[Balochistan] Act, Ordinance or Regulation;
- Father. (24) "father" in the case of anyone whose personal law permits adoption, shall include an adoptive father;

¹ Ins. by W.P. A. Order, 1964.

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

Financial Year.	<p>¹[(25) "Financial year" means—</p> <p>(a) as respects the period before the first day of ²[July], 1959, the year commencing on the first day of ³[July] and ending on the thirty first day of March;</p> <p>(b) as respects the period from the, first day of ³[July], 1959, to the thirtieth day of June, 1959, both days inclusive, that period;</p> <p>(c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June;]</p>
Gazette.	(26) "Gazette" or "Official Gazette" shall mean the ³ [Balochistan] Gazette published under the authority of the Governor of ⁴ [Balochistan];
Good faith.	(27) "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.	<p>(28) "Government" or "the Government" shall mean the ⁴[Federal Government] or the Government of the Province of ⁴[Balochistan], as the case may be;</p> <p>(29) ⁵[* * * * *]</p>
High Court.	(30) "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.	(31) "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.	(32) "imprisonment" shall mean imprisonment of

¹ Subs. by W.P. Ord. LIV of 1959.

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

³ Subs. *ibid*, for "West Pakistan".

⁴ Subs. by Baln. A.O., 1975, for the words "Central Government".

⁵ Del. by W.P. A.O., 1964.

either description as defined in the Pakistan Penal Code, 1860⁶;

- India. (33) "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. (34) "India Act" or "Indian Act" shall mean an Act made by the Governor-General of India in Council;
- Karachi area. ¹[(34-a) "Karachi Area" shall mean the District of Karachi, except the villages specified in the Schedule to the Karachi (Federal Territory Order, 1960;]
- Khairpur area. ¹[(34-b) "Khairpur" shall mean the territories comprised in the State of Khairpur immediately before the fourteenth day of October, 1955.]
- Local authority. (35) "Local authority" shall mean a municipal 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;
- Magistrate. (36) "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;

⁶ i.e. Act XLV of 1860.

¹ Clauses (34-a) and (34-b) ins. by W.P. A.O. of 1964.

Master.	(37)	"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.	(38)	"Month" shall mean a month reckoned according to the British Calendar;
Movable property.	(39)	"Movable property" shall mean property of every description except immovable property;
North West frontier.	¹ [(39-a)	"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.	(40)	"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 ² [Balochistan] under the Government of India Act, 1935;
Notification.	(41)	"notification" shall mean a notification published under proper authority in the official Gazette;
Oath.	(42)	"oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;
Offence.	(43)	"Offence" shall mean any act or omission made punishable by any law for the time being in force;
Pakistan.	³ [(44)	"Pakistan" shall have the same meaning as in Article 1 of the Constitution; ⁴]
Pakistan Law.	(45)	"Pakistan Law" shall mean any Act, Ordinance, Regulation, Rule, Order, or Bye-Law which before the establishment of the Federation of

¹ Clause (39-a) Ins. *ibid.*

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

³ Subs. by W.P. A.O., 1964.

⁴ i.e. the Constitution of Islamic Republic of Pakistan (1974).

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 ¹[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 ¹[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 ²[Balochistan];
- Provincial Government. (51) "Provincial Government" shall mean the Government of ²[Balochistan];
- Public nuisance. (52) "public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code³;
- 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;]
- (53) ⁵[* * * * *]
- Registered. (54) "registered" used with reference to a document shall mean registered in ²[Balochistan] under the law for the time being in force for the

¹ Subs. for "Central Government" by Baln. A.O of 1975.

² Subs. for "West Pakistan" by *ibid.*

³ i.e. Act XLV of 1860

⁴ Clause (52-a) inserted by W.P. A.O. of 1964.

⁵ Del. by Balochistan A.O. of 1975.

registration of documents;

- Rule. (55) "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. (56) "schedule" shall mean a schedule to the Act in which the word occurs;
- Schedule District. (57) "schedule district" shall mean a "schedule district" as defined in the Scheduled Districts Act, 1874¹;
- Section. (58) "section" shall mean a section of the Act in which the word occurs;
- Ship. (59) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;
- Sign. (60) "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. ²[(60-a) "Sind" or "Sindh" shall mean the territories comprised in the Province of Sind immediately before the fourteenth day of October, 1955;
- (61) ³[* * * * *]
- Son. (62) "son" in the case of anyone whose personal law permits adoption, shall include an adopted son;
- (63) ⁴[* * * * *]
- Sub-section. (64) "sub-section" shall mean a sub-section of the section in which the word occurs;
- Swear. (65) "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;

¹ i.e. Act XLV of 1874.

² Clause (60-a) Ins. by W.P. A.O. of 1964.

³ Omitted by Balochistan A.O. of 1975.

⁴ Del. by W.P. A.O. of 1964.

- Tribal Areas. ⁵[(65-a) "Tribal Areas" shall mean the areas in the Province of ⁶West 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. (66) "vessel" shall include any ship or boat or any other description of vessel used in navigation;
- ²West Pakistan Act. (67) ²"West Pakistan Act" shall mean an Act made by the Provincial Legislature or the Governor of the Province of ²West Pakistan ¹[* * * *], 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. (68) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;
- Writing. (69) "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
- Year. (70) "year" shall mean a year reckoned according to the Gregorian calendar.

GENERAL RULES FOR CONSTRUCTION

- Coming into operation of enactments. 3. Where any ²[Balochistan] Act is not expressed to come into operation on a particular day, then, it shall come into operation, ³[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

⁵ Clause (65-a), Ins. by W.P. A.O., 1964.

⁶ Now Balochistan.

¹ The word figure and comma "under the Government of India Act, 1935", omitted, *ibid.*

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

³ 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 case may 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 an Act in the official Gazette", by W.P. A.O., 1964, s. 2(1), Sch. Part VIII.

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

Effect of Repeal.

4. (1) Where this Act or any other ¹[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 ¹[* * * *] as if it had been repealed by a ²[Balochistan] Act.

Repeal of Act making textual amendment in Act.

5. Where any ²[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.	6. In any ² [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.
Construction of reference to repealed enactments.	7. ¹ [(1)] Where this Act or any other ² [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 ⁴ [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 ⁵ [Balochistan enactment] or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so enacted.]
Commencement and termination of time.	8. In any ⁶ [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".
Computation of time.	9. Where, by any ¹ [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, 1908 ⁷ , applies.
Measurement of distance.	10. In the measurement of any distance, for the purpose of any ¹ [Balochistan) Act, the distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.
Duty to be taken prorata in	11. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof,

¹ Section 7, re-numbered as sub-section (1) and sub-section (2) add. by W.P. Act III of 1957.

⁶ Subs. for "West Pakistan" by BaIn. A.O. of 1975.

⁴ Subs. for "Central" by Baln. A.O. of 1975.

⁵ Subs. *ibid* for "West Pakistan enactment".

⁷ i.e. Act IX of 1908.

enactments. 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.

- Gender and number.
12. In all ¹[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

Power conferred to be exercisable from time to time.

13. Where, by or under any ¹[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.

Power to appoint to include power to appoint *ex-officio*.

14. Where by any ¹[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.

Power to appoint to include power to suspend or dismiss.

15. Where, by any ¹[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.

Substitution of functionaries.

16. In any ¹[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.

Successors.

17. In any ¹[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.

¹ Subs. for "West Pakistan" by Baln. A.O. of 1975.

Official, Chiefs and subordinates. 18. In any ¹[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

Construction of orders to issue under enactments. 19. Where, by any ¹[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.

²[Rules and Orders, etc: to be published. 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.]

Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws. 20. Where, by any ¹[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.

Making of rules of bye-laws and issuing of orders between passing and commencement of enactments. 21. Where, by any ¹[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.

Provisions applicable to 22. Where, by any ³[Balochistan] Act, a power to make rules or bye-laws is expressed to be given subject to the

¹ Subs. for "West Pakistan" by Baln. A.O. of 1975.

² Ins. by Baln. Ordinance XIV of 2002, made on 2nd September, 2002 and published in the Balochistan Gazette (Extraordinary) No. 47, dated 6th September, 2002.

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

making of rules or bye-laws after previous publication.

condition of the rules or bye-laws being made after previous publication, then, unless such Act otherwise 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.

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

23. Where any ¹[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

¹ Subs. for "West Pakistan" by Baln. A.O. of 1975.

provisions so re-enacted.

MISCELLANEOUS

- Recovery of fines. 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.
- Provision as to offences punishable under two or more enactments. 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.
- Meaning of service by post. 26. Where any ¹[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.
- Citation of enactments. 27. (1) In any ³[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 ¹[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.
- Application to ⁴28. The provisions of this Act shall apply in relation to any

¹ i.e. Act V of 1898.

² i.e. Act XLV of 1860.

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

Ordinances and Regulations. Ordinance promulgated by the Governor as they apply in relation to Acts made by the Provincial Legislature of ¹West Pakistan].

Repeal.

29. The following enactments are hereby repealed:-

- (1) The Sind General Clauses Act, 1947²;
³[(a) The Sind General Clauses Act, 1947, as applicable in the District of Karachi;]
- (2) The Punjab General Clauses Act, 1898⁴;
- (3) The Punjab General Clauses Act, 1898⁶, as applicable to the Districts of Bahawalnagar, Bahawalpur and Rahimyar Khan; and
- (4) The North-West Frontier Province General Clauses Act, 1932⁵.

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⁴ Subs. by W.P. A.O., 1964.

¹ Now deemed to be "Balochistan".

² i.e. Sind Act XXII of 1947.

³ Ins. by W.P. Ord. VII of 1964.

⁴ i.e. Pb. Act I of 1898.

⁵ i.e. N.W.F.P. Act II of 1932.