

THE WEST PAKISTAN GENERAL CLAUSES ACT, 1956.

West Pakistan Act VI of 1956.

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. Definitions.

General Rules for construction.

3. Coming into operation of enactments.
4. Effect of Repeal.
5. Repeal of Act making textual amendment in Act.
6. Revival of repealed enactments.
7. Construction of reference to repealed enactments.
8. Commencement and termination of time.
9. Computation of time.
10. Measurement of distance.
11. Duty to be taken prorata in enactments.
12. Gender and number.

Powers and functionaries.

13. Power conferred to be exercisable from time to time.
14. Power to appoint to include power to appoint ex-officio.
15. Power to appoint to include power to suspend or dismiss.
16. Substitution of functionaries.
17. Successors.
18. Officials, Chiefs and subordinates.

**Provisions as to orders, rules, etc.,
made under enactments.**

19. Construction of orders to issue under enactments.
20. Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

21. Making of rules or bye-laws and issuing of orders between passing and commencement of enactments.
22. Provisions applicable to making of rules or bye-laws after previous publication.
23. Continuation of appointment, notification, orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

24. Recovery of fines.
25. Provisions as to offences punishable under two or more enactments.
26. Meaning of service by post.
27. Citation of enactments.
28. Application to Ordinances and Regulations.
29. Repeal.

¹THE WEST PAKISTAN GENERAL CLAUSES ACT, 1956.**West Pakistan Act VI of 1956.**

[30th June, 1956].

An Act to facilitate the interpretations of West Pakistan Acts and to shorten the language used therein.

Whereas it is expedient to shorten the language used in the Acts passed by the West Pakistan Legislature ²[or provincial Assembly] and to make certain provisions for the construction of, and other matters relating to such Acts and certain other Acts in force in West Pakistan:

Preamble.

It is hereby enacted as follows:

1. (1) This Act may be called the West Pakistan General Clauses Act, 1956.

Short title and commencement

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

⁴(3) It extends to the whole of the ⁵[Khyber Pakhtunkhwa], except the Tribal Areas.

2. In this Act, and in all ⁶[Provincial] Acts unless there is anything repugnant in the subject or context;

Definitions

(1) "abet" with its grammatical variations and cognate expressions shall have the same meaning as in the Pakistan Penal Code;

Abet.

(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;

Act.

(3) "Acceding State" shall mean any territory in the Indo-Pakistan Sub-continent which the Central Government recognizes as a State, whether described as a State or otherwise, and which has acceded to Pakistan ; and

Acceding State.

"non-Acceding State" shall mean any State so recognized which has not so acceded;

Non- Acceding State.

¹ For Statement of Objects and Reasons, see Gazette of West Pakistan, 1956, Extraordinary, p 433; and for Proceedings in Assembly, see West Pakistan Assembly Debates, Vol. 1, pp 897 to 914.

* This Act has been extended to the Special Areas by an order under Article 104 of the Late Constitution, see Gazette of West Pakistan, Extraordinary pp. 1211.

² In the preamble after the words "Legislature", the words "or Provincial Assembly", Ins. by Khyber Pakhtunkhwa, Adaptation of Laws Order, 1975.

³ Sub. by W.P. Act III of 1957. s.2, for the original sub-section (2) reading" it shall come into force at once.

⁴ Add: by W. P. Ord. VII of 1964, s.2 Sch., approved by the Assembly on 10th June, 1964.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁶ In section 2, the words "West Pakistan", the words "Provincial", subs... ibid.

(4) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing; Affidavit

¹[4a 4b 4c]

(5) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland; Barrister.

(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, shall not include a reference to Berar; British India.

(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 ; British possession.

² [(8) * *]

(9) ³"Central Act" shall mean an Act of the Central Legislature; and shall include an Act made by the Governor-General under section 67-B. of the Government of India Act; Central Act.

(10) ⁴"[Federal] Government" shall— Federal Government

(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

¹ Sub-section (4a), (4b), and 4(c): omitted by Khyber Pakhtunkhwa , Adaptation of Laws Order, 1975.

² Clause (8) omitted by W. P. Order, 1964 s. 2(1) Sen. VIII, dated 3rd June, 1964.

³ Now "Federal" by P.O. 4 of 1975.

⁴ . In sub-section (1), for the words "Central", subs, by P.O. 4 of 1975

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 ¹[* * *] after the establishment of the Federation of Pakistan, [but before the twenty-third day of March, 1956,] 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

²[(ii)]

³(d) in relation to anything done or to be done, after the twenty-third day of March, 1956, mean the President, and shall include in relation to functions entrusted to the Government of a Province, the Provincial Government within the scope of the authority given to it by the President;

(11) "⁴[Federal] 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, ⁵[or the Parliament under the Constitution of 1956 or the National Assembly acting under the Constitution of 1962; ⁶[or the National Assembly under the interim constitution of the Islamic Republic of Pakistan 1972 or the Parliament under the Constitution of the Islamic Republic of Pakistan, 1973] as the case may require; Federal Legislature.

(12) "Chapter" shall mean a chapter of the ⁷[Provincial] Act in which the word occurs; Chapter

⁸[(13) 'Chief Court' in relation to anything done before the fourteenth day of October, 1955, shall mean the highest Court of original, appellate or revisional jurisdiction (not including the Federal Court)]; Chief Court

¹ The words "or to be done" omitted by W. P. A. Order. 1964, s.2 (1) Sch., Part VIII.

² Clause (ii), omitted by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

³ Clause (d) added by W.P.A.O. 1964.

⁴ In sub-section (11) at the beginning the word "Federal" subs, for the word "Central" by P.O. 4 of 1975.

⁵ Ins. by W. P. A. Order, 1964, s.2 (1) Sen., Part VIII.

⁶ Ins. by Khyber Pakhtunkhwa, Adaptation of Laws Order, 1975.

⁷ In sub-section (12), for the words "West Pakistan", the word "Provincial" Sub. by ibid.

⁸Subs. by W. P. A. 0.1964.

- (14) "Collector" shall mean the ¹[District Officer Revenue]. Collector
- (15) "Colony". 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 British Islands, ²[* * *] of India and Pakistan (and before the ³[fifteenth day of August, 1947] British India) any Dominions as defined in the Statute of Westminster, 1931, any Province or 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;
- (16) "commencement" used with reference to a ⁴[Provincial] Act shall mean the day on which the Act comes into force; Commencement.
- ⁵[....]
- ⁶[17. a] 'Constitution means the Constitution of the Islamic Republic of Pakistan brought into force on the ⁷[fourteenth day of August, August, 1973;] Constitution
- (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; Consular Officer
- ⁸[.....]
- (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 Judge

¹ Subs vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

² Omitted by W. P. A. O. 1964.

³ Subs, by ibid.

⁴ Subs. by Khyber Pakhtunkhwa A. L. O. 1975.

⁵ Deleted vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

⁶ Ins. by the W. P. A. Order, 1964 S. 2 Sch. Part VIII.

⁷ In sub-section-17a, the words and figure "eight day of June, 1962" . the words and figure "fourteenth day of August, 1973", subs, by Khyber Pakhtunkhwa, Adaptation of Laws Order, 1975.

⁸ Deleted vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

(21) "District Court" shall mean the principal civil court of original District Court. civil jurisdiction of a district ; but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

(22) "document" shall include any matter written, pressed or Document. 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;

(23) "enactment" shall include an Ordinance and a Regulation and Enactment. any provision contained in any ¹[Provincial] Act, Ordinance or Regulation;

(24) "father" in the case of any one whose personal law permits Father. adoption, shall include an adoptive father;

²[25] "financial year" means— Financial Year.

(a) as respects the period before the first day of April, 1959, the year commencing on the first day of April, and ending on the thirty-first day of March;

(b) as respects the period from the first day of April, 1959, to the thirtieth day of June, 1959, both days inclusive, that period; and

(c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June;]

(26) "Gazette" or "Official Gazette " shall mean the ³[Official Gazette Gazette published under the authority of the Government of the ⁴[Khyber Pakhtunkhwa];

(27) A thing shall be deemed to be done in "good faith" where it is Good faith in good fact done honestly, whether it is done negligently or not;

(28) "Government" or "the Government" shall mean the ⁵[Federal Government or the Government of the ⁶[Khyber Pakhtunkhwa] as the case case may be;

⁷[(29) * * *],

⁸(30) "High Court" shall mean ¹[on or after the first day of July, High Court 1970, the Peshawar High Court and as respects the period after fourteenth

¹ Subs. by Khyber Pakhtunkhwa A. L. O. 1975.

² Subs. for the original clause (25) W. P. General Clauses (Amendment) Ordinance, L1V 1959, s.2 .

³ Subs by Khyber Pakhtunkhwa A. L. O. 1975.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Subs by Khyber Pakhtunkhwa A. L. O. 1975.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁷ Clause (29) omitted by W. P. Order, 1964 s. 2 (1) Sch., Part VIII .

⁸ Subs. by W.P. Order, 1964.

day of October, 1955 and before the first day of July, 1970]. the High Court of West Pakistan; and as respects any period before the fourteenth day of October 1955, when the expression is used with reference to civil proceedings, the highest Civil Court of appeal (not including the Federal Court) in a Province or a part thereof in which the Act or Regulation containing the expression operated];

(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; Immovable property.

(32) "imprisonment" shall mean imprisonment of either description as defined in the Pakistan Penal Code, 1860; Imprisonment.

(33) "India" shall mean— India.

(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 respects 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, Junagadh and Manavadar;

(34) "India Act" or "Indian Act" shall mean an Act made by the Governor-General of India in Council; India Act.
²[(34a)](34b)..]

(35) "Local authority" shall mean a ³[Local Government], body of Port Trustees or Commissioners, or other authority legally entitled to, or entrusted by the Government with the control or management of a ⁴[...]local fund; Local Authority.

(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; Magistrate.

(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; Master.

(38) "Month" shall mean a month reckoned according to the British Month.

¹ inserted by Khyber Pakhtunkhwa, Adapt: Order, 1975.

² Clauses (34 and (34 b) Omitted by Khyber Pakhtunkhwa Adapt, of Laws Order, 1975.

³ Subs vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

⁴ Deleted vide Khyber Pakhtunkhwa Ord. No XVIII of 2001

calendar;

(39) "Movable property" shall mean property of every description except immovable property; Movable property.

¹(39-a) ²[Khyber Pakhtunkhwa] shall mean the territories comprised in the ³[Khyber Pakhtunkhwa] immediately before the fourteenth day of October, 1955 ⁴[and on and after the first day of July, 1970, the Province of ⁵[Khyber Pakhtunkhwa] Comprising the territories mentioned in the Schedule to the Province of West Pakistan (Dissolution) Order, 1970;] ⁶[Khyber Pakhtunkhwa].

(40) "⁷[Khyber Pakhtunkhwa] Act" shall mean an Act made by the Local Legislature or the Governor of the ⁸[Khyber Pakhtunkhwa] under the the Government of India Act or by the Provincial Legislature or the Governor of the ⁹[Khyber Pakhtunkhwa] (as it existed immediately before the establishment of West Pakistan) under the Government of India Act 1935, ¹[or an Act made by the Governor of the ¹⁰[Khyber Pakhtunkhwa] on and after the first day of July, 1970 and before the twenty-first day of April, 1972, or an Act made by the Provincial Assembly or the Governor of the ¹¹[Khyber Pakhtunkhwa] under the Interim Constitution of the Islamic Republic of Pakistan, 1972 and the Constitution of the Islamic Republic of Pakistan, 1973;] ¹²[Khyber Pakhtunkhwa] Act.

(41) "notification" shall mean a notification published under proper authority in the official Gazette.; Notification.

(42) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing; Oath.

(43) "offence" shall mean any act or omission made punishable by any law for the time being in force; Offence.

¹³[(44) "Pakistan" shall have the same meaning as in Article 1 of the Constitution;] Pakistan.

(45) "Pakistan Law" shall mean any Act, Ordinance, Regulation, Rule, Order, or Bye-law which before the establishment of the Federation Pakistan Law.

¹ Clause (39a) ins. by W. P. A. Order, 1964. s.2 (1) Sen., Part VIII.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Act ibid.

⁴ Ins. by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁵ Substituted vide Act ibid.

⁶ Substituted vide Act ibid.

⁷ Substituted vide Act ibid.

⁸ Substituted vide Act ibid.

⁹ Substituted vide Act ibid.

¹⁰ Substituted vide Act ibid.

¹¹ Substituted vide Act ibid.

¹² Substituted vide Act ibid.

¹³ Subs. for the original clause (44) by W.P.A. Order. 1964, s.2 (1) Sch, Part VIII.

of 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;

(46) "part" shall mean a part of the ¹[Provincial] Act in which the word occurs; Part.

(47) "person" shall include any company or association or body of individuals, whether incorporated or not; Person.

²[(48) "Political Agent" Shall— Political Agent.

(a) as respects the period before the fourteenth day of October, 1955, mean the principal officer by whatever name called representing the Central Government in an Acceding State or group of Acceding State or in any territory or place in the tribal areas and as respects the period after twenty-first day of April, 1972, mean the principal officer by whatever name called representing the Federal Government in the Federally Administered Tribal Areas; and

(b) as respects the period after the thirteenth day of October, 1955, and before twenty-first day of April, 1972, mean the principal officer by whatever name called (i) representing the Central Government in an Acceding State or (ii) representing the Provincial Government in the Tribal Areas, and as respects the period after twenty-first day of April, 1972, mean the principal officer by whatever name called representing the Provincial Government in the Provincially Administered Tribal Areas;]

(49) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council; Privy Council.

(50) "Province" shall mean the province of ³[Khyber Pakhtunkhwa]; Province.

⁴[(50-a) "Provincial Act" shall mean an Act, applicable Provincial Act to the ⁵[Khyber Pakhtunkhwa] and made by the Governor in Council, Lieutenant Governor in Council under any of the Indian Councils Acts or the Government of the India Act, or an Act made by the Provincial Provincial Act.

¹ Subs, by Khyber Pakhtunkhwa ALO . 1975.

² Clause (48), subs by Khyber Pakhtunkhwa A. L. O, 1975.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ clause (50a), inserted by Khyber Pakhtunkhwa A L O, 1975.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Legislature or Governor of the ¹[Khyber Pakhtunkhwa] under the Government of India Act, 1935, or an Act made by the Provincial Legislature or Governor of West Pakistan on and after the fourteenth day of October, 1955, and before the first day of July, 1970, or an Act made by the Governor of the ²[Khyber Pakhtunkhwa] on and after the first day of July, 1970 and before the twenty-first day of April, 1972, or an Act made by the Provincial Assembly or the Governor of the ³[Khyber Pakhtunkhwa] under the Interim Constitution of the Islamic Republic of Pakistan, 1972, or the Constitution of the Islamic Republic of Pakistan, 1973;]

(51) "Provincial Government" shall mean the Government of ⁴[Khyber Pakhtunkhwa]; Provincial Government.

(52) "public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code; Public nuisance.

⁵[(52a)]

(53) "Punjab Act" shall mean an Act made by the Lieutenant Governor of the Punjab in Council under the Indian Councils Acts, 1861 and 1892 or the Indian Councils Acts, 1861 to 1909 or the Government of India Act, 1915, or by the local Legislature or the Governor of the Punjab under the Government of India Act or by the Provincial Legislature or the Governor of the Punjab (as it existed immediately before the establishment of West Pakistan) under the Government of India Act, 1935; Punjab Act.

(54) "registered" used with reference to a document shall mean registered in West Pakistan under the law for the time being in force for the registration of documents; Registered.

(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; Rule.

(56) "schedule" shall mean a schedule to the Act in which the word occurs; Schedule.

(57) "scheduled district" shall mean a "scheduled district" as defined in the Scheduled Districts Act, 1874; Scheduled District.

(58) "section" shall mean a section of the Act in which the word occurs; Section.

(59) "ship" shall include every description of vessel used in Ship.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Omitted by Khyber Pakhtunkhwa ALO 1975..

navigation not exclusively propelled by oars;

(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 expressions; Sign.

¹[(60a)]

(61) "Sindh Act" shall mean an Act, made under the Government of India Act, 1935 by the Provincial Legislature or the Governor of the Province of Sindh as it existed immediately before the establishment of West Pakistan and shall include an Act made by the Governor of Bombay in Council under the Indian Councils Act, 1861, or the Indian Councils Act, 1861 and 1892, or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915, or by the Legislature or the Governor of the Presidency of Bombay under the Government of India Act, 1915, as applicable to the aforesaid Province before the aforesaid date; Sindh Act.

(62) "son" in the case of any one whose personal law permits adoption, shall include an adopted son; Son.

²[63 * * * *]

(64) "sub-section" shall mean a sub-section of the section in which the word occurs; Sub-section.

(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; Swear.

³[(65-a) "Tribal Areas" shall:- Tribal Area.

(i) as respects the period-after the first day of July, 1970, mean the areas in Pakistan which immediately before that day where the Tribal Areas and include—

(a) the Tribal Areas of Balochistan and the ⁴[Khyber Pakhtunkhwa]; and

(b) the former States of Amb, Chitral, Dir and Swat;

(ii) as respect the period on or after the tenth day of January, 1964, and before the first day of July, 1970, mean the areas

¹ Clause (60a) ins. by W. P. A. Order. 1964, s. 2 (1) Sch., Part VIII and then omitted by Khyber Pakhtunkhwa Adapt, of Laws Order. 1975.

² Clause (63) omitted by W. P. A. Order, 1964, s 2(1) Sch., Part VIII.

³ Clause (65a) subs. by Khyber Pakhtunkhwa, Adaptation of Laws Order, 1975.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

in the Province of West Pakistan which, on the thirteenth day of October, 1955, were—

- (a) the Tribal Areas of Balochistan, the Punjab and the ¹[Khyber Pakhtunkhwa]; and
 - (b) the States of Amb, Chitral, Dir and Swat;
- (iii) as respects the period on or after the eighth day of June, 1962 and before the tenth day of January, 1964, mean the areas in the Province of West Pakistan which on the thirteenth day of October 1955, were—
- (a) the Tribal Areas of Balochistan, the Punjab and the ²[Khyber Pakhtunkhwa]; and
 - (b) the States of Amb, Chitral, Dir and Swat;
- (iv) as respect the period on or after the twenty-third day of March, 1956 and before the eighth day of June, 1962, mean the areas of the Province of West Pakistan which immediately before the commencement of the establishment of West Pakistan Act, 1955, were—
- (a) the Tribal Areas of Balochistan, the Punjab and the ³[Khyber Pakhtunkhwa]; and
 - (b) the States of Amb, Chitral, Dir and Swat; and
- (v) as respect the period before the twenty-third day of March, 1956 mean the areas in Pakistan which immediately before that day were the Tribal Area and include—
- (a) the Tribal Areas of Balochistan, the Punjab and ⁴[Khyber Pakhtunkhwa]; and
 - (b) the States of Amb, Chitral, Dir and Swat;]

(66) "vessel" shall include any ship or boat or any other description of vessel used in navigation; Vessel.

⁵[(67) "West Pakistan Act" shall mean an Act made by the Provincial Legislature or the Governor of the Province of West Pakistan after the thirteenth day of October, 1955 and before the first day of July, 1970;] West Pakistan Act.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Subs: by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

(68) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property; Will.

(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 Writing.

(70) "year" shall mean a year reckoned according to the Gregorian calendar. Year

GENERAL RULES FOR CONSTRUCTION.

3. Where any ¹[Provincial] Act is not expressed to come into operation on a particular day, then, it shall come into operation, ²[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 either above or below the title of the Act, and shall form part of every such Act. Coming into operation of enactments.

4. (1) Where this Act, or any other ³[Provincial] Act repeals any enactment then, unless a different intention appears, the repeal shall not— Effect of Repeal

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (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
- (f) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty,

¹ In section-3, the words "West Pakistan", the word "Provincial", subs, by Khyber Pakhtunkhwa, Adaptation of Laws Order, 1975.

² Subs, for the words "if it is an Act of the Legislature on the day on which assent there to of the Governor-General as the case may require is fixed or 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. Order, 1964 s. 2(1) Sch. Part VIII.

³ In section 4, the words "West Pakistan" the word "Provincial", subs ibid.

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[Provincial] Act.

5. Where any ³[Provincial] 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. Repeal of Act making textual amendment in Act.

6. In any ⁴[Provincial] 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. Revival of repealed enactments.

7. ⁵[(1)] Where this Act, or any other ⁶[Provincial] 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. Construction of reference to repealed enactments.

⁷(2) Where any Central Act, or any Act of Parliament repeals and re-enacts, with or without modifications, any provision of a former enactment, then references in any ⁸[Provincial] enactment or instrument to the provision so repealed shall, unless a different intention appears, be construed in references to the provision so enacted.]

8. In any ⁹[Provincial] 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". Commencement and termination of time.

9. Where, by any ¹⁰[Provincial] 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: Computation of time.

Provided that nothing in this section shall apply to any act or

¹ The word, figure and comma, "under section 88 of the Government of India Act, 1935, or Article 102 of the Constitution" omitted W.P.A.O. 1964.

² for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

³ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁴ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁵ Original s. 7 renumbered as subsection I and sub-section (2) added by W.P. Act III of 1975 s.5.

⁶ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁷ Original s. 7 renumbered as subsection I and sub-section (2) added by W.P. Act III of 1975 s.5.

⁸ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

⁹ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

¹⁰ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

proceeding to which the Limitation Act, 1908, applies.

10. In the measurement of any distance, for the purpose of any ¹[provincial] Act, the distance shall unless a different intention appears, be measured in a straight line on a horizontal plane. Measurement of distance.
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, 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. Duty to be taken proirata in enactments.
12. In all ²[provincial] Acts, unless there is anything repugnant in the subject or context:— Gender and member
- (1) words importing the masculine gender shall be taken to include females; and
- (2) words in the singular shall include the plural, and vice versa.

POWERS AND FUNCTIONARIES.

13. Where, by or under any ³[Provincial] 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 conferred to be exercisable from time to time
14. Where, by any ⁴[Provincial] 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 appoint ex-officio.
15. Where, by any ⁵[provincial] Act, a power to make any appointment is conferred, then, unless a 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. Power to appoint to include power to suspend or dismiss.
16. In any ⁶[Provincial] 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. Substitution of functionaries.

¹ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

³ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁴ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁵ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁶ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

17. In any ¹[Provincial] 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 of corporations. Successors.

18. In any ²[Provincial] 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 subordinates lawful by performing the duties of that office in the place of their superiors, to prescribe the duty of the superior. Official, Chiefs and subordinates.

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS.

19. where, by any ³[Provincial] 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 meaning as in the Act conferring the power. Construction of orders to issue under enactments.

20. Where, by any ⁴[Provincial] Act, a power to issue notification, orders, rules, scheme, form or bye-law 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. Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.

21. Where, by any ⁵[Provincial] 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 issue orders with respect to the application of the Act, or with 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 whom, or the time when, or the place where, or the manner in which, 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. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

22. Where, by any ⁶[Provincial] Act, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act, otherwise provides; the following provisions shall apply, namely:— Provisions applicable to making of rules or bye-laws after previous publication.

- (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;

¹ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

³ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁴ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁵ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

⁶ for the word "West Pakistan", the words "Provincial" subs by Order, *ibid*.

- (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 the official Gazette of a 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.

23. Where any ¹[Provincial] 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 provisions so re-enacted.

Continuation of appointment , notification , orders , etc. ,issued under enactments repealed and reenacted.

MISCELLANEOUS.

24. Sections 63 to 70 of the Pakistan Penal Code and the provisions of the Code of Criminal Procedure 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.

Recovery of fines.

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.

Provision as to offences punishable under two or more enactments.

26. Where any ²[Provincial] 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

Meaning of service by post.

¹ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² for the word "West Pakistan", the words "Provincial" subs by Order, ibid.

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.

27. (1) In any ¹[Provincial] 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. Citation of enactments.

(2) In any ²[Provincial] 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.

³"[28. The Provisions of this Act shall apply in relation to any Ordinance promulgated by the Governor as they apply in relation to Acts, made by the Provincial ⁴[Assembly]". Application to ordinances and regulations.

29. The following enactments are hereby repealed:— Repeal.
⁵[(1).....(2).....(3).....]

(4) The ⁶[Khyber Pakhtunkhwa] General Clauses Act, 1932.

¹ for the word "West Pakistan", the words "Provincial" subs by Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² for the word "West Pakistan", the words "Provincial" subs by Order, ibid.

³ Section 28 subs, by W. P. A. Order, 1964 s. 2 (1) Sen. Part VIII .

⁴ In section-28, for the words "Legislature of West Pakistan", the word "Assembly", subs. by Khyber Pakhtunkhwa A.L.O. 1975.

⁵ In section 29, sub-sections (1), (2) and (3), omitted, ibid.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.