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EXTRAORDINARY
Y PUBLISFED BY AUTHORITY

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ISLAMABAD, SATURDAY, JUNE 16, 1990 =

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PART 1

Acts, Ordinances, Orders and Regulations

"SENATE SECRELARIAT

> stamabad, the 16th June, 1990

The following Act of Majilise-e-Shoora (Parliament) received tlic assent ui
the President on the 5th June, 1990, and is hereby published for general interns

tion :—

Acr No. V oF 1990

An Act further to amend the Suppression of Terrorist Activities (Special Courts:
Act, 1975

Wuernas it is expedient further to amend the Suppression of Terrors!
Activities (Special Courts) Act, 1975 (XV of 1975), for the purposes hereinalt«)
appearing +

It is hereby enacted as follows :—

1. Short {ifle and commencement,—(1) This Act may be called (he
Suppression of Terrorist Activities (Special Courts) (Amendment) Act, 1999.

(2) it shail come into force at once,
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(3618 Bx. Gas]

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2.. Substitution of section 5, Act XV of 1578.—In the Suppression of Terrorist» Activities (Special Courts) Act, 1975 (XY of 1975), hereinafter referred to aio the. said Act, for section 5 thé following shall be substituted and shali be deemed to have. been: so, substituted on the thirteenth day of October, 1988, namely:— TM

“§ Taking of cognizance—(1) The officer-in-charge of a police station shall complete the investigation and forward directly to the Special Court a report under section 173 of the Code within fourteen cays in respect of a case triable by such Court :

Provided that the Special Court may extend the time within which such report is to be forwarded in a case where good reasons are shown oJ for not doing so within the time specified in this sub-section.

(2) Any default on the patt of an officer-in-charge of a police station, an investigating officer or any other person required by law to perform ~ any functions in connection with the investigation, which result in, or has the effect of, delaying the investigation or the submission of the reporc under subsection (1), shall be deemed to be a wilful © disobedience of the order of the Special Court and dealt with under

the' law' accordingly, j

—

(3) The Special Court may directly take cognizance of a case Senge by such Court without the case being sent to it under section 190 of thé Cotle; “

5A. Procedure of Special Cowrt.(1) On taking cognizance of a case, the pe» Special Court shall proceed with the trial from day to day and shall decide the case! speedily. =

er

A Speciai Court shall not adjourn any trial for any purpose, bre || such adjournment is, in its opinion, neceseary in the mterest af fustic: and no adjournment shall be granted for more than two days.

(3) A Special Court shall not, ‘merel} hy reason of a change in its composition or transfer of a case tinder section 4A, be bound to recall and echeare any witness who has given ovience. and it may a! . on the evidence already revorded.

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Aw accused person-may br tried in }is stsence. {Ff the Special Court. after such inquiry as it deem fit, is satisfied tha:—

fa) such absence is delit-rate avd 'yousht about with a view 0m - impeding the course of jusice; av

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ib} the behaviour of the sensed in court has heen such as to impede
the course of justice ane the Special Court has on that "account

ordered his removal frem the Court ; TM

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(3)

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(9)

Provided that, in a case referred to in clause (a), the accused person shall not be tried unless a proclamation in accordance with the provisions of section 87 of the Code has been published in respect of him, which proceedings shall be completed by the Special Court within seven days, and until the proclamation has been published in at least three national daily newspapers out of which two shall be in the Urdu language :

Provided further that the Special Court shall proceed with the trial after taking necessary steps to appoint an advocate to defend the accused person who is not before the Court.

The advocate appointed under the second proviso to subsection (4) shall be a person selected by the Special Court for the purpose as far as may be, with the consent of the accused and he shall be engaged at the expense of Government and a notice of his appointment shall be published by the Special Court in the newspapers referred to in the first proviso to the said sub-section.

An accused who is tried in his absence under subsection (4) shall be deemed not to have admitted commission of any offence for which he has been charged.

If, within sixty days from the date of his conviction, any person tried under sub-section (4) appears voluntarily or is apprehended and brought before the Special Court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, the Special Court shall set aside his conviction and proceed to try him for the offence for which he is charged :

Provided that the Special Court may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfies it that he was prevented from appearing within the said period by circumstances beyond his control.

An accused person shall not be released on bail by a Special Court or by any other court, if there appear reasonable grounds for believing that he has been guilty of a scheduled offence: nor shall a) accused person be so released unless the prosecution has been given notice to show cause why he should not be so released-

A Special Court shall, in all matters with respect to which no proce-

Garé has been prescribed by this Act, follow the procedure prescribe' by the Code for the trial of cases by Magistrates. °.

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3. Amendment of section 7, Act XV of 1975.—In the said Act, in section 7, in sub-section (2), after the words “ Light Cavalry” at the end, the words “ within three months ” shall be added and shall be deemed to have been so added on the thirteenth day of October, 1988,

4. Amendment of Schedule, Act XV of 1975.—In the said Act, in the Schedule, in paragraph 1c), for the words “ or rocker ” the commas, words, letters and figure “ Rocket or Light or heavy automatic or semi-automatic weapon, such as a Klashnikov, a G-III rifle or any other type of assault rifle ” shall be substituted and shall be deemed to have been so substituted on the second day of November, 1988.

AZIZ AHMED QURESHI,
Secretary.

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD *

PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI