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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT
Islamabad, the 19th April, 1976

The following Acts of Parliament received the assent of the President on the 15th April, 1976, and are hereby published for general information :—

ACT No. XII of 1976

An Act further to amend the Baluchistan Land Revenue Act, 1967

WHEREAS it is expedient further to amend the Baluchistan Land Revenue Act, 1967 (W. P. Act No. XVII of 1967), for the purposes hereinafter appearing ;

AND WHEREAS, by virtue of the declaration made in the Proclamation issued by the President under Article 234 of the Constitution on the 31st December, 1975, in respect of the Province of Baluchistan, the powers of the Provincial Assembly of that Province are exercisable by, or under the authority of, Parliament :

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Baluchistan Land Revenue (Amendment) Act, 1976.

(2) It extends to the whole of the Province of Baluchistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the tenth day of November, 1975.

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ACT No. XV of 1976

An Act further to amend the Code of Civil Procedure, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of First Schedule, Act V of 1908.—In the Code of Civil Procedure, 1908 (Act V of 1908), in the First Schedule, in Order XXXIX, after rule 4, the following new rule shall be inserted, namely :—

“AA, Injunction to cease to be in force after certain period—An injunction, granted by a Court in a suit which seeks to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done, or purports to have been made, taken or done, under any law which is specified in Part I of the First Schedule to the Constitution or relates to, or is connected with, assessment or collection of public revenues shall cease to have effect on the expiration of a period of sixty days following the day on which it is made, unless the case is finally decided, or the injunction is discharged or set aside, by the Court earlier.

Explanation.—In this rule, ‘public revenues’ includes the dues of any bank owned by the Federal Government or of any corporation or undertaking owned or controlled by the Federal Government or a Provincial Government. ”.

3. Certain injunctions to cease to be in force.—An injunction such as is referred to in rule 4A of Order XXXIX in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), granted by a Court before the commencement of this Act shall cease to have effect on the expiration of sixty days from such commencement, unless the case is finally decided or the injunction is discharged or set aside, by the Court earlier.

4. Repeal.—The Code of Civil Procedure (Amendment) Ordinance, 1975 (XXXI of 1975), is hereby repealed.

ACT No. XVI of 1976

An Act further to amend the Legal Practitioners and Bar Councils Act, 1973

WHEREAS it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 1976.

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(2) It shall come into force at once.

2., Amendment of section 26, Act XXXV of 1973.—In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), in section 26, in sub-section (1), in clause (a), in the proviso, after the word “country”, occurring for the first time, the words “who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission” shall be inserted.

3. Repeal.—The Legal Practitioners and Bar Councils (Amendment) Ordinance, 1976 (Xli of 1976), is hereby repealed.

ACT No. XVI of 1976

An Act to provide for the trial by a Special Court of certain offences

WHEREAS it is expedient to provide for the trial by a Special Court of certain offences affecting the security, integrity or sovereignty of Pakistan or any part thereof, including offences of high treason, and for matters connected therewith ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Criminal Law Amendment (Special Court) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898) ;

(b) “Special Court” means the court set up under section 4.

3. Certain offences triable by Special Court.—(1) Any offence punishable | under sections 121, 121A, 122, 123 and 123A of the Pakistan Penal Code (Act XLV of 1860), and any offence punishable under the High Treason (Punishment) Act, 1973 (LXVIII of 1973), including an offence of conspiracy to commit any such offence. whether committed before or after the commencement of this Act, shall be tried by the Special Court in accordance with the provisions of this Act.

(2) No court other than the Special Court shall try an offence which is triable by the Special Court under sub-section (1).

(3) If, in the course of a trial before the Special Court, the Court is of

opinion that an accused before it has committed or appears to have committed any offence other than an offence referred to in sub-section (1). the Special Court shall record such opinion and refer such accused for the trial of such other offence to a court having jurisdiction to try the offence.

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