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ISLAMABAD, SATURD. ay, APRIL b 30, 1977

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

isfamabad, the 29th April, 1977

The following Acts of Parliament received the ussent of the President on the 30th April, 1977. and are hereby published for generat mformation :—

ACT Na, Noor Ja07

An det forther te cowl the Pakistai Army Aet, PY52

Warwsas it is expedient further to ameué the Pakistan try Act. 1952 (XXXIX of (982), for the purpose hereinafter uppeuring

It is hereby cnacted as follows: --

1, Short title, extent, commencement and donation. (1) This Act may he called the Pakistan Army tAcnendment) Act, 1977.

12) It extends ti the areas in which the Armed Forces of Pakistan ice for ihe time being #eting in ud of civil power in pursuance of Article 245 of the Constituden, except clause [h) of section 2, which extends to the whole of Pakistait.

(At TH shill come into force al anve and shall be deemed to have tuken effect un the twenty-first day ad Anril. 1977.

(4) It shall remain in fortes in an area referred ta in sub-section 2) entil ihe Armed Forces of Pakistan cure cetina therein in td oof civil power in pursuusee af Asticle 248 of the Constitution.

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2. Amendment of section 2, Act XXXIX of 1952.—In the Pakistan Army Act, 1952 (XXXIX of 1942), hereinafter referred to as the said Act, in: section 2. in sub-section (1),—

{al in clause (di. in paragraph (ii), alter the semi-colon at the end. the word "or" shall be added and thereafter the [following new paragraph shall be added, namely :—

"(ii) an offence punishable under section 123, 123A, 124A. 143,

idt, 147, 148, 143, PSSA, 188, 193, 324, 295. 282. 302, MH, 307, 325, 326, 332, 342, 353, 364, 366, 376, 392. 395, 396, \$97, 424. 425 or 436 of the Pakistan Penal Code (Act XLV of 1860), or the Pakistan Arms Ordinances, 1965 (WP, Ordinance XX of 1965), or the Explosive Substances Act, 1908 (VF of 1908), or the Defence of Pakistan Ordinance. [971 (XXX of 147i, or any rifle made thereunder or the High Treason (Punishment) Act, 1973 (LXVII of 1975). or the Prevention of Anti-National Activities Act, 1974 (VEEP of 1974). or an attempt or conspiracy to commit, or an wilful attempt of, any of the said offences 5". und

fh) alter clause (d). amended as aforesaid, the following new clause shall be inserted, namely :

" (dd) persons not otherwise subject to this Act who are accused of

3. Amendment of section 8&, Act XXXIX of 1952.

section 8&,—

having done any act with intent to: impair the efficiency or

impede the working of, or to cause damage to,—

ii) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of the State or any local authority;

(2) any railway as defined in the Railways Act, 1890 (IX of 1890), tramway, road, canal, bridge, culvert, Causeway, port dockyard, lighthouse, aerodrome, or any telegraph, telegraph line or post, as defined to the Telegraph Act 1885 (XVII of 1885) or any wireless installation -

(iii) any vessel or aircraft or rolling stock of a railway or tramway;

five any Suiding of other preperts used in connection wills the production, distribution er supply of any essential cone modity, any sewage works, mine ar factory ;

tv any prohibitecE pluee or profecred place. tit is punishable under any rules made under the Defence of Pakistan Ordinance, 971 (XXX of [YF ar an attempt er comspirces ter do. or an abetment of any such act".

In the said Ach in

(ab in sub-section (1). for the Full stap at the end i colon shall be substituted and thereafter the followings provise shall be added, namely :

'Provided that. for Me Iria] of ain Fence mentioned in parageiph

(iii) of cluuse tdb oer clause (dd) of sub-section (1) of seelinn 2. a summary court maruial miv be held by an oliteer, not helow the rank of Captain, empowered in this behalf Oy an olicers holding warrant ' 6" within the ares of his command. * ; and

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(b) in sub-section (2), after the word 'but', the commas, words, brackets and figure ". except in the case of an offence referred to in the provisions to sub-section (1) shall be inserted. ".

4. Certain offences exclusively triable by a court martial,—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), the Pakistan Army Act, 1952 (XXXIX of 1952), or any other law for the time being in force, the offences mentioned in paragraph (iii) of clause (d) and clause (ddi) of sub-section (1) of section 2 of the said Act shall be triable exclusively by a court martial held thereunder :

Provided that an officer authorised in this behalf by the Chief of the Army Staff may, by order in writing, transfer any such case for trial to any court or tribunal of competent jurisdiction. ".

5. Saving.—Nothing in this Act shall be deemed to require the transfer to a court martial held under the Pakistan Army Act, 1952 (XXXIX of 1952), of any case or proceedings pending, immediately before the commencement of this Act, before any court or tribunal.

6. Repeal.—The Pakistan Army (Amendment) Ordinance, 1977 (XVII of 1977) is hereby repealed.

ACT No. MEoF 1977

An Act further to amend the Defence of Pakistan Ordinance, 1971

Whereas it is expedient further to amend the Defence of Pakistan Ordinance, 1971 (XXX of 1971), for the purposes hereinafter appearing :

It is hereby enacted as follows :

1. Short title, extent, commencement and duration.—(1) This Act may be called the Defence of Pakistan [Amendment Act, 1977],

(2) It extends to the areas in which the Armed Forces of Pakistan are for the time being acting in aid of civil power in pursuance of Article 44 of the Constitution.

(3) This shall come into force at once and shall be deemed to have taken effect on the twenty-first day of April, 1977.

(4) It shall remain in force until the Armed Forces of Pakistan are acting therein in aid of civil power in pursuance of Article 245 of the Constitution.

2. Amendment of section 2, Ordinance XXX of 1971.—In the Defence of Pakistan Ordinance, 1971 (XXX of 1971), hereinafter referred to as the said Ordinance, section 2 shall be re-numbered as sub-section (1) of that section and, after sub-section (1) re-numbered as aforesaid, the following new sub-section shall be added, namely :—

“[¶]2) For the purposes of this Ordinance and any rules made thereunder,—

fa) “* Magistrate ” includes an officer of the Pakistan Army not below the rank of captain , and