

(301)

REGISTERED No. S. 1033
L. 7646

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 13, 1976

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 13th September, 1976

The following Act of Parliament received the assent of the President on the 7th September, 1976, and is hereby published for general information:—

ACT No. LXI OF 1976

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;

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution of the Islamic Republic of Pakistan is in force;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Defence of Pakistan (Third Amendment) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Amendment of section 10, Ordinance XXX of 1971.**—In the Defence of Pakistan Ordinance, 1971 (XXX of 1971), hereinafter referred to as the said Ordinance, in section 10, for sub-section (1) the following shall be substituted and shall be deemed always to have been so substituted, namely:—

“(1) Notwithstanding the provisions of the Code, a Special Tribunal may take cognizance of an offence on a report in writing of the facts constituting such offence made by a public servant.”.

(505)

Price: Ps. 9

3. **Substitution of section 13, Ordinance XXX of 1971.**—In the Defence of Pakistan Ordinance, 1971 (XXX of 1971), for section 13 the following shall be substituted, namely :—

“13. *Appeals, etc.*—(1) A person sentenced by a Special Tribunal after the fourteenth day of August, 1974, shall have a right of appeal to the High Court within a period of thirty days from the commencement of the Defence of Pakistan (Second Amendment) Ordinance, 1976, or the day on which the sentence is passed, whichever is the later.

Explanation.—In this section, “High Court” means the High Court within whose jurisdiction the sentence has been or is passed.

(2) Chapter XXIX of the Code shall apply to the suspension, remission and commutation of sentences passed by a Special Tribunal, so, and however, that the powers exercisable by the Provincial Government under that Chapter shall be exercised by the Federal Government.

13-A. *Bar of jurisdiction.*—(1) Save as provided in section 13 and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatever authority made or done, or any judgement of any Court, there shall be no appeal from any order of a Special Tribunal, and no Court shall have authority to revise any order or sentence of the Special Tribunal, or to transfer any case from a Special Tribunal, or to order the suspension of execution of sentence or release on bail or on own bond under section 426, 435, 439, 491, 497, 498 or 561-A of the Code or any other provision of law, of any person against whom a case exclusively triable by a Special Tribunal is registered at a police station, or who is being tried, or has been convicted, by a Special Tribunal, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

Explanation.—‘Proceedings’ includes all final or interim orders passed by the Special Tribunal in relation to a case exclusively triable by it, whether before or after the Special Tribunal has taken cognizance.

(2) Notwithstanding the provisions of the Code or of any other law for the time being in force, or of anything having the force of law by whatever authority made or done, or any judgement of any Court, the provisions of sub-section (1) shall have effect, and shall be deemed always to have had effect, as if they formed part of this Ordinance on and from the twenty-third day of November, 1971.”

4. **Repeal.**—The Defence of Pakistan (Second Amendment) Ordinance, 1976 (XXIII of 1976), and the Defence of Pakistan (Third Amendment) Ordinance, 1976 (XXIX of 1976), are hereby repealed.

M. A. HAQ,
Secretary.